

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 Jordan House, 2 Newton Way, Braybrooke 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 erection of a means of enclosure within the curtilage of a Grade II Listed Building, namely; the construction of a stone wall with hurdling fence above, with white painted timber gates for vehicular access on the western boundary of the property, and a white painted timber gate for pedestrian access on the northern boundary of the property.

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 reasons for issuing this notice are twofold; A) the harmful impact upon the listed building and B) the harmful impact upon the conservation area.

- A) The host dwelling, a Grade II Listed Building dating from 1768, is characterised by its simple Georgian form and appearance. The building has a simple appearance of cream brick elevations and white painted timber windows under a slate roof. The boundary wall structure, which has been erected in close proximity to the Listed Building, and comprises stone walling and hurdling fencing alongside white painted timber gates,

represents an alien feature in its context. As a result the structure competes with the host dwelling and detracts from the special historic and architectural character of the Grade II Listed Building.

- B) The boundary wall structure fails to reflect the materials, type and design of the boundary treatments within the locality. As a result the structure detracts from the visual amenity of the street scene and fails to preserve and enhance the character of the Braybrooke Conservation Area

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 Structure Plan states that in order to promote 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 13 (General Sustainable Development Principles) of the North Northamptonshire Core Spatial Strategy states that development should meet the needs of the residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to, and in particular, should;

- h) Be of a high standard of design, architecture and landscaping, respect and enhance the character of its surroundings and be in accordance with the Environmental Character of the area,
- o) Conserve and enhance the landscape character, historic landscape designated built environmental assets and their settings.

5. WHAT YOU ARE REQUIRED TO DO

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

- (1) Permanently remove the stone wall with hurdling fencing and the white painted timber vehicular and pedestrian gates from the northern and western boundaries of the property.

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

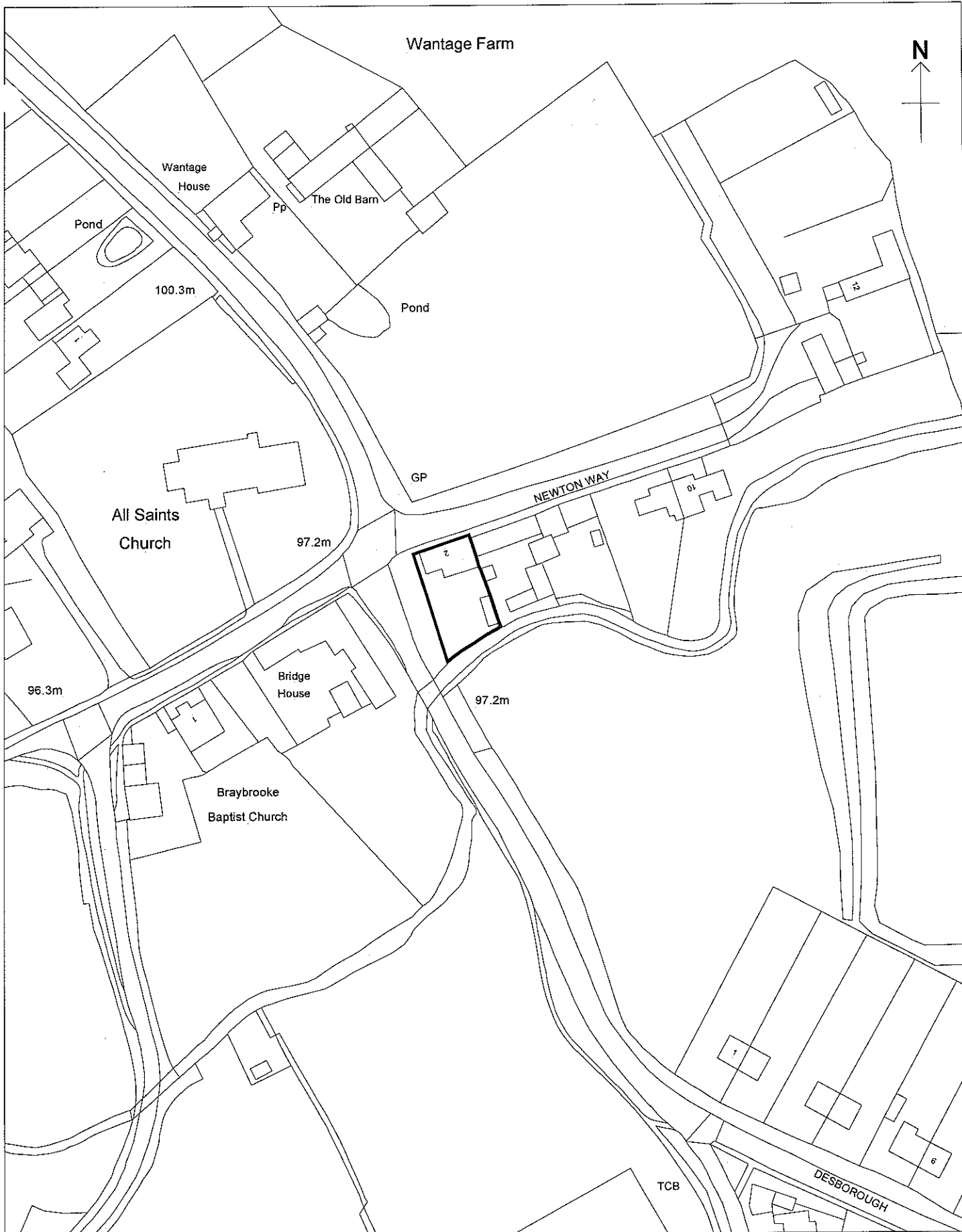
6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2nd March 2009 unless an appeal is made against it beforehand.

DATED: 20th January 2009

Signed: 

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



Title

Jordan House, 2 Newton Way, Braybrooke

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Kettering
Borough Council

Date: 16:01:09

Scale: 1:1250

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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 2nd March 2009**. 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 2nd March 2009 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 23rd day of
January 2009 served the defendant
Mr. Everard with a

Enforcement Notice

of which this is a true copy, by handing the
Notice to the defendant personally/leaving
at/sending the Notice by recorded delivery

service to Jordan House, 2 Newson
Way, Braybrooke, Market
Harborough

I certify I have today this 23rd day of
January 2009 served the defendant
Mrs. Everard with a

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 Jordan House, 2 Newson
Way, Braybrooke, Market
Harborough

I certify I have today this 23rd day of
January 2009 served the defendant
Mr. H. H. H. with a

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 Jordan House, 2 Newson
Way, Braybrooke, Market
Harborough