



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: NORTH NORTHAMPTONSHIRE 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 Greenfields, Plot 2 Braybrooke Road, Braybrooke 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

Without planning permission, the making of a material change of use of the Land from agricultural Land to a Gypsy and Traveller site comprised of engineering operations for the laying down of hardstanding composites, installation of closed boarded boundary fencing, and the siting of caravans for the purposes of residential occupation, as shown on land registry titles no. NN217240 on the plan edged in red.

4. REASONS FOR ISSUING THIS NOTICE

The unauthorised large scale engineering operations comprised of the removal of grass and soil and the laying down of hardstanding composites, close boarded boundary fencing and the siting of caravan units for the purpose of residential occupation were completed less than 4 years ago and its subsequent material change of use from agriculture to a Gypsy and Traveller site for residential occupation was substantially completed less than 10 years

Reference: ENFO/2021/00140



ago in the area edged in red on the attached plan. This development is unauthorised and is therefore in breach of planning control.

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.

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 planning control 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 which are intrusive and discordant in the surrounding rural area that have a detrimental effect on the rural character and appearance of the landscape and fails to contribute to or enhance the natural and local environment by protecting and enhancing valued landscapes contrary to Policy 15 of the National Planning Policy Framework. It is therefore contrary to the above policies, the NPPF and 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

The steps required to remedy the breach of planning control for the purposes of remedying the injury to amenity are:-

Step 1: Cease the use of the Land as a Gypsy and Traveller site for the purposes of residential occupation.

Step 2: Remove from the land all hardstanding materials, closed boarded fencing, all caravans and all paraphernalia associated with the unauthorised use.

Step 3: Restore the land to its condition before the breach took place.

6. **Time for Compliance: 2 months from the date this notice takes effect.**

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **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



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 **£1170.00**. 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.