

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

KETTERING BOROUGH COUNCIL

ENFORCEMENT NOTICE

BREACH OF CONDITION

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

ISSUED BY: KETTERING BOROUGH COUNCIL (the Council)

TO: [REDACTED] Plot 24b Greenfields, Braybrooke Road, Braybrooke LE16 9LX.

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (b) of section 171A (1) of the above Act at the land described below. They consider it expedient to issue this notice having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this notice and the enclosures to which it refers contains important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

LAND NN229297 known as plot 24b at Greenfields, Braybrooke Road, Braybrooke LE16 9LX, as shown edged in red on the attached plan.

3. **MATTERS WHICH APPEAL TO CONSTITUTE A BREACH OF PLANNING CONTROL:**

On the 13th February 2015 temporary planning permission was granted for the material change of use to a residential caravan site for one gypsy family with two caravans, including the laying on hardstanding and erection of an amenity building. The development does not accord with that planning permission KET/2020/0500 and condition No.1 and condition AOC/0500/1501 restoration scheme in that:

- (1) At variance with condition No1, that at the end of its period, the 'use permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to, erected on the land, works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place in accordance with its restoration scheme approved by the local planning authority **has not been complied with.**
- (2) At variance with discharged restoration scheme Condition 1 AOC/0500/1501 the steps below **have not been complied with:**

(a) Removal from the land:

1. all hardcore/ other stone or base material and all concrete bases laid; (resulting debris to be properly disposed of to an authorised waste site);
2. all domestic paraphernalia/ or other objects,
3. all caravans/vehicles
4. all structures including the amenity building, the lights, the Klargestor or other apparatus including fixings and supporting bases, pipes or wires etc;
5. all fencing shall have been removed from the land
6. the site to be returned to its natural state as a grassed field, ie bare ground to be re seeded with grass or new turf once the ground has been cleared.

4. **REASONS FOR ISSUING THE NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

This site lies within a valued landscape and is within an area of the Northamptonshire Environmental Character Assessment locally defined as 'The West Northamptonshire Uplands'. The gypsy and traveller caravan site results in an alien feature into part of this landscape and is so untypical to cause substantial harm to the landscape area.

North Northamptonshire Joint Core Strategy (NNJCS) Policy 3 requires development to be located and designed in a way that is sensitive to its landscape setting, retaining where possible, enhancing the distinctive qualities of the landscape area which it would affect. Furthermore, development should conserve and where possible enhance the character and qualities of the local landscape through appropriate design and management. NNJCS Policy 31 criterion (h) states that development should not have a significant adverse impact on the character of the landscape and should take account of the Landscape Character Assessment of the area.

Therefore, Policies 1, 3 and 31 of the North Northamptonshire Joint Core Strategy are relevant to proposed new development in the open countryside requiring development to be sustainable and require the landscape character to be conserved and enhanced. Saved Local Plan Policies 7 and RA5 have a similar intent.

The Planning Policy for Traveller Sites 2015 (PPTS) states that Local Planning Authorities should strictly limit new traveller sites in the open countryside.

For the above reasons the breach of condition No.1 and its approved restoration scheme AOC/0500/5101 is considered to result in significant harm to the landscape character and appearance having regard to the nature and extent of the views from the public footpath. It also causes some harm to the

valued landscape as referred to in the Development Plan by the introduction of an alien feature and is therefore contrary to the above policies and the PPTS

The Council does not consider planning permission should be granted because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

Within the area outlined in RED on the attached plan and in compliance with condition no.1 and AOC/0500/1501:

1. In accordance with condition no.1 cease the use of the land as a residential caravan site.
2. In accordance with the approved restoration scheme AOC/0500/1501 remove from the land:
 1. all hardcore/ other stone or base material and all concrete bases laid;
 2. (resulting debris to be properly disposed of to an authorised waste site);
 3. all domestic paraphernalia/ or other objects,
 4. all caravans/vehicles
 5. all structures including the amenity building, the lights, the Klargestor or other apparatus including fixings and supporting bases, pipes or wires etc;
 6. all fencing shall have been removed from the land
 7. the site to be returned to its natural state as a grassed field, ie bare ground to be re seeded with grass or new turf once the ground has been cleared.

6 COMPLIANCE PERIOD

5 months after this notice takes effect – full compliance by 2nd April 2021

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on MONDAY 2ND NOVEMBER 2020 unless an appeal is made against it beforehand.

Dated: **2nd October 2020**

Signed:



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



Title: Plot 24B, Greenfields, Braybrooke Road, Braybrooke, Northamptonshire, NN16 9PX

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Drawn by:

Kettering
Borough Council

ANNEX

THE RIGHT OF APPEAL:

1. 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>.
2. 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 7 of the notice.
3. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.
4. 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.
5. 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.
 6. 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:

7. If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 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 6 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.



The Planning Inspectorate

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.