

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

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 Birchfield, Rushton Road, Desborough 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 the change of use of the land from agricultural use to a mixed use for agriculture, domestic storage (in stable building), the stationing of a mobile home for human habitation, and the carrying out of works as part of the unauthorised change of use, namely creation of an access drive and the laying of hardstandings, the approximate position and extent of which is shown by yellow colouring on the attached plan, the laying of services and installation of a storage tank for liquified petroleum gas.

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 unauthorised change of use has introduced without any justification, a residential unit and associated paraphernalia within open countryside and has resulted in a material change in the appearance of the site and the wider landscape which is detrimental to the character and appearance of this countryside location.

As such, the development conflicts with the aims and objectives of the following policies of the Development Plan:-

Policy 9 (Distribution and Location of Development) of the North Northamptonshire Core Spatial Strategy states that new building development in the open countryside will be strictly controlled.

Policy 10 (Distribution of Housing) of the North Northamptonshire Core Spatial Strategy states that new housing will be focused at growth towns, smaller towns and rural service centres, with limited development in villages and restricted development in the open countryside

Policy 13 (General sustainable Development Principles) of the North Northamptonshire Core Spatial Strategy states that development should; not compromise the ability of future generations to enjoy the same quality of life that the present generation aspires to; be of a high standard of design, architecture and landscaping, respecting and enhancing the character of its surroundings; and conserve and enhance the landscape character and biodiversity of the environment

Policy GS5 (Design) of the Northamptonshire County Structure Plan states that all proposals will have regard to the visual appearance of the development in the context of the defining characteristics of the local area

Policy 7 (Environment: Protection of the Open Countryside) of the Local Plan for Kettering Borough states that planning permission for development within the open countryside will not be granted except where otherwise provided for in this plan

5. WHAT YOU ARE REQUIRED TO DO

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

- (1) Cease the use of the mobile home for the purposes of human habitation
Time for compliance: 1 week from the date this Notice takes effect.
- (2) Cease the use of the stables building for purposes of domestic storage
Time for compliance: 1 month from the date this Notice takes effect.
- (3) Permanently remove from the land the mobile home, the gas storage tank and associated pipework and all personal items brought onto the land in connection with the unauthorised use
Time for Compliance: 1 month from the date this Notice takes effect.
- (4) Upon completion of Step (3) set out above, take up and permanently remove from the land all hardcore and other such materials deposited on the land forming the hardstanding
Time for Compliance: 2 months from the date this Notice takes effect.
- (5) Upon completion of Step (4) set out above, restore the land to the condition that existed before the breach of planning control described in the notice took place.
Time for Compliance: 3 months from the date this Notice takes effect.



Title

Enforcement Notice 1: Birchfield, Rushton Road, Desborough

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Kettering
Borough Council

Date: 04:11:08

Scale: 1:2000

Drawn by: PM

- (6) Upon completion of Step (5) set out above, grade the land with topsoil and sow bare earth areas with grass seed.

Time for Compliance: 4 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 08 December 2008 unless an appeal is made against it beforehand.

DATED: 07 November 2008

Signed:



Head of Development Services
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 08 December 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 08 December 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.

I certify I have today this 7th day of November 2008 served the defendant Mr L.B. Thomas with an Enforcement Notice of which this is a true copy, by ~~handing the Notice to the defendant personally/leaving it at/sending the Notice by recorded delivery postal service to~~ with Mrs S.J. Thomas at Birchfield, Rushton Road, Desborough at 10.30 am DBaker

I certify I have today this 7th day of November 2008 served the defendant Mrs S.J. Thomas with an Enforcement Notice of which this is a true copy, by ~~handing the Notice to the defendant personally/leaving it at/sending the Notice by recorded delivery postal service to~~ at 10.30 am DBaker

I certify I have today this 7th day of November 2008 served the defendant Mr Lyndon Thomas Ltd with an Enforcement Notice of which this is a true copy, by ~~handing the Notice to the defendant personally/leaving it at/sending the Notice by recorded delivery postal service to~~ with Mrs S.J. Thomas at Birchfield, Rushton Road, Desborough at 10.30 am DBaker

~~I certify I have today this day of served the defendant Mr Northamptonshire County Council with an of which this is a true copy, by ~~handing the Notice to the defendant personally/leaving it at/sending the Notice by recorded delivery postal service to~~~~