

**03/00298/ENF (A)**

**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 OS parcel 7920, adjacent to Swiss Cottage, Samborne Road, Minety, Malmesbury, Wiltshire shown hatched on the attached plan.

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

Without planning permission, the material change of use of the land to a gypsy caravan site.

4. **REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breach of planning control has occurred within the last 10 years.
- b) The Local Planning Authority considers that, having regard to the prominent location of this site in close proximity to the road, at the convergence of three public footpaths and due to its relationship with the existing residential property, the use of the site as a gypsy caravan site, together with the caravans/mobile homes, cars, lorries, hard-surfacing, day rooms, boundary fencing and engineering works to create the access, has a seriously detrimental effect on the visual character and amenity of

this rural area and on the amenity of the adjacent residential property, contrary to Policy DP16 of the Wiltshire Structure Plan and Policies RC9 and RH17 of the North Wiltshire Local Plan North Wiltshire Local Plan 2001.

- c) The formation of the access to the site, which has insufficient frontage to the east to enable the provision of a satisfactory visibility splay, together with the introduction of conflicting traffic movements on the B4040 generated by the development, is prejudicial to highway safety. The development is also likely to generate an increase in pedestrian traffic on a highway lacking adequate footways, with consequent additional hazards to all users of the road.
- d) The use of the site as a gypsy caravan site, located remote from services, employment opportunities and not well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13, which seeks to reduce growth in the length and number of motorised journeys.
- e) The continued use of this land, without planning permission, for a caravan site would, in due course, lead to the unauthorised development becoming lawful. The loss of planning control over the use of this site as a caravan site would seriously detract from the rural character and amenity of this area contrary to Policy RC9 of the North Wiltshire Local Plan 2001 and also conflict with Policy RH16 of the Local Plan relating to the siting of mobile homes and residential caravans.

## **5. WHAT YOU ARE REQUIRED TO DO**

- a) Permanently cease using the land as a caravan site.
- b) Permanently remove all caravans from the site together with all jacks, plinths, other supports for caravans and any ancillary works or structures.
- c) Permanently remove all domestic and garden items stored or located on the land in association with the caravans, including washing lines and television aerials.

## **6. TIME FOR COMPLIANCE**

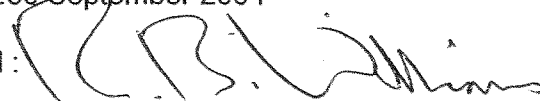
Six months from the date this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 11 November 2004 unless an appeal is made against it beforehand.

Dated :30 September 2004

Signed :



on behalf of North Wiltshire District Council

## **ANNEX**

### **YOUR RIGHT OF APPEAL**

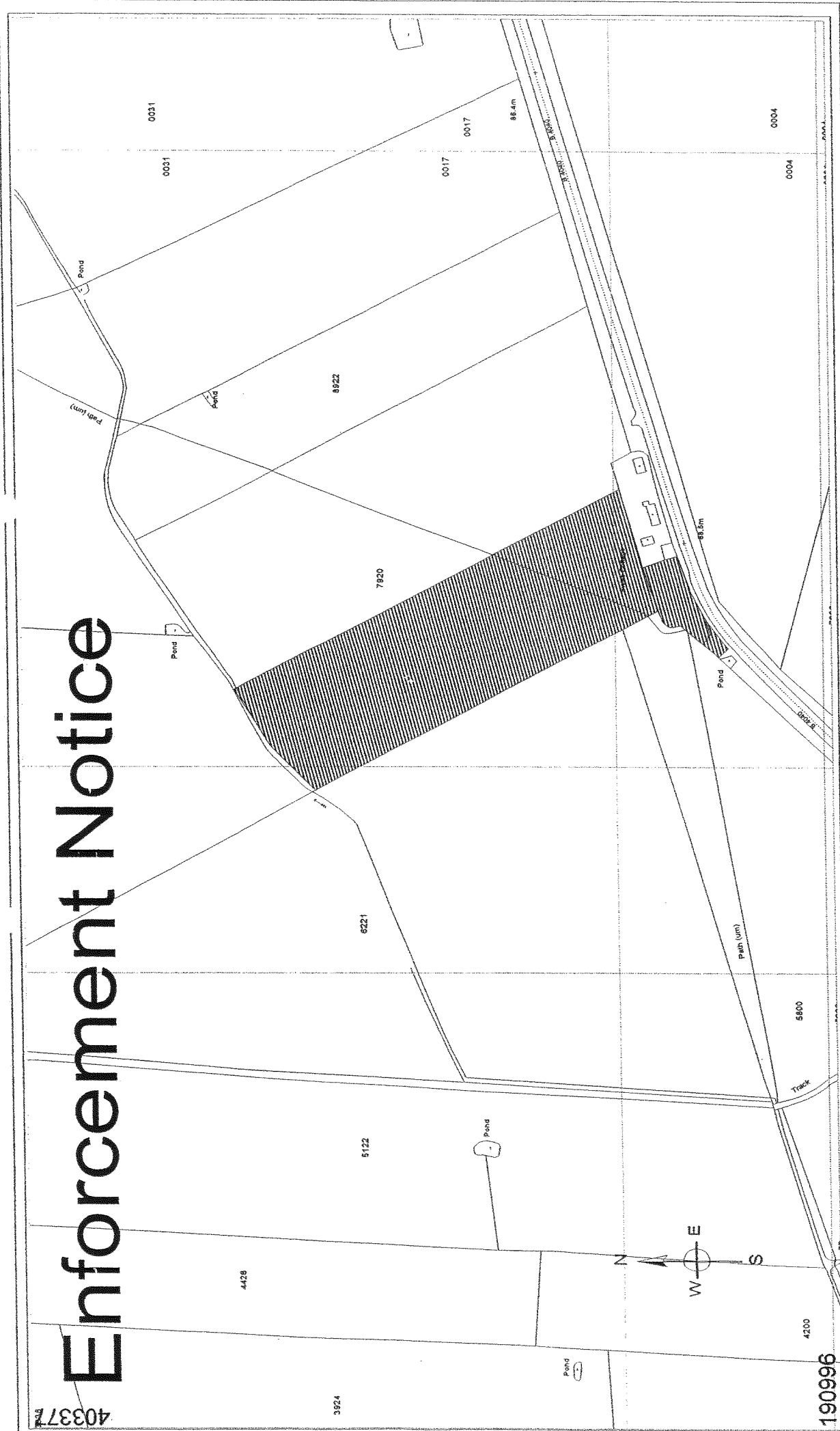
You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the First Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Making your enforcement appeal" sets out your rights. The enclosed appeal forms are for your use.

- (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



OS parcel 7920, adjacent to Swiss Cottage, Samborne Road, Minety, Malmesbury, Wilts

SCALE: 1:2500

Grid Ref: SU0378 9110 03/00298/ENF

Planning Services 30.9.04

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Wiltshire  
District  
Council*

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