

03/00212/ENF (B)

**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 IS A FORMAL NOTICE which is issued by North Wiltshire District Council (“the Council”) because it appears to them that there has been a breach of planning control under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue a notice, having regard to the provisions of the development plan and to other material planning considerations.

SCHEDULE 1

THE LAND AFFECTED

Land adjacent Orchard Barn, Leigh Delamere, Chippenham SN14 6JZ
shown hatched on the attached plan.
 (“the land”)

SCHEDULE 2

THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the Material Change of Use of the land from agriculture to residential curtilage.
 (“the unauthorised development ”)

SCHEDULE 3

REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the unauthorised development took place within the last ten years.

The unauthorised development is detrimental to the special historic character and appearance of the listed building, its setting, the Leigh Delamere Conservation Area and the open countryside. As such the unauthorised development is contrary to Policies RB3, RB10 and RC9 of the North Wiltshire Local Plan 2001, Policies C3, HE1 and HE4 of the North Wiltshire Revised Deposit Draft Local Plan 2011 and policy HE7 of the Wiltshire Structure Plan 2016.

SCHEDULE 4

WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land for residential curtilage.
2. Remove the hardsurfacing, wooden decking, paving, trees, shrubs, and other paraphernalia introduced to the land in connection with the unauthorised development.
3. Restore the land to a condition suitable for agricultural use.

SCHEDULE 5

TIME FOR COMPLIANCE

Three months after this notice takes effect

SCHEDULE 6

WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 31st May 2006 unless
an appeal is made against it beforehand.

Issued: 19th April 2006

Signed.....
(Council's authorised officer)

North Wiltshire District Council

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 31st May 2006. The enclosed booklet "Making Your Enforcement Appeal" sets out your rights. Read it carefully.

You may use the enclosed appeal forms. One is for you to send to the Secretary of State with the spare copy of this enforcement notice, which is enclosed. The others are for you to send to the Council and for your records.

If You Appeal

If you lodge an appeal then you must submit to the Secretary of State, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts that you propose to rely on, in support of each of those grounds. Either:

When giving notice of appeal; or

Within 14 days from the date that the Secretary of State sends you notice that requires you to send a statement.

If you wish to have your appeal also considered as a deemed application for planning permission or you intend to make an appeal under Ground (a), you may be required to pay a fee. A fee may be payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice. The Fee for this case is £265. This amount is payable both to the Council and to the Secretary of State.

What happens if you do not appeal

If you do not appeal against this enforcement notice, it will take effect on 31st May 2006 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

Who this Enforcement Notice is Served On

Owner, Occupier and Any Other Person with an Interest in Land adjacent Orchard Barn, Leigh
Delamere, Chippenham SN14 6JZ
Gordon Brian Duggan and Anne Duggan, Orchard Barn Leigh Delamere, Chippenham SN14 6JZ
Oakbarn Designs Ltd, Unit 303, New Greenham Park, Newbury, Berkshire RG19 6HN

If you believe that there is someone else who should be served or any of those listed above has not received a copy of the notice or any other document please let that person and the Council know of this omission as soon as possible.

Enclosures:

Site Plan

Appeal Forms (3 Copies)

Appeal Guide Booklet

Enforcement Notice (2 Copies)

179459

ENFORCEMENT NOTICE



*North
Wiltshire
District
Council*

Land adj. Orchard Barn, Leigh Delamere, Chippenham
SCALE: 1:1250

ST 8834 7933

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