

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Planning Committee</b>	Item 6.4	Page 1 of 3
<b>Report Originator</b>	Dean Baker	ENFO/2011/00233	
<b>Wards Affected</b>	WELLAND	Date 8 November 2011	
<b>Title</b>	Authorisation for Planning Enforcement Action at Plot 8 Greenfields, Braybrooke Road, Braybrooke		

### 1. **PURPOSE OF REPORT**

To seek authorisation to issue an Enforcement Notice in respect of unauthorised development at Plot 8, Greenfields, Braybrooke Road, Braybrooke, shown in bold outline for identification purposes on the site plan attached to this report.

### 2. **BREACH OF PLANNING CONTROL**

Without planning permission, the making of a material change of use of the land from a use for agriculture to a use for the stationing and human habitation of caravans, the erection of buildings, the installation of a cess tank, the construction of an area of hard standing, the carrying out of domestic planting and the erection of close boarded fencing all of which facilitate the unauthorised change of use.

### 3. **RECOMMENDATION**

That in respect of the breach of planning control described above, the Head of Development Services be authorised to issue an Enforcement Notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the steps to be taken within the specified time periods; and for the reasons which are set out below:

#### 3.1 **Steps to be Taken**

1. Cease the use of the land for human habitation.  
Compliance period: 6 months from the date the notice takes effect
2. Permanently remove from the land all caravans, vehicles, sheds, summerhouses, fences, building and other materials, portable toilets, machinery, equipment and personal items, and other items and works associated with human habitation  
Compliance period: 6 months from the date the notice takes effect
3. Take up and permanently remove from the land all hard core, road planings and other such materials deposited in and on the land and forming areas of hard standing.  
Compliance period: 6 months from the date the notice takes effect
4. Remove from the land all materials and rubble arising from compliance with requirement (3) above, and restore the land to its condition before the breach

took place by levelling the ground and re-seeding it with grass seed, leaving it in a condition suitable for agricultural use.

Compliance period: 8 months from the date the notice takes effect

### 3.1 Reasons For Issuing the Notice

The breach of planning control has occurred within the last ten years.

The developer claims to be from the gypsy and traveller community thus potentially engaging Policy 17 of the North Northamptonshire Core Spatial Strategy requiring the council to consider the need for a Gypsy accommodation site. The council is not satisfied either that the developer is from that community or that there is a need for such a site in this location in accordance with that policy.

Notwithstanding the above, whilst the ethnicity of the site occupants is not disputed, the site occupants have not demonstrated how they meet the definition of a Gypsy or Traveller set out in Circular 1/2006, i.e.: *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently,*

The site is in an isolated location away from existing settlements, local services and facilities, which places significant reliance on the use of private vehicles. As such, the development is in an unsustainable location which conflicts with the aims and objectives of Policy 9, Policy 17(c) and Policy 13 (c, e and k) of the North Northamptonshire Core Spatial Strategy.

The development, by virtue of its scale, design and location results in an unjustified and incongruous residential land use within the landscape, thereby harming the character and appearance of the countryside in conflict with the aims and objectives of Policy 13(o) and 17(a) of the North Northamptonshire Core Spatial Strategy.

The Council considers that planning permission should not be given, because planning conditions could not overcome these objections to the development.

## 4. INFORMATION

### **Site Description**

This report relates to a parcel of the land referred to in item 6.1 on this agenda, to which reference should be made. The site, which is identified by black outline on the plan attached at Appendix 1, extends to approximately 0.5ha (not including the shared access route). The site is relatively flat and to all intents and purposes is in the middle of a field, bounded by fencing on all sides. Prior to the development the site was grassland.

The site has been developed over the past year and now comprises a significant area of hard standing which have been enclosed by timber fencing with a track on the southern side leading to land to the west; an area in separate ownership which has been formed by subdivision of the plot. The main area has caravans and

sheds and domestic paraphernalia such as play structures on it. The occupiers who form an extended family group claim to be Gypsies although they appear to lead a settled lifestyle having been employed locally for several years.

The occupants live on the site. School aged children attend school in Desborough.

### **Planning History**

There is an extant enforcement notice (2001) in respect of the use of the land for the keeping of horses and the siting of caravans for residential occupation. Planning permission ref. KET/2010/0698 for the siting of a modular dwelling and the keeping of horses, creation of hard standings, erection of stables and fencing, and installation of septic tank was refused on 20 July 2011. There are significant differences between that application and the current development, not least that the application did not have regard to any Gypsy status of the occupants, and that the equine development has not been undertaken.

## **5. APPRAISAL**

The extant notice is capable of being enforced although it was issued in a different policy environment, could be argued to relate to a different use, did not specifically relate to any hard standings and was not aimed specifically at Gypsy or Traveller development. Therefore it may not be seen to be absolutely relevant to the situation today.

Consideration of new enforcement action would provide the best opportunity to ensure that any action is based upon the present circumstances; relates to the current unauthorised development; and is determined in the current policy framework. This should ensure that, if enforcement action is taken, it will be the most resistant to any subsequent appeals or other actions and would therefore stand the greatest prospect of success. Issue of a new notice would also shorten the period allowed for lodging an appeal against the refusal of planning permission.

It is considered that the unauthorised development has an unacceptable adverse impact which conflicts with the Development Plan and therefore it is recommended that enforcement action be authorised.

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#### Background Papers:

Title of Document:

Date:

Contact Officer: Dean Baker

#### Previous Reports/Minutes:

Ref:

Date: