

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Planning Committee</b>	Item 6.7	Page 1 of 3
<b>Report Originator</b>	Dean Baker	ENFO/2011/00236	
<b>Wards Affected</b>	WELLAND	Date 8 November 2011	
<b>Title</b>	Authorisation for Planning Enforcement Action at Plot 12 Greenfields, Braybrooke Road, Braybrooke		

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

To seek authorisation to issue Enforcement Notices in respect of unauthorised development at Plot 12, 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 from agricultural land to a mixed use for agriculture and for the storage of plant, equipment, caravans and miscellaneous items of agricultural equipment and scrap materials.

Without planning permission, the erection of; sheds, an open fronted building approximately nn metres by yy metres and xx metres in height, 2.4m high fencing and gates, and the deposition of hard core to form areas of hard standing and an access track.

### 3. **RECOMMENDATION**

That in respect of the breaches of planning control described above, the Head of Development Services be authorised to issue Enforcement Notices 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**

##### Notice 1

1. Cease the use of the land for the storage of plant, equipment, caravans, and miscellaneous items of agricultural equipment and scrap materials and all other materials brought onto the land in connection with the unauthorised use and permanently remove all such materials from the land.

Compliance period: 6 months from the date the notice takes effect

##### Notice 2

1. Permanently remove from the site the open fronted building and all sheds and buildings, and the 2.4m high fencing and gates erected on the land.

Compliance period: 6 months from the date the notice takes effect

2. Take up and permanently remove from the land all hard core, paving, road planings and other such materials deposited in and on the land and forming areas of access track and hard standing.  
Compliance period: 6 months from the date the notice takes effect
3. Remove from the land all materials and rubble arising from compliance with requirements (1) and (2) 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 Notices

The change of use of the land has occurred within the last ten years. The change of use has introduced a storage activity onto the land which results in an incongruous and intrusive land use which adversely affects the character and appearance of the agricultural field and the surrounding open countryside, thereby harming the character and appearance of the countryside in conflict with the aims and objectives of Policy 13(o) of the North Northamptonshire Core Spatial Strategy. Furthermore, the use of the land for the storage of non-agricultural items is contrary to national policy contained in PPS1 and PPS7 which promote the sustainable use of land, emphasising a presumption against new development in the open countryside except in exceptional circumstances. This presumption against unjustified development in the countryside is reinforced within the Development Plan, specifically within saved Policy 7 (LPKB), which states that *“planning permission for development within the open countryside will not be granted except where otherwise provided for in this plan”*, and in CSS Policy 13(0) which aims to conserve and enhance the intrinsic quality of the open countryside. The unauthorised development on site does not fall within the exceptions to these national and local policies and as such it conflicts with their aims and objectives. PPG13 and CSS Policy 13(k) aim to ensure that new development is located so as to be accessible by public and other modes of transport and thereby where possible reduce the reliance on the private car. CSS Policy 13(e) seeks to secure development in locations which would result in a 5% modal shift over the plan period. This site is not accessible by other modes of transport and would be totally reliant on the private car, as such it conflicts with the aims and objectives of these national and local policies.

The operational development has been completed within the last four years. The development, by virtue of its scale, design, materials and location, results in an unjustified and incongruous development within the landscape, thereby harming the character and appearance of the countryside in conflict with the aims and objectives of Policy 13(o) 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 0.17ha. The site is an irregular shaped piece of land to the western side of the field. It measures in the order of 16m across at its widest point. The western boundary comprises a field boundary hedge, while the eastern boundary has been fenced by post and wire fencing and 2.4m high steel sheet fencing at the southern end. The site is close to the highway boundary and western field access. Prior to the development the site was used for grazing.

The developer is a member of the settled community and has a home in Kettering.

### **Planning History**

The site has developed incrementally since summer 2008 when a small group of touring caravans and vehicles were being stored on the land. By November 2008 the tall fencing had been erected after which a compound was established which encompassed three small caravans, in use partly as animal and feed accommodation and partly for residential accommodation for the developer and his daughter. By 2009 the residential use had ceased.

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, although it may not be directly relevant to this development.

## **5. APPRAISAL**

The buildings, fencing and surfacing have not been justified and, with the exception of the open fronted building, have a domestic appearance which is not designed for agriculture. The location of this compound, on the highest part of the site and within full view of the field access to Braybrooke Road, does not provide the best solution to reduce its visual impact from public vantage points. The built development is therefore harmful within its landscape setting.

The non-agricultural storage introduces an unjustified use in this open countryside location, which is both harmful to visual amenity and an unsustainable land use in this rural area.

It is considered that the unauthorised developments have unacceptable adverse impacts which conflict 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: