

BOROUGH OF KETTERING

Committee	Planning Committee	Item 6.11	Page 1 of 3
Report Originator	Dean Baker	ENFO/2011/00240	
Wards Affected	WELLAND	Date 8 November 2011	
Title	Authorisation for Planning Enforcement Action at Plots 29, 31A, 31B Greenfields, Braybrooke Road, Braybrooke		

1. **PURPOSE OF REPORT**

To seek authorisation to issue an Enforcement Notice in respect of unauthorised development at Plot 29, 31A and 31B, 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 mixed use for agriculture and for the stationing and human habitation of a caravan and the construction of storage sheds and structures 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, sheds, structures 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 habitable accommodation in an unsustainable location, contrary to national (PPS1 and 7) and local policy (CSS Policies 9 and 10).

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 1.1ha (not including the shared access route). The site is relatively low and is screened by hedging on all sides. The site appears to include the source of a spring which drains northwards to the River Jordan. Prior to the development the site was grassland.

The site was purchased by the present owner in 2001. Subsequently a pond has been dug, and an assortment of picnic tables, sheds and a touring caravan has been sited on the land. These are all well screened, being sited quite close to the southern hedge line. The caravan does not appear to be connected to any services. It consolidates a cluster of non agricultural development, which include a wood shed, a shed and a picnic bench.

It is understood that the land owner lives in a house elsewhere.

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

Whilst an agricultural use of the land might justify the siting of a caravan for ancillary shelter type facilities, this site appears now to support no agricultural activity, such that any such justification for a caravan shelter would no longer apply.

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.

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, 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: