

**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 carrying out of engineering operations in, on or under the land, comprising; the raising of land levels by the importation of soils; the excavation and bunding of soils; formation of a lake; laying of hard surfacing the approximate position and extent of which works is shown, for identification only, by yellow colouring on the attached plan and the construction of a retaining wall in the approximate position shown by blue line 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 four years. The site lies within attractive open countryside in an area characterised by a pattern of undulating fields bordered by hedgerows and trees. There are extended views of high amenity value across the site and its context overall is integral to an area of relatively undisturbed and attractive rural landscape. The development is noticeably visible from outside of the site and alien to the character and appearance of the site and surrounding countryside. A water course runs downhill from north to south along the eastern boundary of

the site and eventually empties into the River Ise. The effect and extent of any contamination from imported materials cannot be quantified in the absence of certification that these materials have come from a contamination free source and there is therefore a risk of harm to the environment and all receptors. The development harms the intrinsic scenic quality of this rural location which is detrimental to the character and appearance of this countryside location and is likely to adversely impact upon biodiversity.

This unjustified development conflicts with the aims and objectives of the following policies:

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

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 5 (Green Infrastructure) of the North Northamptonshire Core Spatial Strategy states that green infrastructure corridors will connect locations of natural and historic heritage, green space, biodiversity or other environmental interest. The Ise Valley is identified as one such sub-regional corridor.

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 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

## 5. WHAT YOU ARE REQUIRED TO DO

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

- 1) Remove from the land the retaining wall and foundations thereof.  
Time for Compliance: 1 month from the date this Notice takes effect.
- 2) Take up and permanently remove from the land all hardcore and other such materials deposited on the land forming the areas of hard standing.  
Time for Compliance: 3 months from the date this Notice takes effect.
- 3) Deconstruct all bunds and mounds and infill all excavations forming the lake and restore the landform (including the water course to the eastern boundary of the field) to the condition that existed before the breach of planning control described in the notice took place.



Title

Enforcement Notice 2: Birchfield, Rushton Road, Desborough

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**Kettering**  
*Borough Council*

Date: 04:11:08

Scale: 1:2000

Drawn by: PM

Time for Compliance: 3 months from the date this Notice takes effect.

- 4) Remove all imported material from the site, and restore the landform (including the highway verge) 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.

- 5) Upon completion of Steps (1), (2) and (3) 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.

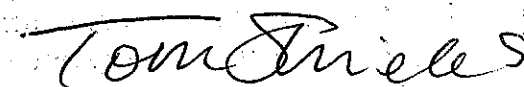
- 6) Plant along the line marked in green on the plan attached hereto, a hedge comprising 60% hawthorn, 25% blackthorn, 5% hazel, 5% holly and 5% Bird cherry/Dog rose/Rowan/Wild privet, in a double staggered row at a planting density of 8 plants per linear metre.  
Time for Compliance: 4 months from 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 7<sup>th</sup> 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~~ Mrs S.J. Thomas at Birchfield, Rushton Road, Desborough at 10.30 am. D Baker

I certify I have today this 7<sup>th</sup> 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. D Baker

I certify I have today this 7<sup>th</sup> 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~~ Mrs S.J. Thomas at Birchfield, Rushton Road, Desborough at 10.30 am

I certify I have today this 7<sup>th</sup> day of November 2008 served the defendant Northamptonshire County Council 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~~ The County Secretary, County Hall, Northampton NN1 1DN

DV 1116 3940 1GB