

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

KETTERING BOROUGH COUNCIL

ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

ISSUED BY: KETTERING BOROUGH COUNCIL

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 situated at 19 Moorhouse Way, Kettering, 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

The erection of children's play equipment comprising of an A-frame supporting structure, ladders, swing, and elevated play house with pitched roof, all constructed of timber and linked together as one structure and fixed into the ground. The whole structure occupies a space measuring approximately 4.2 metres x 2 metres x 3.9 metres height to the ridge of the play house roof, and is shown in the approximate position marked in green on the plan attached to the Notice and in the attached photograph.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last four years. The play equipment has been non-professionally constructed from redundant timbers and former decking materials and appears as a prominent, out of scale, and incongruous feature set against the context of the surrounding residential area; this is particularly so with regard to the elevated play house element, the base of which is higher than adjacent boundary fences. The unauthorised development is clearly visible from surrounding roads and footpaths and its overall effect is such that it detracts from the character and appearance of the area and adversely impacts upon visual amenity. The play house also incorporates a window opening in the south

elevation which allows overlooking of the rear windows and garden of the adjacent house at 21 Moorhouse Way; this negatively affects amenity for current and future occupiers of that property resulting from loss of privacy. As such, the development conflicts with the aims and objectives of the following policies of the Development Plan:-

Policy GS5 (Design) of the Northamptonshire County Council Structure Plan states that in order to promote high quality design and sustainable development, all proposals will have regard to the visual appearance of the development in the context of the defining characteristics of the local area.

Policy 30 (Environment: New Development) of the Local Plan for Kettering Borough 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 design, 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) of the Local Plan for Kettering Borough 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 overlooking and so the demonstrable loss of privacy within a residential property itself, and in previously private areas of a property's garden.

5. WHAT YOU ARE REQUIRED TO DO

The steps required to remedy the breach of planning control and for the purposes of remedying the injury to amenity are:-

- (1) Take down and permanently remove the play equipment structure from the land

Time for compliance: 2 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17 May 2007 unless an appeal is made against it beforehand.

DATED: 16 April 2007

Signed: 

Head of Development Services
Kettering Borough Council
Municipal Offices
Bowling Green Road
KETTERING
Northants
NN15 7QX



Title

19 Moorhouse Way, Kettering - ENFO/2006/00202

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Kettering
Borough Council

Date: 05:04:07

Scale: 1:1250

Drawn by: HGW

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 **17 May 2007**. 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 **17 May 2007** 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.

