

**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 T Mobile 69805 (Land opposite), Station Road, Rushton 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

- (a) Without planning permission, change of use of the land from agricultural use to the stationing of a portacabin, metal lorry type container and storage of various items and general waste including a skip full of waste items, electrical goods, gas bottles and various detritus and rubbish.
- (b) Without planning permission, erection of wooden gate posts and palisade gates.

Both (a) and (b) above on the land as edged red on the attached plan

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control described at 3(a) has occurred within the last ten years and the breach of planning control described at 3(b) has occurred within the last 4 years. There is an in principle objection to this type of commercial development within the open countryside/rural area, the use of the land for this purpose is visually harmful to the area, it fails to safeguard the sub regional green infrastructure corridor, the use for the storage of waste could result in ground contamination and the site is served by a substandard and unsafe access. As such the development is not

sustainable. The gates are of an inappropriate material and design for a rural location and out of keeping with the surroundings.

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

Policy 1 of the North Northamptonshire Joint Core Strategy states that the LPA will take a positive approach that reflects the presumption in favour of sustainable development.

Policy 3 of the North Northampton shire Joint Core Strategy states that development should be located and designed in such a way that it is sensitive to its landscape setting

Policy 4 of the North Northampton shire Joint Core Strategy which states that ecological networks shall be enhanced by managing development to reverse the decline in biodiversity and restore the ecological network at a landscape scale in the Nene Valley Nature Improvement Area

Policy 8 of the North Northamptonshire Joint Core Strategy which states that development should make safe and pleasant streets by resisting development that would prejudice highway safety, responds to the site's immediate and wider context and the overall form, character and landscape setting of the settlement and prevents development contributing towards soil pollution.

Policy 11 of the North Northamptonshire Joint Core Strategy which states that development in rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need that cannot be met more sustainably at a nearby larger settlement

Policy 19 of the North Northamptonshire Joint Core Strategy which states that the special mixed urban and rural character of North Northamptonshire will be maintained and enhanced by safeguarding identified sub regional green infrastructure corridors by not permitting development that compromises their integrity and therefore that of the overall green infrastructure network

Policy 7 of the Local Plan for Kettering Borough states that planning permission will not normally be granted for development within the open countryside except where otherwise provided for in this plan

Policy 11 of the Northamptonshire Minerals and Waste Local Plan which states that facilities for waste should first be directed to larger settlements and in rural areas should, where possible, be associated with existing rural employment uses.

Policy 12 of the Northamptonshire Minerals and Waste Local Plan which states that proposals for waste management facilities (non- inert and hazardous) should demonstrate that the development does not conflict with the spatial strategy for waste management and meets listed criteria including sustainability, need for the facility, facilitates efficient collection and recovery of waste materials.

## 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 storage of the portacabin, metal lorry type container and storage of items and general waste including a skip full of waste items, electrical goods, gas bottles and various rubbish and detritus and permanently remove all these items from the site;

Time for compliance: 28 days from the date this Notice takes effect.

- (2) Permanently remove the palisade gates from the site and reduce the height of the fence posts to a maximum height of one metre.

Time for compliance: 2 months from the date this Notice takes effect.

- (3) Reinstate the land to its former condition prior to the breach taking place

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 12 December 2019 unless an appeal is made against it beforehand.

DATED: 12/11/2019

Signed:



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

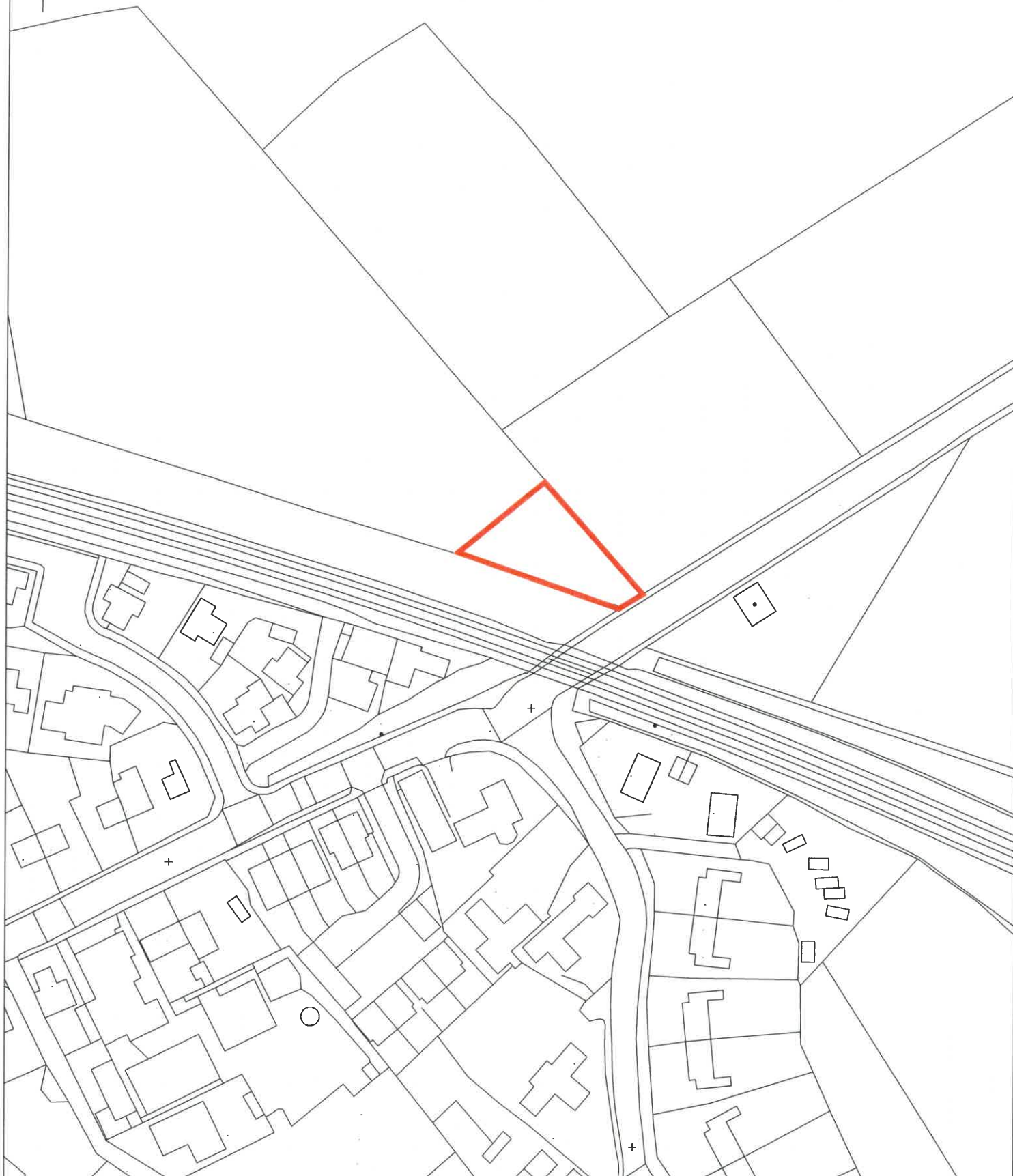
## **ANNEX**

### **THE RIGHT OF APPEAL**

An appeal can be made against this Notice but any appeal must be received, or posted / sent electronically in time to be received, by the Secretary of State **before 12 December 2019** . Appeal forms may be obtained from The Planning Inspectorate, as set out in the attached letter and 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 **12 December 2019** 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.



Title: Enforcement Notice - ENFO/2019/00071 - T Mobile 69805 (Land Opposite), Station Road, Rushon

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Drawn by: PDA

**Kettering**  
Borough Council