

BOROUGH OF KETTERING

Committee	Planning Committee	Item 6.9	Page 1 of 3
Report Originator	Dean Baker	ENFO/2011/00238	
Wards Affected	WELLAND	Date 8 November 2011	
Title	Authorisation for Planning Enforcement Action at Plots 21 & 22 Greenfields, Braybrooke Road, Braybrooke		

1. **PURPOSE OF REPORT**

To seek authorisation to issue an Enforcement Notice in respect of unauthorised development at Plot 21 and 22, 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 erection of sheds, structures and fences on the land.

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. Permanently remove all sheds, structures, fencing and works from the land
Compliance period: 3 months from the date the notice takes effect
2. Remove from the land all materials and rubble arising from compliance with requirement (1) 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**

Although the buildings, structures and fencing were substantially completed more than four years ago they are not immune from enforcement action under the four year rule because enforcement action was taken against them during the four year period following substantial completion (i.e. the enforcement notice issued in 2001).

There is a general presumption against new development in the open countryside except in exceptional circumstances. This is set out in national policy (PPS1 and

PPS7) and in the development plan (Local Plan for Kettering Borough – Policy 7) In addition, Policy 13(o) of the Core Spatial Strategy 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.

The development results in unjustified development in open countryside, which national and local policies seek to protect for its own sake; contrary to national (PPS1 and 7) and local policy (CSS Policies 9 and 13(h) and (o)).

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 0.85ha (not including the shared access route). The site is relatively flat and is screened by hedging on all sides. Prior to the development the site was grassland.

The site houses an assortment of sheds and structures. The land is not in active agricultural use and has not been so used for the last couple of years.

Planning History

There is an extant enforcement notice (2001) in respect of the use of the land for the keeping of horses and the erection of buildings as part of the unauthorised use. The buildings on site were enforced against as part of that notice.

5. APPRAISAL

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.

PPS1 and PPS7 promote the sustainable use of land and buildings, 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*”. Also, CSS Policy 13(o) 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.

The development relates to unjustified development in open countryside, which national and local policies seek to protect for its own sake; it results in the unjustified provision of buildings, contrary to national (PPS1 and 7) and local policy (CSS Policies 9 and 13); it harms the openness of the countryside, creating an incongruous scatter of development in conflict with CSS Policy 13(h); the structures are poorly designed and make-shift and although they are somewhat concealed within the site, in the absence of any planning control to require the retention of the screen hedging, the structures have the potential to harm the setting of the adjacent public right of way. Whilst each and every decision has to be taken on its own merits, it is considered that the retention of this development, without any justification whatsoever, would lead to pressure to allow further similar development both on this site and at other locations in the borough.

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.

Background Papers:

Title of Document:

Date:

Contact Officer: Dean Baker

Previous Reports/Minutes:

Ref:

Date: