

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 Land Registry parcel NN229004, north of Braybrooke Road, 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**
The material change of use of the land from agriculture to a mixed agricultural and residential use and for the storage of motor vehicles, together with the erection of structures that facilitate the use.
4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control has occurred within the last ten years. PPS1 and PPS7 promote the sustainable use of land and buildings, emphasising a presumption against new development in the open countryside other than in exceptional circumstances. This presumption against unjustified development in the countryside is reinforced within the Development Plan, specifically within saved Policy 7 of the Local Plan for Kettering Borough which states that "*planning permission for development within the open countryside will not be granted except where otherwise provided for in this plan*". CSS Policy 1 states that development adjoining village boundaries, within the open countryside, will only be justified in exceptional circumstances, and CSS Policy 13(o) aims to conserve and enhance the intrinsic quality of the open countryside. The unauthorised development on site does not fall within the exceptions to these national and local policies and as such it conflicts with

their aims and objectives.

PPG13 and CSS Policy 13(k) aim to ensure that new development is located so as to be accessible by public and other modes of transport and thereby, where possible, reduce the reliance on the private car. CSS Policy 13(e) seeks to secure development in locations which would result in a 5% modal shift over the plan period. This site is not accessible by other modes of transport and would be totally reliant on the private car, as such it conflicts with the aims and objectives of these national and local policies.

There is an extant enforcement notice in respect of the use of the land for the siting of caravans for residential occupation. The unauthorised change of use alleged in this notice has the same degree of harm as a caravan in that it relates to unjustified development in open countryside, which national and local policies seek to protect for its own sake; it results in the unjustified provision of residential accommodation in an unsustainable location, contrary to national policy (PPS1 and 7) and local policy (CSS Policies 9 and 10); it harms the openness of the countryside and is visually intrusive, creating an incongruous scatter of development in conflict with CSS Policy 13(h); the structures are poorly designed and very make-shift and are sited in the middle of the open field resulting in a dominant appearance which harms the setting of the adjacent public right of way.

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

North Northamptonshire Core Spatial Strategy:

Policy 1: Strengthening the Network of Settlements

Policy 9: Distribution and Location of Development

Policy 10: Distribution of Housing

Policy 13: General Sustainable Development Principles

Policy 7 (Protection of the Open Countryside) of the Local Plan for Kettering Borough

5. WHAT YOU ARE REQUIRED TO DO

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

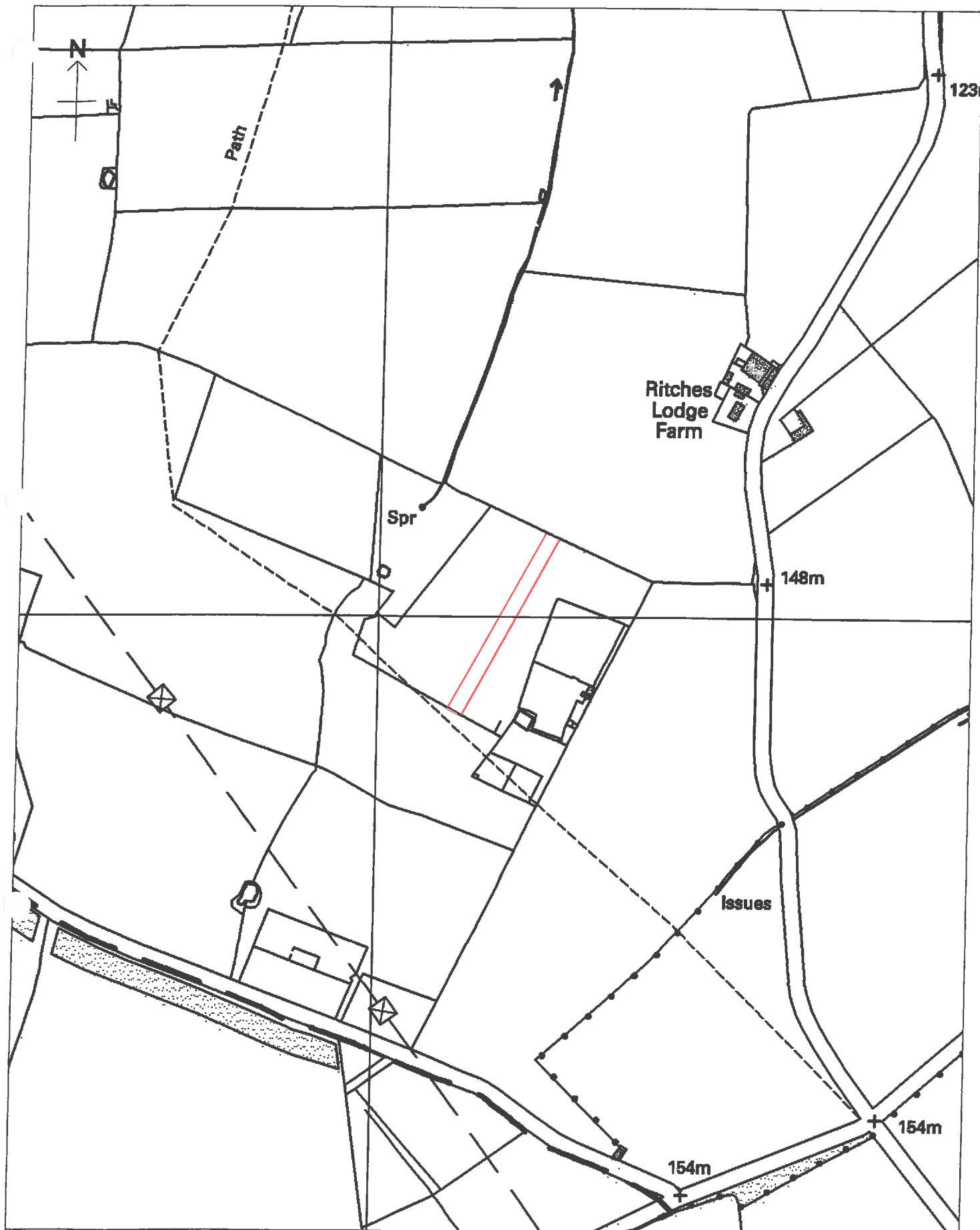
- (1) Cease the use of the land for human habitation

Time for compliance: One month from the date this Notice takes effect.

- (2) Cease the use of the land for the storage of vehicles and permanently remove from the land all vehicles stored thereon.

Time for compliance: One month from the date this Notice takes effect.

- (3) Permanently remove from the land all structures, sheds, houses or shelters, whether permanent structures or not, which facilitate human habitation on the land, together with all tanks, cylinders, aerals,



Title

Land Registry parcel NN229004, N of Braybrooke Road, Braybrooke

Date: 18:07:11

Scale: 1:5000

Drawn by: JKR

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generators and other such equipment and domestic paraphernalia brought onto the land in association with the unauthorised use.

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

- (4) Permanently remove from the land all foundations, footings, bases, drains which support the items to be removed under requirement (3) above.

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

- ~~(5) Permanently remove from the land all domestic planting, shrubs, flowers, associated with the unauthorised use.~~

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

~~PARAGRAPH DELETED AS PER APPEAL DECISION 27 JANUARY 2012~~

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 25th August 2011 unless an appeal is made against it beforehand.

DATED: 22th July 2011

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/ sent electronically in time to be received, by the Secretary of State **before 25th August 2011**. Appeal forms may be obtained from The Planning Inspectorate, as set out in the attached guidance note. If you appeal you will need to send the spare copy of this Enforcement Notice to the Secretary of State with your appeal form.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 25th August 2011 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.