

Statement of : Andrew Raymond Payne
Date signed : 5th October 2020
Exhibits : "ARP1"

**IN THE MATTER OF LAND NN229297 KNOWN AS PLOT 24B, GREENFIELDS,
BRAYBROOKE ROAD, BRAYBROOKE LE16 9LX**

STATEMENT OF ANDREW RAYMOND PAYNE

I, Andrew Raymond Payne, of TLC Legal Solutions, 5 Dalkeith House, Dalkeith Place, Kettering, Northamptonshire NN16 0BS, Process Server, and for the purpose of service acting under the directions of Development Services, Kettering Borough Council, Municipal Offices, Bowling Green Road, Kettering, Northamptonshire NN15 7QX, will say as follows:

1. That I did on Friday 2nd October 2020 at 10.35 hours attend at Plot 24B, Greenfields, Braybrooke Road, Braybrooke LE16 8LX and personally serve MR PJ GAVIN with the following documents :-
 - a) Letter from Kettering Borough Council dated 2nd October 2020 addressed to Mr PJ Gavin
 - b) Enforcement Notice dated 2nd October 2020 (Reference ENFO/2020/00013) plus 3 copies
 - c) Annex with explanatory notes
 - d) Plan of Plot to which Notice relates
2. At the time of service MR PJ GAVIN admitted his identity to me.
3. There is now shown to me marked "ARP1" a copy of the aforementioned documents.

STATEMENT OF TRUTH

I believe that the facts stated in this Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Andrew Raymond Payne
Process Server

Dated this 5th day of October 2020

Statement of: Andrew Raymond Payne
Exhibit No: "ARP1"
Dated :5th October, 2020

**IN THE MATTER OF LAND NN229297 KNOWN AS PLOT 24B GREENFIELDS,
BRAYBROOKE ROAD, BRAYBROOKE LE16 9LX**

EXHIBIT "ARP1"

This is the document marked "ARP1" referred to in the Statement of Andrew Raymond Payne.



A handwritten signature in black ink, appearing to read 'AR Payne', is written over a horizontal line. To the right of the signature is a small, handwritten capital letter 'R'.

Andrew Raymond Payne

Dated : 5th October 2020

Kettering

Borough Council

Municipal Offices
Bowling Green Road
Kettering NN15 7QX
Tel: 01536 410333
Fax : 01536 410795

Website: www.kettering.gov.uk

IMPORTANT-THIS AFFECTS YOUR PROPERTY

Mr P J Gavin
Plot 24b Greenfields
Braybrooke Road
Braybrooke
LE16 9LX

Telephone: 01536 534316
E-mail: planning@kettering.gov.uk
Case ref: ENFO/2020/00013
Date: 2nd October 2020

Service by Hand

Town & Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).

S171A(1)(b) – Enforcement Notice: Breach of Condition.

Land at: NN229297 known as 24B Greenfields, Braybrooke Road, Braybrooke LE16 9LX.

Dear Mr Gavin,

As the Landowner registered to the above site, I have now enclosed for your attention 1 enforcement notice (3 copies) which the Council considers expedient to issue to remedy the unauthorised developments facilitating the unauthorised material change of use of the land regarding the site as shown above.

The enforcement notice describes:

- The land to which the notice relates (edged in Red).
- The matters to which appear to constitute the breach of planning control
- The reasons for issuing the notice
- The steps required to rectify the breach
- The period and date which compliance with the requirements of the notice is due
- When the notice becomes effective.

The enforcement notice has an Annex with Explanatory Notes detailing your right of appeal; the grounds of each appeal; the payment required if your appeal grounds include an application for planning permission for any matters stated in the notice; and what happens if you do not appeal.

It is covered by a plan attached to which the notice refers.

Please refer to the attached Annex-Explanatory Notes.

Working with and on behalf of local people



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: Mr Patrick Gavin, 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

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.

