

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 Title NN233942 situated at Plot 11, Greenfields Braybrooke Road, Braybrooke in the County of Northamptonshire, as is shown for the purposes of identification on the attached plan edged in red.

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

Without planning permission, the carrying out of engineering works of the land to lay down hardstanding to facilitate a material change of use of the land to import, deposit and store inert waste, sand, hardcore materials and plant machinery within the last 4 and 10 years, as shown edged in Red on the attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

Within the last 4 and 10 years the material change of use and its facilitating operations does not benefit from planning permission. The amount of inert waste, sand and rubble materials and plant machinery stored upon the land has intensified and continues to do so despite a site notice applied and letter sent.

Though the landscape as a whole does not retain national countryside designations, it has been identified as an area of gentle rolling hillsides with long local views criss-crossed by a regular pattern of hedgerows. The site lies on the broad watershed between the Jordan and Ise river valleys. It has been noted as a broad, elevated, undulating plateau dissected and drained by

numerous valleys with convex valley side in the regional landscaping assessment.

Though the wider landscape on a whole does not retain national countryside designations, it has been noted as an area of gentle rolling hillsides with long local views criss-crossed by a regular pattern of hedgerows. The site lies on the broad watershed between the Jordan and Ise river valleys. It has been noted as a broad, elevated, undulating plateau dissected and drained by numerous valleys with convex valley side in the regional landscaping assessment.

The sporadic nature of the unauthorised use and removal of the natural landscape is particularly incongruous and it is concluded that the breach of planning control provides an adverse detrimental impact upon the land and is therefore contrary to Policy 1, Presumption in favour of sustainable development, Policy 3, Landscape Character and Policy 11, The network of urban and rural areas part 2, The Rural Areas of the North Northamptonshire Joint Core Strategy; and the Northamptonshire Minerals and Waste Local Plan (Adopted July 2017) Policies 18 and 21.

5. WHAT YOU ARE REQUIRED TO DO

1. Cease use of the land for the import, deposit and storage of inert waste, sand and hardcore materials.
Time for compliance: 1 month from the effective date of this Notice.
2. Remove all materials from the land forming hardstanding in and on the land.
Time for compliance: 2 months from the effective date of this Notice.
3. Remove from the land all associated materials arising from compliance of steps 1 and 2.
Time for compliance: 2 months from the effective date of this Notice.
4. Restore the land back to its condition before the breach took place by levelling the ground and re-seeding it with grass seed suitable for agricultural use.
Time for compliance: 2 months after steps 1- 3 has been complied with.
5. Remove all plant machinery stored upon the land.
Time for compliance: 1 week after step 4 has been complied.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the **16th January 2020** unless an appeal is made against it beforehand.

DATED: 13th December 2019

Signed:

A handwritten signature in black ink, consisting of a stylized 'L' shape followed by a horizontal line and a small dot.

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



Title: Plot 11 Greenfields, Braybrooke Road, Braybrooke

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Licence
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Date: 04:12:19

Scale: 1:2500

Drawn by: PDA

Kettering
Borough Council

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.

Customer Support Team
Temple Quay House
2 The Square Temple
Quay Bristol BS1
6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.