

**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.99.0094

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 control, 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 situated at 67 Duke Street at 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, change of use of the land and buildings from residential garages, to an industrial use for the washing, cutting, preparation, and bagging of food and associated storage.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control has occurred within the last ten years. The operation of machinery on the site is the primary source of noise disturbance which is clearly audible in the residential flat next door, and is very intrusive and disturbing to occupiers of the flat. Further disturbance is caused by regular deliveries to and from the premises. It is considered that the use is inappropriate in this location and results in an unacceptable form of noise and disturbance to occupiers of local residential properties. As such, the development is contrary to the following policies of the Local Plan for Kettering Borough:

Policy 30 (Environment: New Development) states that proposals for development, including changes of use, will be granted planning permission where the character of the development is appropriate in terms of type and scale, and there is no adverse impact on the character of the area or on the amenity of existing or proposed nearby property.

Policy 47 (Housing: Residential Amenity) states that planning permission will not normally be granted for proposals for development, including changes of use, where they would have a significant adverse impact on the amenities of adjacent existing or proposed residential properties resulting in an increase in noise and other disturbances.

Policy 58 (Employment: Within Towns) states that industrial or commercial development proposals within areas of a residential or other non-industrial/commercial character will not normally be granted planning permission except where:

- i there would be no significant adverse effect on the amenity, the environment or the highway network of the surrounding area; and
- ii there would be operational, amenity or environmental benefits.

5. WHAT YOU ARE REQUIRED TO DO

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

- (a) Cease the use of the land and buildings for the washing, cutting, preparation, bagging and storage of food.  
Time for compliance: two months from the date this Notice takes effect.
- (b) Remove all machinery and equipment used in connection with the unauthorised use from the land.  
Time for compliance: three months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15 November 1999 unless an appeal is made against it beforehand.

DATED: 5 October 1999

Signed



Chief Executive

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

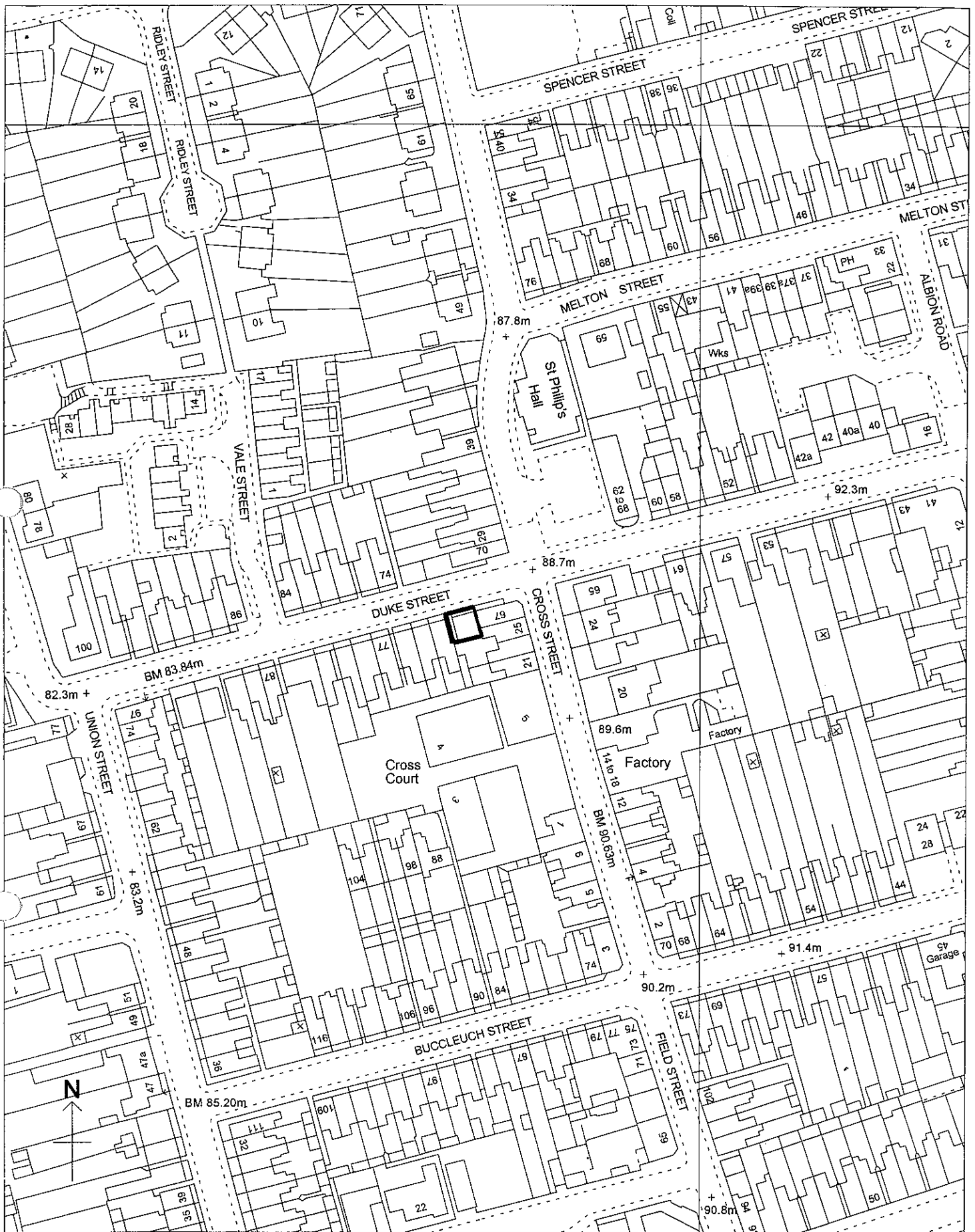
## ANNEX

### 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 Tuesday 2 November 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 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.



Title

67 Duke Street, Kettering  
Enforcement Notice

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**Kettering**  
Borough Council

Date: 04:10:99

Scale: 1:1250

Drawn by: T Shields