

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Planning Committee</b>	Item 6.10	Page 1 of 4
<b>Report Originator</b>	Dean Baker	ENFO/2011/00239	
<b>Wards Affected</b>	WELLAND	Date 8 November 2011	
<b>Title</b>	Authorisation for Planning Enforcement Action at Plot 24B Greenfields, Braybrooke Road, Braybrooke		

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

To seek authorisation to issue an Enforcement Notice in respect of unauthorised development at Plot 24B, 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 a caravan and the construction of timber sheds and 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, fences, sheds and personal items, and other items and works associated with human habitation  
Compliance period: 6 months from the date the notice takes effect
3. Remove from the land all materials and rubble arising from compliance with requirement (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 Notice**

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

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 site is not accessible by modes of transport other than the private car. As such it conflicts with the aims and objectives of PPG13 and CSS Policy 13(k) which 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.

The development results in unjustified development in open countryside, which national and local policies seek to protect for its own sake; it results in the unjustified provision of residential accommodation in an unsustainable location, contrary to national (PPS1 and 7) and local policy (CSS Policies 9 and 10); it harms the openness of the countryside and is visually intrusive, creating an incongruous scatter of development in conflict with CSS Policy 13(h); the structures are poorly designed and make-shift and are sited in an open field resulting in a dominant appearance which harms the setting of the adjacent public right of way.

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 0.2ha (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 three sides and the field hedge to the north. Prior to the development the site was grassland.

The site was purchased by the present owner in 2005 and some small attempts at agricultural activity were undertaken, which resulted in some portable structures being placed on the land. Any agricultural activity had ceased by 2009. More recently (2011) a mobile home has been sited on the land. This does not appear to be connected to any services although it appears to have a wood burning stove installed. The mobile home consolidates a cluster of non agricultural development, which includes a wood shed, a tool shed, a picnic bench and fencing.

It is understood that the land owner lives in a house elsewhere, (although the caravans stationed on the site are still used for human habitation).

##### **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. No applications for planning permission have been submitted in connection with the current development of the land.

## 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(0) 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 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 habitable accommodation in an unsustainable location, contrary to national (PPS1 and 7) and local policy (CSS Policies 9 and 10); it harms the openness of the countryside and is visually intrusive, creating an incongruous scatter of development in conflict with CSS Policy 13(h); the structures are poorly designed and make-shift and are sited in the middle of the open field resulting in a dominant appearance which harms 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.

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Background Papers:

Title of Document:

Date:

Contact Officer: Dean Baker

Previous Reports/Minutes:

Ref:

Date: