

KETTERING BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING & COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

EN/98/0223

ISSUED BY: KETTERING BOROUGH COUNCIL of Municipal Offices, Bowling Green Road,
Kettering in the County of Northampton

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there have been breaches of planning consent, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land situate, and known as the Pantile Café, Henson Close, Henson Way, Kettering in the County of Northamptonshire as is shown for the purposes of identification only on the attached plan and edged in red.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without the benefit of planning permission, the material change of use of the land and buildings to mixed commercial and café use.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that this breach of planning control has occurred within the last ten years.

The mixed use for commercial and café purposes is contrary to the following policies of the Local Plan for Kettering Borough:

Policy 84 (Transportation: New Development Access and Layout Considerations)

Policy 85 (Transportation: Car Parking and Servicing for New Development)

Policy 99 (Leisure: Class A3 Uses)

The site has insufficient vehicle parking and manoeuvring facilities available within or in close proximity to the site. Customers' vehicles are parked on a bend in the road and close to road junctions and private access which adversely affects the safety of other road users and the safe and efficient operation of other businesses.

The Council does not believe planning permission should be granted because the development could not be adequately controlled by conditions.

5. WHAT YOU ARE REQUIRED TO DO

The steps required to remedy the breach of planning control are:

- (a) Cease using the land and buildings for the purpose of operating a café.
Time for compliance: 3 months from the date this Notice takes effect.
- (b) Remove tables, chairs and other equipment used in connection with the café business from the land.
Time for compliance: 4 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 11 January 1999 unless an appeal is made against it beforehand.

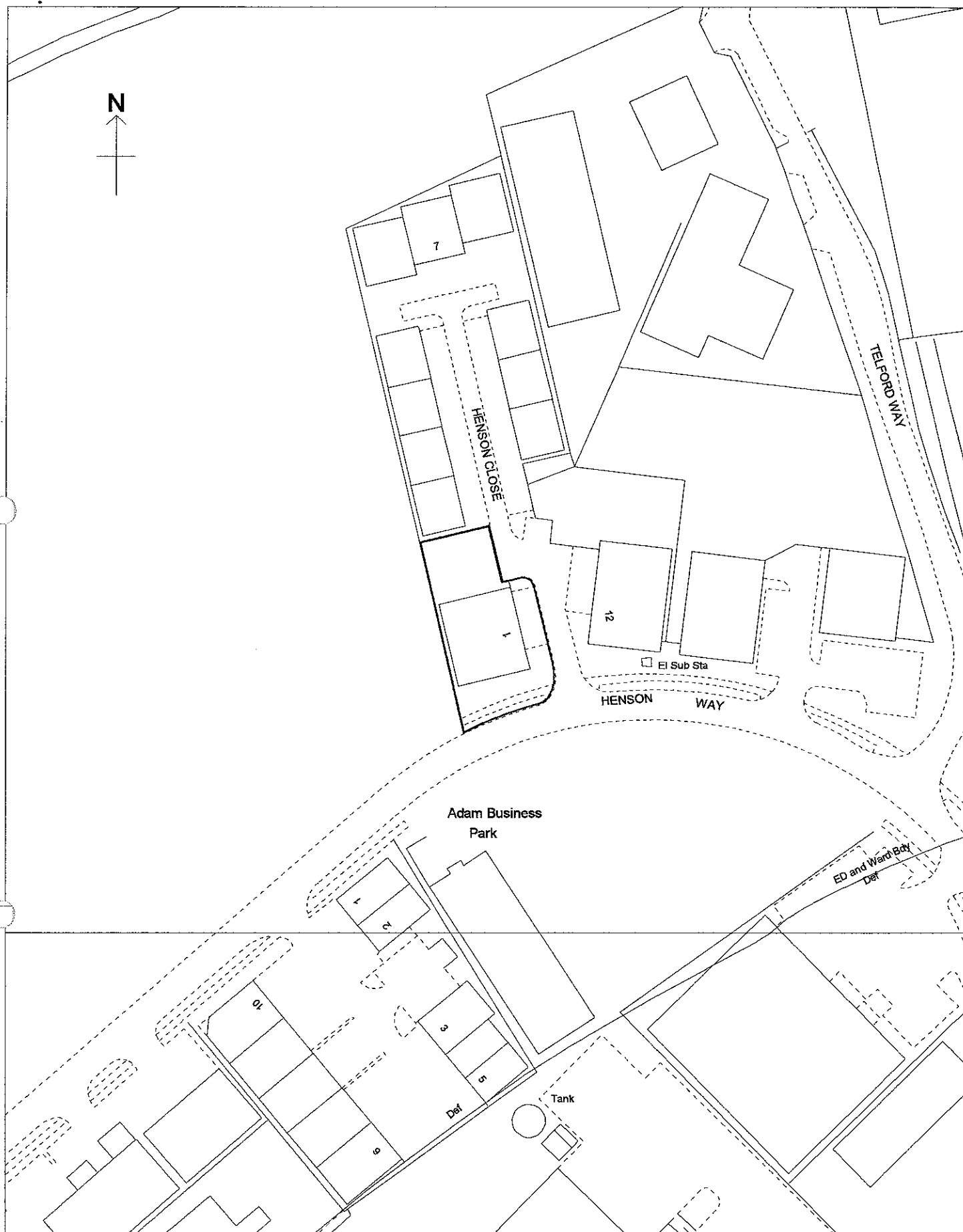
DATED: 4 December 1998

Signed



Head of Legal Services
(Proper officer for this Purpose)

Kettering Borough Council
Municipal Offices
Bowling Green Road
KETTERING
Northants NN15 7QX



Title

Town and Country Planning Act 1990 (as amended)

Enforcement Notice EN/98/0223: Pantile Cafe, Henson Way, Kettering

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LA078344

Kettering
Borough Council

Date: 20:11:98

Scale: 1:1250

Drawn by: HLS

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this Notice but any appeal must be received, or posted in time to be received, by the Secretary of State before **11 January 1999**. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on **11 January 1999** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.