

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE
MATERIAL CHANGE OF USE

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

ISSUED BY:

**KETTERING BOROUGH COUNCIL, MUNICIPAL OFFICERS, BOWLING GREEN
ROAD, KETTERING, NN15 7QX**

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 Title 217277 situated at Greenfields Top Field, Braybrooke Road Braybrooke in the County of Northamptonshire, as is show on the attached plan edged in red.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, a material change of use from agricultural land to a mixed use of agriculture and the stationing of a mobile home to facilitate a carpentry workshop, manufacturing of bee hives and storage of ancillary equipment within the area edged in Red 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 ten years.

The Greenfields site, which measures approximately 15 hectares (37acres) in area, is located within attractive, open, gently rolling countryside with dispersed isolated farms and few settlements. Although the site is not within any national landscape designation it is locally defined as 'West Northamptonshire Uplands' within the Northamptonshire Environmental Character Strategy. Amongst the

characteristics of this landscape are the regular field patterns and distant views of rolling hills. Towards the top of the site especially there are clear views from the site which can be seen from more distant fields and open spaces within the landscape.

The concerned plot sits at the top end and consists of a small area of land approximately 0.2 hectares with wide rolling views to the distant fields.

As such the unauthorised material change of use of the land is contrary to the aims and objectives of the National Planning Policy Framework Policy 15 which states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the North Northamptonshire Joint Core Strategy Policy No.3 a), b) and c) which states to conserve and where possible enhance the character and qualities of the local landscape through appropriate design and management, make provision for the retention and where possible enhance the features of landscape importance, safeguard and where possible, enhance important views and vistas including skylines within the development layout.

There are no special circumstances or ancillary reasons noted, as to warrant the use of the land for a mixed use of agriculture and the stationing of a mobile home to facilitate a carpentry workshop, the manufacturing of bee hives and storage of its ancillary equipment. The precedence of this mixed use would be detrimental to the open countryside and its agricultural use bringing an unjustified and undesirable industrial growth to the open countryside.

Furthermore, by virtue of its permanency, height, massing, position and orientation, the unattractive (static) mobile home is considered to have a significant adverse impact on the character and appearance of the land and surrounding Countryside by being visually intrusive and uncharacteristic in nature within this landscape. The rolling open slopes and the landscape are important for the cumulative contribution they make within the broader countryside setting and therefore the Council considers that planning permission should not be given, because planning conditions could not overcome these objections to the development.

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 the stationing of a mobile home;

Time for compliance: 1 month

2. Remove from the land as shown edged in red on the attached plan, the mobile home and all ancillary parts/debris;

Time for compliance: 1 month

3. Cease the use of the land for carpentry, manufacturing bee-hives and the storage of its ancillary equipment and remove all associated equipment and materials from the land;

Time for compliance: 1 month

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 30th October 2019 unless an appeal is made against it beforehand.

DATED: 30th September 2019

Signed:



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

ANNEX

THE RIGHT OF APPEAL:

Who can appeal? See page 4 of the document 'Enforcement Notice Appeals: How to complete your appeal form'

<https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form>.

Any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds [Not all of these grounds may be relevant to you]: That;

Ground (*):

- (a) in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) those matters have not occurred;
- (c) those matters (if they occurred) do not constitute a breach of planning control;
- (d) at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) copies of the enforcement notice were not served as required by Section 172;
- (f) the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

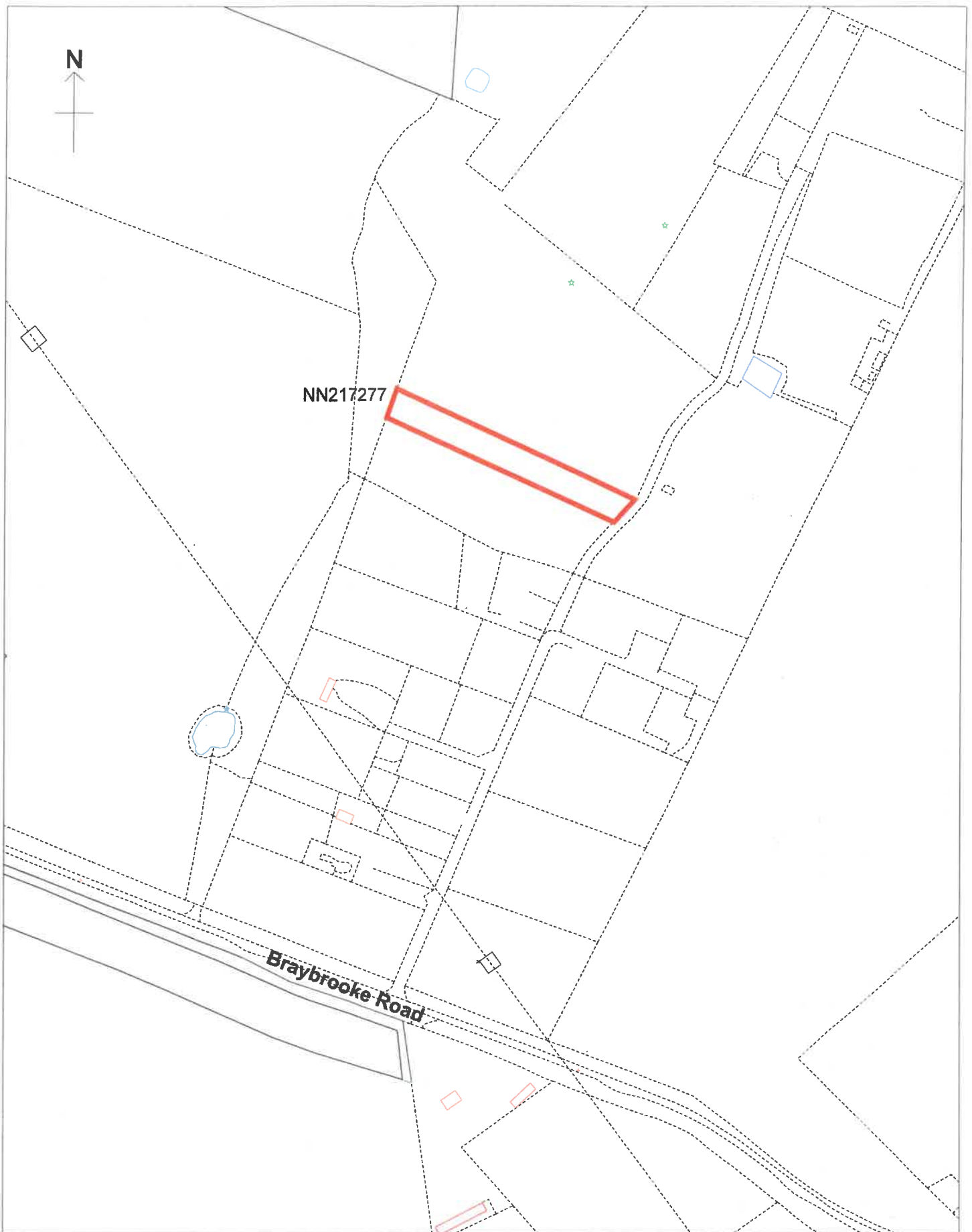
If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00. Fees should be made payable to "Kettering Borough Council". Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this

when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

WHAT HAPPENS IF YOU DO NOT APPEAL:

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 6 of the notice 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[s] specified in paragraph 5 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



Title: Plot 16A, Greenfields, Braybrooke Road, Desborough

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Kettering
Borough Council

Date: 27:09:19

Scale: 1:2500

Drawn by: