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Replies to:

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Enquiries to: R. J. Packer
Our Ref: RJP/CG E00.0090
Your Ref:

*North
Wiltshire
District
Council*

3 May 2000

DEVELOPMENT CONTROL	
04 MAY 2000	
PASSED TO DATE REC.	

Dear Sir/Madam

ENFORCEMENT NOTICE AT CIRCUIT MOTORS, CASTLE COMBE, WILTSHIRE

The Council have issued an Enforcement Notice relating to the above Land and I now serve on you copies of this Notice, in view of your interest in the Land.

Unless an appeal is made, as set out in the Annex, the Notice will take effect on the date shown in Paragraph 7 of the Notice and you must ensure that the required steps for which you may be held responsible are taken within the period or periods specified.

Yours faithfully

SOLICITOR TO THE COUNCIL

To Mr M Farmer
Circuit Motors
Castle Combe
Wilts
SN14 7EY

G C Farmer
Circuit Motors
Castle Combe
Wilts
SN14 7EY



00/090



INVESTOR IN PEOPLE

1301
J. H. H. H.

J. H. H. H.

E00.0090

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: North Wiltshire District Council

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Circuit Motors, Castle Combe, Wiltshire shown outlined in black on the attached plan and thereon marked "The Land Referred To"

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, change of use of the land from use as garage/filling station forecourt to a mixed use for that purpose and for the purposes of car sales and car and van rental.

4. **REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- b) The encroachment of car sales activity onto the forecourt of the premises and the use of the land for car and van rental constitutes an undesirable intensification of activity which exceeds the capacity of the land, creating unacceptable visual clutter which is prominent in public views, to the detriment of landscape quality within the Cotswolds Area of Outstanding Natural Beauty and to the established character and amenity of the nearby Castle Combe

Conservation Area. The development does not therefore accord with Policies B2 and C3 of the North Wiltshire Local Plan, as endorsed and amended by Policies RB3 and RC7 of the emerging North Wiltshire Local Plan Review, which seek to protect, preserve and enhance the character and setting of Conservation Areas and to preserve landscape quality in Areas of Outstanding Natural Beauty.

5. WHAT YOU ARE REQUIRED TO DO

- a) Stop using the land, except for that part shown hatched black on the attached plan, for the purposes of car sales.
- b) Stop using any part of the land for the purposes of car and/or van rental.

6. TIME FOR COMPLIANCE

Six months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 14 June 2000 unless an appeal is made against it beforehand.

Dated : 3 May 2000

Signed : *P.L. Jeremiah*

on behalf of North Wiltshire District Council

ANNEX

YOUR RIGHT OF APPEAL

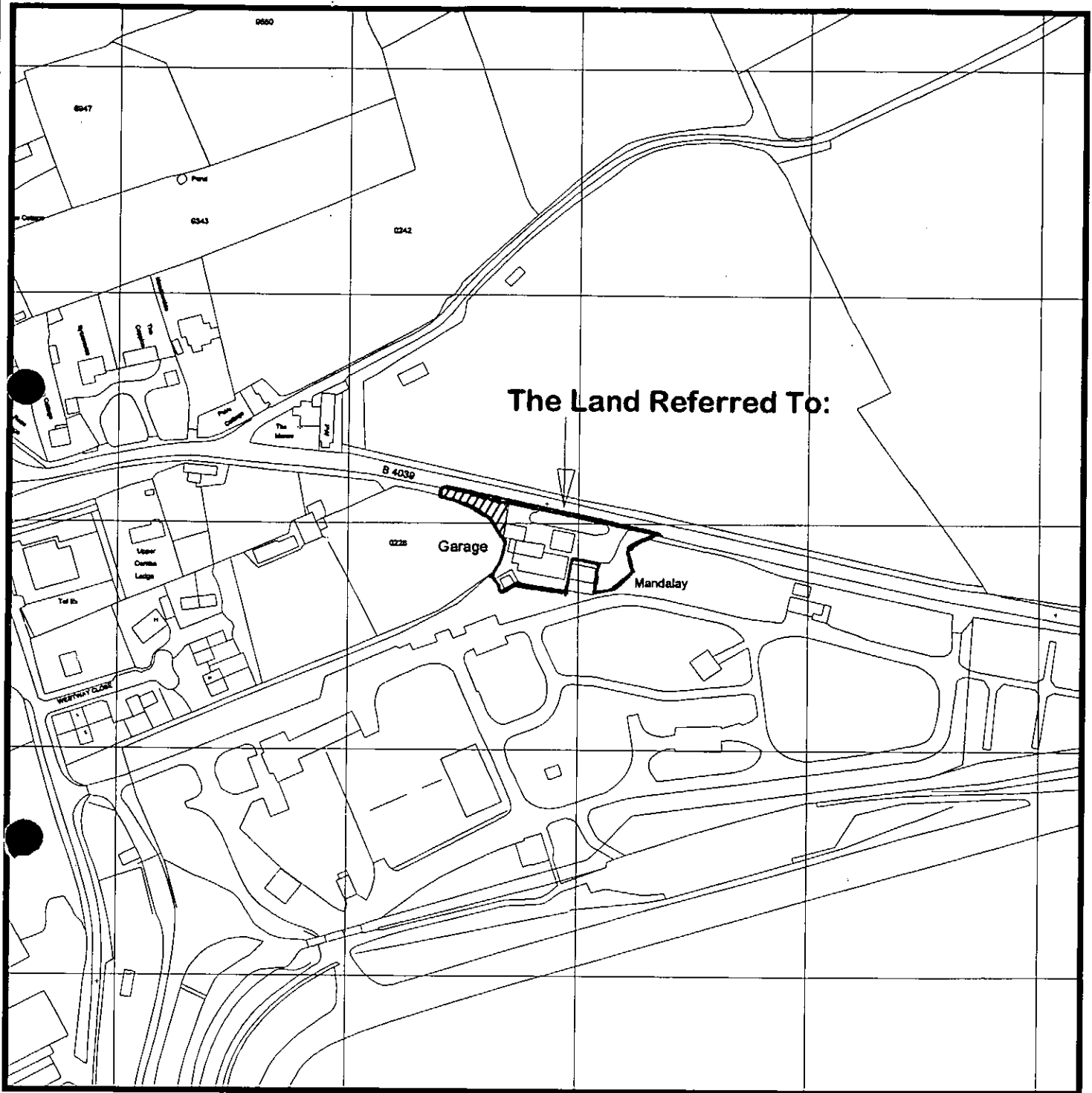
You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. You may use the enclosed appeal forms.

- (a) One is for you to send to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) The second copy of the appeal form should be sent to the Council.
- (c) The third copy is for your own records.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

ENFORCEMENT NOTICE



*North
Wiltshire
District
Council*

Enforcement Notice
SCALE: 1:2500

Enforcement Notice - Circuit Motors Castle Coombe E.00 0090 ST 8505 7430

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NORTH WILTSHIRE DISTRICT COUNCIL - LA078840 2000



Appeal Decision

Inquiry held on 31 July 2001

DC(S)
CR.

by Miss E C A Parkhill BA LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PL
☎ 0117 372 6372
email enquiries@planning-
inspectorate.gov.uk

Date
23 AUG 2001

Appeal Ref: APP/J3910/C/00/1044781 & 1044796
Land at Circuit Motors, Castle Combe, Wiltshire

2000/90

- The appeals are made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr G C Farmer and Mr M Farmer (T/A Circuit Motors) against an enforcement notice issued by North Wiltshire District Council.
- The Council's reference is 00/0090/ENF.
- The notice was issued on 3 May 2000.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from use as garage/filling station forecourt to a mixed use for that purpose and for the purposes of car sales and car and van rental.
- The requirements of the notice are:
 - a) Stop using the land, except for that part shown hatched black on the plan attached to the notice, for the purposes of car sales.
 - b) Stop using any part of the land for the purposes of car and/or van rental.
- The time for compliance with the requirements is six months.
- The appeals are proceeding on the grounds set out in Section 174(2) (a), (c), (d), (f) and (g) of the 1990 Act.

Summary of Decision: The appeal is allowed subject to the notice being corrected and varied in the terms set out in the Formal Decision below.

Procedural Matters

Statement on Behalf of the Appellants

1. At the opening of the Inquiry, a statement was made on behalf of the appellants outlining the progress of negotiations that had taken place with the Council over the preceding months. These had culminated in an agreement being reached between the parties on the appeals. A Certificate of Lawful Use or Development had been issued by the Council on 9 July 2001 confirming that the site may lawfully be used as workshops for the maintenance and repair of motor vehicles and ancillary offices, a petrol filling station and forecourt with canopy over, a filling station kiosk, and with the remainder of the forecourt (excluding the filling station and access thereto) for the parking of motor vehicles associated with the above uses and for the display of motor vehicles for sale. It was requested therefore that the enforcement notice be amended deleting from paragraph 3 the words "*the purposes of car sales and*" and by the deletion of sub-paragraph 5 a) which required the use of the land for the purposes of car sales to stop, apart from that part shown black on the plan that accompanied the enforcement notice, and by the deletion of the ensuing letter "b)".

2. The remaining issues in dispute prior to the Inquiry were first, the lawfulness of the site being used, in part, (and as a mixed use) for the display for rental purposes of both cars and vans. Secondly, the appropriateness of such a use continuing on the site, having regard to its location within an Area of Outstanding Natural Beauty (AONB) and a little distance east of a designated Conservation Area.
3. On the first issue, it was stated that following further discussion with the Council culminating in a meeting on 28 June 2001, it was agreed that a further application should be made for a Certificate of Lawful Use or Development for car and van rental on the basis that that Certificate would relate to the same physical parts of the site now defined as being lawful for the purposes of car sales. The application was made on 5 July 2001 but remains undetermined and the Council had indicated informally that they would be minded not to approve the application on the basis that there was still insufficient evidence to satisfy them that a separate and definable use involving the rental of cars and vans from the site, had commenced more than 10 years prior to 3 May 2000. Further information has since been provided giving precise figures for the volume of rental business carried on from the site in the period April to August 1991 and subsequently, together with details of actual vehicles involved. The Council have yet to opine on the materiality and weight of this evidence.
4. At the meeting with the Council on 28 June 2001 the Council had set out their principal objectives in issuing the enforcement notice. These were: the restriction of the business activities of Circuit Motors to the appeal site, thereby avoiding vehicles belonging to the proprietors or under their control being parking on the public highway, particularly in proximity to the Conservation Area; and to regulate activity on the site so as to ensure that it was operated in an orderly fashion to the extent that ingress and egress to the petrol filling station was maintained in a proper fashion at all times and that damaged vehicles that had been recovered by Circuit Motors from the surrounding road network, including the M4 motorway, should be stored away from the site frontage in its south-east corner. It was understood that the Council acknowledge that the services provided by Circuit Motors to the local community, are of value in their entirety, including car sales and van rental. Consequently it is also understood that the Council accept in principle that car and van rental from the appeal site could be allowed to continue without conflicting with national, strategic or Local Plan policies. This activity is a very important part of the appellants' business in terms of maintaining its future viability.
5. The appellants were willing to accept certain controls in relation to their vehicle rental business and on this basis the Council have confirmed that they would be willing to recommend that permission be granted for this activity, subject to the imposition of four conditions. It was therefore requested that the notice be modified to take account of the CLEUD granted on 9 July 2001; that the withdrawal of the appellants' appeal in respect of car and van rentals on grounds (c), (d), (f) and (g) be accepted; and that planning permission be granted under ground (a), subject to conditions, for car and van rental on the site.
6. It was also stated that subject to there being no claim for costs made against the appellants by the Council, no claim for costs would be pursued by the appellants against the Council. It was also confirmed, that subject to conditional planning permission being granted pursuant to the deemed application under ground (a), the appellants would withdraw their application for the CLEUD in respect of car and van rental from the site.

13. I have considered the statements presented on behalf of the appellants and the Council. It is clear that negotiations concerning the use of the garage/filling station forecourt for the purpose of car and van rental have reached the point where both parties are recommending that planning permission be granted for this change of use subject to conditions. In the circumstances I accept the appellants' withdrawal of grounds (c), (d), (f) and (g) and I will proceed to determine the appeal on ground (a) only.

Ground (a)

14. The **main issues** are the effect of the use of the garage/filling station forecourt for the purpose of car and van rental on the natural beauty of the Cotswolds AONB, the character or appearance of Upper Castle Combe Conservation Area and the setting of a Listed Building; and if harm is caused, whether it could be overcome by the imposition of planning conditions.
15. The **development plan** for the area includes the Wiltshire County Structure Plan and the adopted North Wiltshire Local Plan Review. The site lies within the Cotswolds AONB and adjacent to the boundary of the Upper Castle Combe Conservation Area. Within the Conservation Area boundary north-east of the site is Castle Combe Manse and Congregational Church, a Grade II Listed Building. The Local Plan Review policies are relevant to this appeal.
16. Policy RC7 states that priority will be given in AONBs to the conservation of the natural beauty of the landscape by restricting development to the change of use of existing buildings and/or to that appropriate to the economic and social well-being of the area, and/or that which is desirable for the understanding and enjoyment of its amenities, subject to certain provisos. Under Policy RB3 proposals for development in Conservation Areas will only be permitted where the proposal will preserve or enhance the character or appearance of the area. This reflects Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy RE18 provides that within or adjoining the framework boundary of villages, small scale business, industrial or storage development in existing premises or on new sites will be permitted, subject to certain criteria being met. These include access, parking and the effect on any highways being acceptable; there being no serious adverse effect on the amenities of the area; and preserving or enhancing the character or appearance of any Conservation Area and the setting or character of any Listed Building that might be affected by the proposal.
17. The site is situated on the south side of the B4039 on the eastern approach to the village of Upper Castle Combe. It is adjoined on its south and east sides by Castle Combe Motor Racing Circuit. North and west of the site is open countryside. The site comprises an established vehicle repair garage and petrol filling station with a kiosk and canopy. At the time of my visit there were a considerable number of vehicles parked on the forecourt, and accident damaged and recovery vehicles parked in defined areas on the eastern boundary of the site. The site is adjoined to the rear by a bungalow in separate occupation.
18. I conclude from the evidence that considerable congestion has occurred on the forecourt of the garage with cars for sale and cars/vans for hire causing problems of ingress and egress to the site, and vehicles being parked extending beyond the site boundary and along the highways verge. It is acknowledged that most of the uses on the site are established and

Statement on Behalf of the Council

7. On behalf of the Council it was stated that the statement on behalf of the appellants was accepted as a sensible way forward. The proposed conditions would meet the Council's concerns and enable the business to continue in operation.
8. The statement outlined the history of the case before and after the issuing of the enforcement notice including the various meetings and correspondence that took place with the appellants, and the application for the CLEUD granted on 9 July 2001 after the submission of further evidence. The Council recommended that the approach set out in the statement made on behalf of the appellants should be adopted. It was requested that planning permission be granted for vehicle hire subject to the conditions agreed. Grounds (c), (d), (f) and (g) should be withdrawn. Subject to a conditional grant of planning permission under ground (a), it was noted and agreed that the appellants should withdraw the application for the CLEUD in respect of car/van rental at the appeal site.

Statement on Behalf of Castle Combe Parish Council

9. A statement was submitted on behalf of the Parish Council expressing concern at the adverse effect of the parking of cars offered for sale or awaiting maintenance, and large vans available for hire overflowing beyond the boundaries of the land in the ownership of the business, on the landscape in the Cotswold AONB, the Castle Combe Conservation Area and at the approach to the village, an acknowledged centre of tourist attraction. The concern of the Parish Council and local residents is that the expansion of operations at Circuit Motors has created a shortfall of parking space within the premises, leading to vehicles littering the grass verges and other places on the highway to the detriment of the landscape. The Parish Council would not oppose the granting of planning permission for the uses proposed to contain the operation within the confines of land in the appellants' ownership and to prevent overspill of parking on to adjacent areas.
10. Having heard the statements from the appellants and the District Council, the Parish Council's representative expressed agreement with the granting of planning permission subject to the imposition of the conditions put forward by the main parties.

Comment

11. As a Certificate of Lawful Use or Development was granted on 9 July 2001 for various uses on the appeal site, including the display of motor vehicles for sale, I will correct the breach of planning control alleged in the notice by deleting the reference to "car sales" and the area shown hatched black on the plan that accompanied the notice, and vary the requirements in para 5 of the notice by deleting sub-paragraph a). I consider that these corrections and variation are within my powers and no injustice would be caused to any party.
12. On behalf of the appellants attention was drawn at the inquiry to an inaccuracy in the boundary of the site as drawn on the enforcement notice plan. At the ensuing site visit accompanied by representatives of the appellants and the Council, the boundary of the appeal site was checked and corrections made to the plan to more accurately reflect the physical land area under the control of the appellants. In the interests of accuracy I will substitute this corrected plan for that which accompanied the enforcement notice. I consider that this correction is within my powers and that no injustice would be caused to any party.

lawful, including the display of motor vehicles for sale. However, I conclude from the evidence that a significant part of the overflow problem has arisen through the use of the site for the parking of cars/vans for hire.

19. I consider that visually the use of the appeal site and adjacent areas for the parking of cars/vans for hire has detracted from the natural beauty of the AONB, the approach to the Conservation Area, and the setting of the Manse and Congregational Church, a Grade II Listed Building a short distance north-east of the site, contrary to the Local Plan policies for the area and Government guidance in PPGs 7 and 15. However, it is evident that the appellant has in recent times taken steps to contain the development within the physical boundaries of the site. I consider that because of the distance between the site and the nearest buildings within Upper Castle Combe and the well-wooded nature of the intervening approach to the village, containing the vehicles within the appeal site in an orderly manner, would minimise the impact of the development upon the natural beauty of the AONB and the setting of the Listed Building, and preserve the character and appearance of the Conservation Area. I therefore conclude that the harm identified could be overcome by the imposition of the conditions suggested by the parties.

Conclusions

20. For the reasons given above and having regard to all other matters raised, I consider that the appeal should succeed on ground (a) and I shall grant planning permission in accordance with the deemed application under Section 177(5) which will now relate to the corrected allegation referred to in para 11 of this decision.
21. In granting planning permission for the development I will impose the conditions put forward by the parties which would provide for containment of the development within the physical boundaries of the site in an orderly manner, including the provision of parking bays for customers vehicles, and allow for unimpeded ingress and egress to the site. I note that the conditions would also satisfy the Highway Authority's concerns on highway safety. Conditions 2), 3) and 4) relate to areas defined on plan No 850/02 attached to this decision. Arising from the site visit, I have amended the plan to show more accurately the aerial extent of the front of the canopy over the fuel filling station forecourt. I am satisfied that this amendment can be made without injustice to any party.

Formal Decision

22. In exercise of the powers transferred to me, I direct that the enforcement notice be corrected:
- (a) by the deletion from paragraph 3 of the words "the purposes of car sales and";
 - (b) by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice;
- and varied:
- (a) by the deletion of sub-paragraph 5 a) and the ensuing letter "b)";
23. Subject to these corrections and variation I allow the appeal and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under Section 177(5) of the Act as amended for the development already carried out, namely the change of use of the land at Circuit Motors, Castle Combe, Wiltshire from use

as garage/filling station forecourt to a mixed use for that purpose and for car and van rental, subject to the following conditions:

- 1) No motor vehicles within the control of the operator of the premises, including motor vehicles belonging to customers of the business, shall be parked or stored within the public highway.
- 2) Recovery vehicles and accident-damaged vehicles shall only be stored within the area edged and hatched diagonally in black on the attached plan No 850/02.
- 3) Three parking bays shall be reserved for the parking of customers' motor vehicles within the area edged and cross-hatched in black on the attached plan No 850/02.
- 4) No motor vehicles associated with the business carried on at the premises shall be parked, stored or displayed within the fuel filling station forecourt and the means of ingress and egress to it, as shown edged and hatched vertically in black on the attached plan No 850/02.

Information

24. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.
25. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

E. C. Anne Perhill

INSPECTOR

Enforcement Notice



Land at Circuit Motors, Castle Combe, Wiltshire

This is the Plan referred to in the attached decision.

Ref: APP/J3910/C/00/1044781 & 1044796

Signed: *E. C. Anne Parkhill*

Miss E C A Parkhill BA LLB DipTP MRTPI

Inspector 23 AUG 2001

Circuit Motors, Upper Castle Combe
SCALE: 1:500

31/7/2001

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NORTH WILTSHIRE DISTRICT COUNCIL - LA07884G 2001

Land at Circuit Motors, Castle Combe, Wiltshire

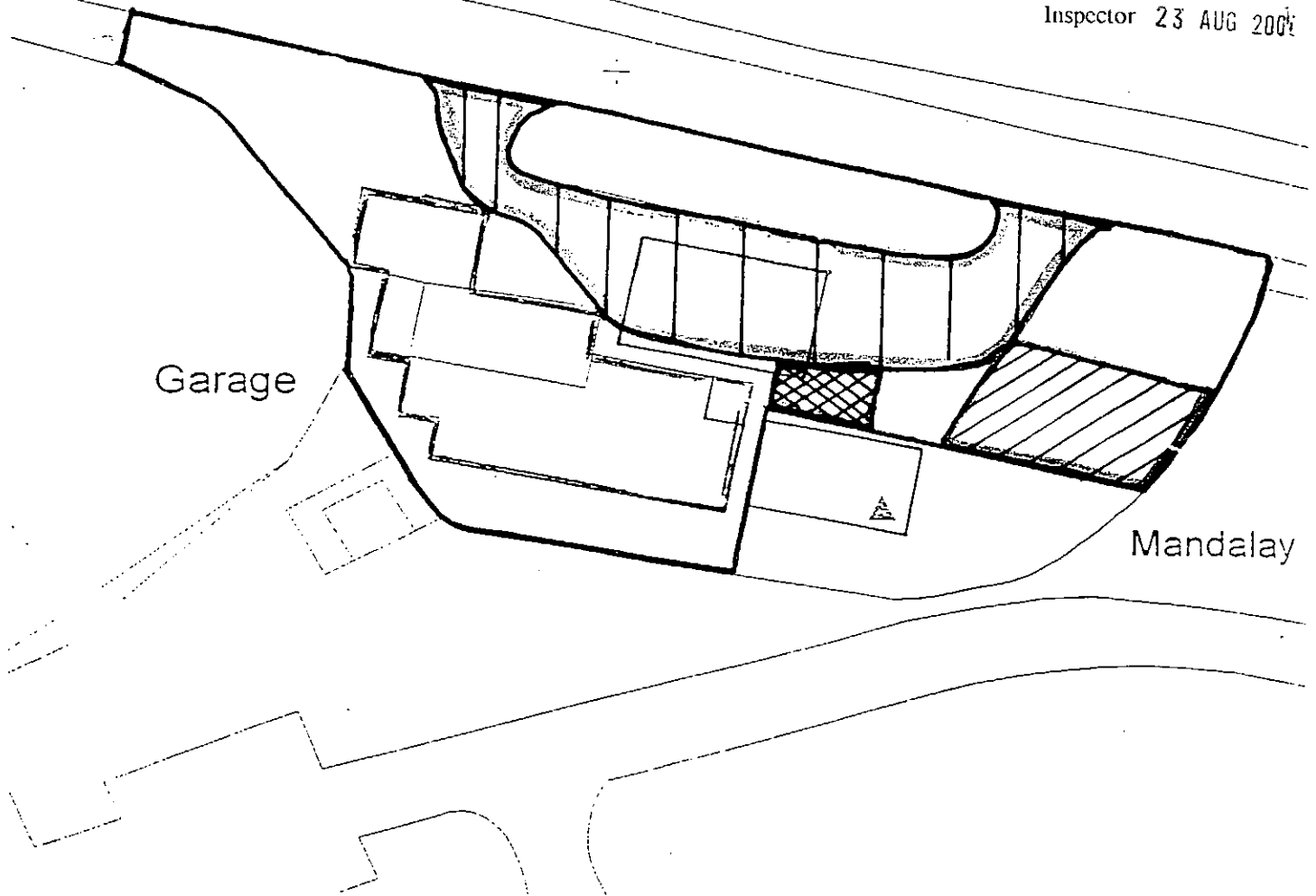
This is Plan No 850/02 referred to in the attached decision.

Ref: APP/J3910/C/00/1044781 & 1044796

Signed: *E. C. A. Parkhill*

Miss E C A Parkhill BA LLB DipTP MRTPI

Inspector 23 AUG 2001



Willis & Co.

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Client;	Mr G.C. & Mr M. Farmer
Title;	Premises of Circuit Motors. Upper Castle Combe, Wiltshire Block Plan

Scale: 1/500

Date; July 2001

Drawing No: 850/02

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