

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.99.0118

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 has been a breach 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 at Gipsy Lane, Kettering in the County of Northamptonshire, 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 erection of a two storey brick-built building in the approximate position shaded blue on the attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control has occurred within the last 4 years. The building appears to have been designed as a dwelling house following the implementation of planning permission KE/98/0420 granted for a group of four dwelling houses on the land. The building has been constructed in a different position and with different orientation to that detailed in planning permission KE/98/0420. The following policies of the Local Plan for Kettering Borough apply to the unauthorised development:

POLICY 30 (Environment: New Development) states that proposals for development, including demolition and changes of use, will be granted planning permission where the character of the development is appropriate in terms of type, scale, layout, density, design, energy conservation and crime prevention measures; and there is no adverse impact on the character of the area and/or on the amenity of existing or proposed nearby properties; and it incorporates adequate landscaping proposals and there is an agreed means of implementation.

POLICY 37 (Housing: Density and Site Layout) states that planning permission will be granted for residential development where the proposed density is compatible with the characteristics of the site and its surroundings, takes account of the availability of public transport and community services, and allows adequate space about buildings and adequate car parking, open and landscaping space.

POLICY 47 (Housing: Residential Amenity) states that planning permission will not be granted for development proposals which would have a significant adverse impact upon the amenities of adjacent existing or proposed residential properties.

The development is prominent in relationship to nearby properties and results in an overbearing and intrusive massing across the visual aspects of occupiers of those properties. Its position and orientation causes significant harm to the amenity of occupiers of nearby dwellings by reason of loss of privacy from overlooking. As such, the development is contrary to policies of the Local Plan for Kettering Borough and conflicts with its aims and objectives.

5. WHAT YOU ARE REQUIRED TO DO

- (1) Remove the building

Period for compliance: 5 months from the date this Notice takes effect.

- (2) Remove from the land all building materials and rubble arising from compliance with requirement (1) above

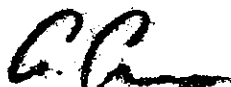
Period for compliance: 6 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28 June 1999 unless an appeal is made against it beforehand.

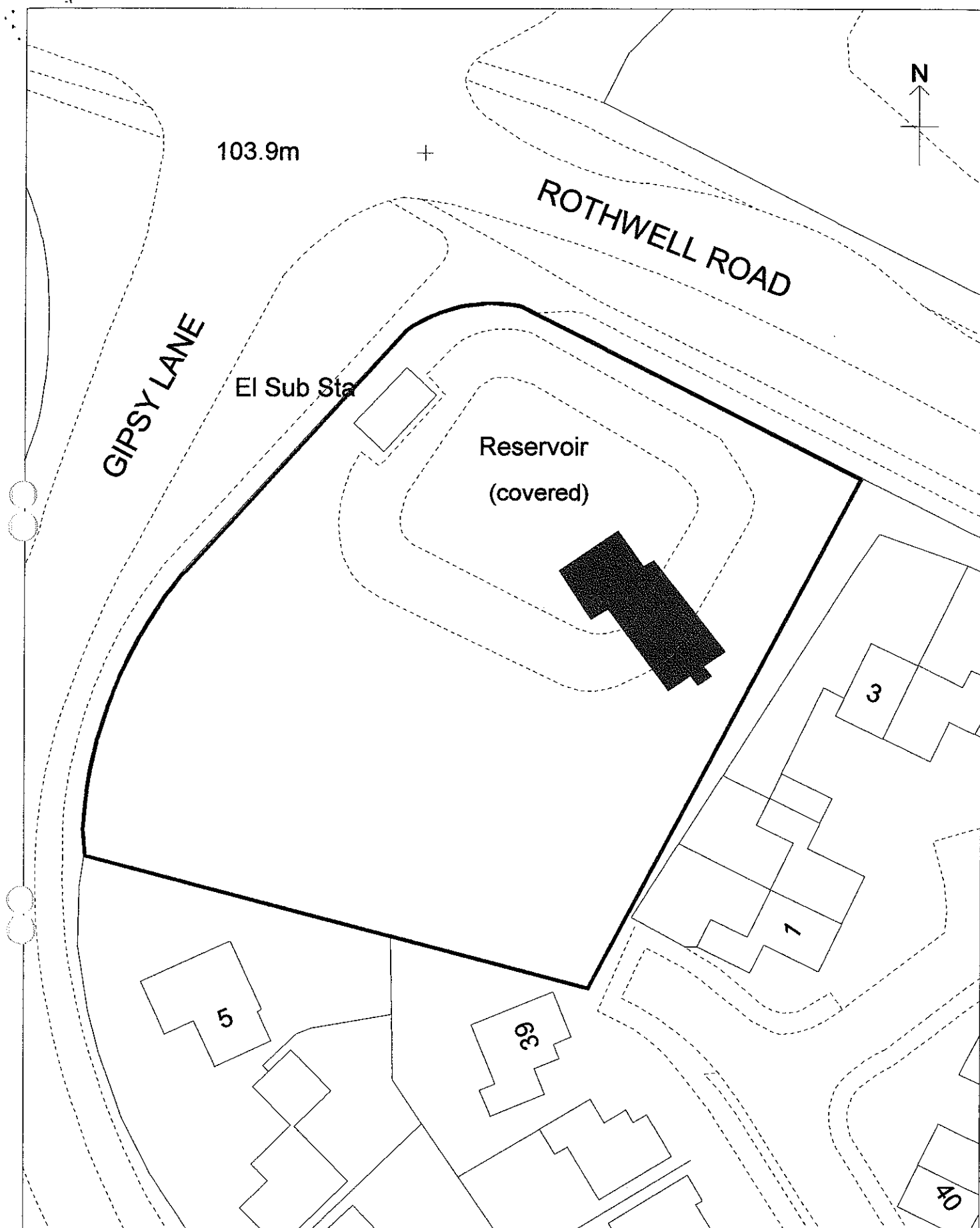
DATED: 20 May 1999

Signed



Head of Legal Services
(Proper officer for this Purpose)

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



Title

The Ridings, Gipsy Lane, Kettering
EN/99/0118

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of Her Majesty's Stationery Office © Crown
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Crown copyright and may lead to prosecution
or civil proceedings.

LA078344

Kettering
Borough Council

Date: 20:05:99

Scale: 1:500

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 . 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 **28 June 1998** 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.



The Planning Inspectorate

Room 1111(1)
Tollgate House
Houlton Street
Bristol BS2 9DJ

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Switchboard	0117-9878000
Fax No	0117-9878782
GTN	1374-8598

Barrett Homes Ltd
1 Silver St
Kettering
Northants
NN16 0BN

Your Ref:
EN/99/0118

Our Ref:
APP/L2820/C/99/1024573

24 September 1999

Dear Sirs

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY BARRETT HOMES LTD
SITE AT GIPSY LANE, KETTERING, NORTHAMPTONSHIRE**

I refer to the above appeal against an enforcement notice served by Kettering Borough Council.

In exercise of the power in s173A(1)(a) of the Act, the Council have withdrawn the enforcement notice and I understand that they have notified you.

The Secretary of State will take no further action on the appeal.

A copy of this letter has been sent to the Council.

Yours faithfully

Mrs M Hearle
E27