

BOROUGH OF KETTERING

Committee	Planning Committee	Item 6.4	Page
Report Originator	Dean Baker	ENFO/2012/00161	
Wards Affected	Welland	Date 09.10.2012	
Title	Authorisation for Planning Enforcement Action at Plot 7 Braybrooke Road, Braybrooke		

1. **PURPOSE OF REPORT**

To seek authorisation to issue an Enforcement Notice in respect of unauthorised development at Plot 7 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 agricultural purposes to a use as a residential caravan site, including the construction of fencing and hard all as part of 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 step(s) to be taken within the specified time period(s); and for the reason(s) which are set out below:

3.1 **Steps to be Taken**

1. Cease the use of the land as a residential caravan site
Time for compliance: 1 week from the date the notice takes effect
2. Remove from the land all vehicles, plant and paraphernalia brought onto the land in association with the change of use.
Time for compliance: 1 week from the date the notice takes effect
3. Remove from the land all rubble, hardcore and other inert matter forming hard surfaces, and restore the land to its condition before the breach took place by levelling the ground and re-seeding it with grass seed and cultivate the land leaving it in a condition suitable for agricultural use.
Time for compliance: 2 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 site is in open countryside and not closely linked to an existing settlement which provides

an adequate range of services and facilities. The use of the land as a residential caravan site results in an undue reliance on the private motor vehicle to access services. Therefore the development is unsustainable, contrary to the National Planning Policy Framework, the Planning Policy for Traveller Sites and policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy.

The development results in a discordant and highly intrusive feature in the landscape which unduly harms the character and appearance of this open countryside area. As such, it fails to conserve or enhance the landscape character of the area, contrary to Policies 13 and 17 of the North Northamptonshire Core Spatial Strategy.

The development adds to the piecemeal development of the larger Greenfields site to the point where the cumulative impact of the development, in conjunction with existing developments, is of an excessive scale. This is contrary to policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy.

As such the unauthorised development conflicts with the aims and objectives of the following planning policies:

Policy 9 of the North Northamptonshire Core Spatial Strategy;

Policy 13 of the North Northamptonshire Core Spatial Strategy;

Policy 17 of the North Northamptonshire Core Spatial Strategy;

and with national planning policy advice contained in the National Planning Policy Framework and the Planning Policy for Traveller Sites.

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

The site extends to 0.14ha of land within the Greenfields site. The land is within the central strip of the southern field, with the unauthorised track on its eastern boundary and further traveller sites at Plots 8, 8a and 9 to its north. Wooden barred gates have been erected to the eastern boundary to provide access from the track and a large area of hardcore has been laid adjacent to this. Two touring caravans have been sited deep into the site. These are occupied residentially as two pitches. One pitch is occupied by the site owner, his wife and family of young children; the other is occupied by a solitary adult male.

Planning History

EN/01/0318(1) Change of use from agriculture to a mix of agriculture, keeping of horses and siting of residential caravans

ENFO/2012/0243 Temporary Stop Notice issued in respect of the current breach
And temporary injunction, restraining the breach, obtained

Planning Policy:

National Policies

National Planning Policy Framework
Planning Policy for Traveller Sites – Paragraph 23
Circular 10/97: Enforcing Planning Control - Legislative provisions and procedural requirements

Development Plan

Local Plan for Kettering Borough (LPKB)

Policy 7 – Protection of the Open Countryside

North Northamptonshire Core Spatial Strategy (CSS)

Policy 9: Distribution and Location of Development

Policy 13: General Sustainable Development Principles

Policy 17: Gypsies and Travellers

5. APPRAISAL

Caravans were brought onto the land on Monday 24 September 2012, although this was not reported to the Planning Authority until Wednesday 26 September.

On 26.09.2012 a site visit was carried out when officers noted two touring caravans sited and in use residentially. Officers were informed that two pitches had been created and that the new residents had moved there from Old Northampton Road, Broughton. No engineering operations had been undertaken and there was no evidence that any were planned.

On 27.09.2012 a further visit was undertaken, when it was noted that an area of hardcore had been laid over about a quarter of the site. A temporary Stop Notice, requiring no further caravans and no further site development works, was served that day.

On 28.09.2012 the Council obtained a temporary injunction in the Leicester County Court, preventing further caravans and further site development. The matter is to be reconsidered at Northampton County Court on 19 October 2012, where an application to require the cessation of the unauthorised use will be made.

The site is not in a location that is accessible by a choice of means of travel. The development therefore conflicts with policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy. As such the site is in an unsustainable location, which is contrary to the advice contained in the NPPF and the PPTS.

The unauthorised site is in the middle of the field and is very visible from Braybrooke Road. It adds to the sporadic and widespread appearance of traveller sites at Greenfields, which the Inspector noted as particularly incongruous.

In the recent appeals the inspector recognised that further development of the wider site could result in a scale that would dominate nearby villages. However, this harm was outweighed by the need for additional sites and the circumstances of the appellants, especially as any harm would be of limited duration. The situation at plot 7 is quite different in that the occupiers have only been in

residence for a matter of days and that they appear to have removed themselves from an authorised site elsewhere in the Borough.

Advice in Circular 10/97 suggests how local planning authorities should determine whether or not it is expedient to take enforcement action in respect of a breach of planning control. The decisive issue for the local planning authority should be whether the breach of control would unacceptably affect public amenity or the existing use of land or buildings meriting protection in the public interest.

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 is authorised.