



IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

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

ISSUED BY: NORTH NORTHAMPTONSHIRE COUNCIL

TO: [REDACTED] Plot 7 Greenfields,
Braybrooke Road, Braybrooke, Market Harborough, LE16 9LX.

TO: All Occupiers of Plot 7, Greenfields, Braybrooke Road, Braybrooke,
Market Harborough 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 contain important additional information.

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

LAND NN312467 AND LAND NN227846 known as Plot 7 at Greenfields, Braybrooke Road, Braybrooke LE16 9LX, as shown edged in red on the attached plan & attached Land Registries.

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

On the 22nd March 2017, under Appeal E: APP/L2820/W/16/3144408 for the site Plot 7 Greenfields, Braybrooke Road, Braybrooke, Market Harborough, LE16 8JW, temporary planning permission was granted by the Planning Inspector subject to conditions under Schedule 5, Appeal E: for two static caravans (34 x 8 feet) and two touring caravans, to include siting of a shed and associated laying of hard standing together with two lights on two poles and



septic tank at Plot 7 Greenfields, Braybrooke, Market Harborough, LE16 8JW in accordance with the terms of the application, Ref KET/2015/0910, dated 6 November 2014 and the plans submitted with it, subject to the conditions set out in Schedule 5. The development does not accord with the planning permission KET/2015/0910 schedule of conditions as set out in schedule 5 Appeal E, in that:

At variance with conditions:

- No.3) When the premises cease to be occupied by those named in condition 2 above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials, and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- No.6) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - *i) Within 2 months of the date of this decision a scheme for providing a wholesome piped water supply; foul drainage; a revised site layout for the three caravans hereby approved; any external lighting; boundary treatments; any treatment of the access track; and hardstanding and amenity areas (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.*
 - *ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.*
 - *iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.*
 - *iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.*

- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

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.

The Northamptonshire Environmental Character Assessment (NECA) includes the site within an area defined as 'West Northamptonshire Uplands'. The NECA indicates that the area is characterised by 'expansive and elevated landscape with an arc of high rounded hills and valleys. It adds that 'Land cover is primarily improved agriculture, with arable and pastoral farming evident in equal measures, creating an attractive patchwork rural landscape'. The Greenfields site and its surroundings are broadly consistent with this patchwork rural landscape character. This is affected by the breach of conditions resulting in an adverse visual impact on the open countryside.

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 NECA.

Therefore, Policies 1, 3 and 31 of the NNJCS 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. Policies LOC1 and RS4 of the Kettering Site Specific Part 2 Local Plan 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 conditions stated is considered to result in significant harm to the landscape character and appearance having regard to



the impact on landscape receptors and impacts on views including from the public footpath and long-distance recreational routes. It causes harm to the valued landscape by the introduction of incongruous features. It is therefore contrary to the above policies, the NPPF and PPTS.

There is also conflict with other policies of the development plan. It is not considered planning permission would be granted. Planning conditions could not overcome the harm or conflict with the development plan. There are no other material planning considerations which would outweigh this in the planning balance.

5. WHAT YOU ARE REQUIRED TO DO

Within the area outlined in RED on the attached plan and in compliance with condition no's 3, 6, 7 and 8 of temporary permission KET/2015/0910:

- Step 1: Cease the use of the land for two static caravans (34 x 8 feet) and two touring caravans, to include siting of a shed and associated laying of hard standing together with two lights on two poles and septic tank and remove all caravans, chalets, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use.
- Step 2: Cease the use of the Land for non-agricultural activities, the storing of materials, and the parking and storage of commercial vehicles and vehicles over 3.5 tonnes.
- Step 3: Restore the Land to its condition before the development took place by removing from the land all rubble, hardcore and other inert matter forming hard surfaces, and levelling the ground, cultivating the Land by re-seeding it with grass seed.

6 COMPLIANCE PERIOD

4 months after this notice takes effect.



**North
Northamptonshire
Council**

ENFO/2020/00027

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the **21st February 2022** unless an appeal is made against it beforehand.

Dated: **19th January 2022**

Signed: 

George Candler
Executive Director of Place & Economy
North Northamptonshire Council
Municipal Offices
Bowling Green Road
KETTERING
Northamptonshire, NN15 7QX

Reference: ENFO/2020/00027



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** . 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.

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 **£936.00**. Fees should be made payable to **"North Northamptonshire 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.