

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

*ENFO file*

**KETTERING BOROUGH COUNCIL**

**ENFORCEMENT NOTICE**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

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 50 Montagu Street, Kettering, NN16 8RU 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 planning permission, a material change of use of the land and building from a retail shop (class A1) to a café (class A3).

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 use of the land and buildings as a café (class A3) is detrimental to residential amenity in the absence of an adequate and visually acceptable ventilation scheme. In addition, the existing ventilation system is detrimental to the visual amenity of nearby properties and the general residential amenity of existing and future occupiers of the residential accommodation located above the premises.

As such, the development conflicts with guidance contained within PPS1 – Delivering Sustainable Development and the aims and objectives of the following policies of the Development Plan:-

Policy 13 of the North Northamptonshire Core Spatial Strategy which states that development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to.

Policy GS5 (Design), of the Northamptonshire County Structure Plan which 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.

And

Policy 99 (Leisure: Class A3 Uses) of the Local Plan for Kettering Borough states planning permission for proposals (including changes of use) for Class A3 uses of the Town and Country Planning (Use Classes) Order 1987 (pubs, restaurants, takeaways) will be granted where: the proposal has no significant adverse affect on the amenity of neighbouring property; adequate amenities, including bin storage, kitchen ventilation and landscaped areas are provided.

5. WHAT YOU ARE REQUIRED TO DO

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

- (1) Cease to use the premises as a café (class A3)  
Time for compliance: 6 months from the date this Notice takes effect.
- (2) Permanently remove the unauthorised ventilation system located at the rear of the premises.  
Time for compliance: 6 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 1 September 2008 unless an appeal is made against it beforehand.

DATED: 30 July 2008

Signed:



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



Title

50 Montagu Street, Kettering

Date: 29:07:08

Scale: 1:1250

Drawn by: PM

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**Kettering**  
Borough Council

## **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 **before 1 September 2008**. 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 **1 September 2008** 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.