

03/00298/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 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 carrying out of building and engineering operations including alterations to a vehicular access, the laying of roadways, hardstanding areas, the erection of buildings, the provision of drainage facilities and erection of fences, the raising of levels by the importation to the site of materials and works associated with all such operations.

4. **REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
- b) The development is situated in the countryside where new development is strictly controlled in the interests of protecting the rural character of the area. The unauthorised development is associated with the unacceptable

use of the site as a gypsy caravan site against which enforcement action is also being taken [see enforcement notice reference 03/00298/ENF (A)]. The retention of buildings and engineering works on the land following the discontinuance of the unauthorised use of the site as a gypsy caravan site would harm the rural character of the area contrary to policy RC9 of the North Wiltshire Local Plan 2001.

- c) The Council considers the retention of the unauthorised operational development would create a significant obstacle to the land being restored to agriculture use and thereby result in an area of land likely to be left vacant, unmaintained and become overgrown with consequently detrimental effects on the visual amenity of the area, the character of the countryside and the amenity of users of the public footpath that crosses through the site.

5. WHAT YOU ARE REQUIRED TO DO

- a) Remove all hardsurfacing materials to a depth of one metre or to the total depth of the hardsurfacing material if less than one metre except for the hardsurfacing comprised in the vehicular access from the nearside public carriageway edge for a distance of 6 metres in to the site which shall be reduced to a width of 3metres.
- b) Demolish all buildings and other structures on the site and their respective foundations to a depth of one metre or their total depth if less.
- c) Remove the foul drainage facilities and completely fill in any void, including chambers, manholes and pipes with inert fill material and restore the contours of the land to natural ground levels consistent with adjoining land with at least 1 metre depth below ground level free of any chambers, manholes and pipes associated with the drainage works.
- d) Remove all the materials and debris resulting from the requirements paragraphs 5(a), (b) and (c) above from the site.
- e) Restore the land levels over the whole site to natural contours consistent with the levels of the adjoining land.
- f) Finish the surface of the land with topsoil to a depth of at least 75mm over the whole of the site.
- g) Sow grass seed over the whole of the site sufficient to restore the site suitable for the grazing of animals.

6. TIME FOR COMPLIANCE

6 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 :

A handwritten signature in black ink, appearing to read 'R.B. Williams', written over the 'Signed :' text.

on behalf of North Wiltshire District Council

ANNEX

YOUR RIGHT OF APPEAL

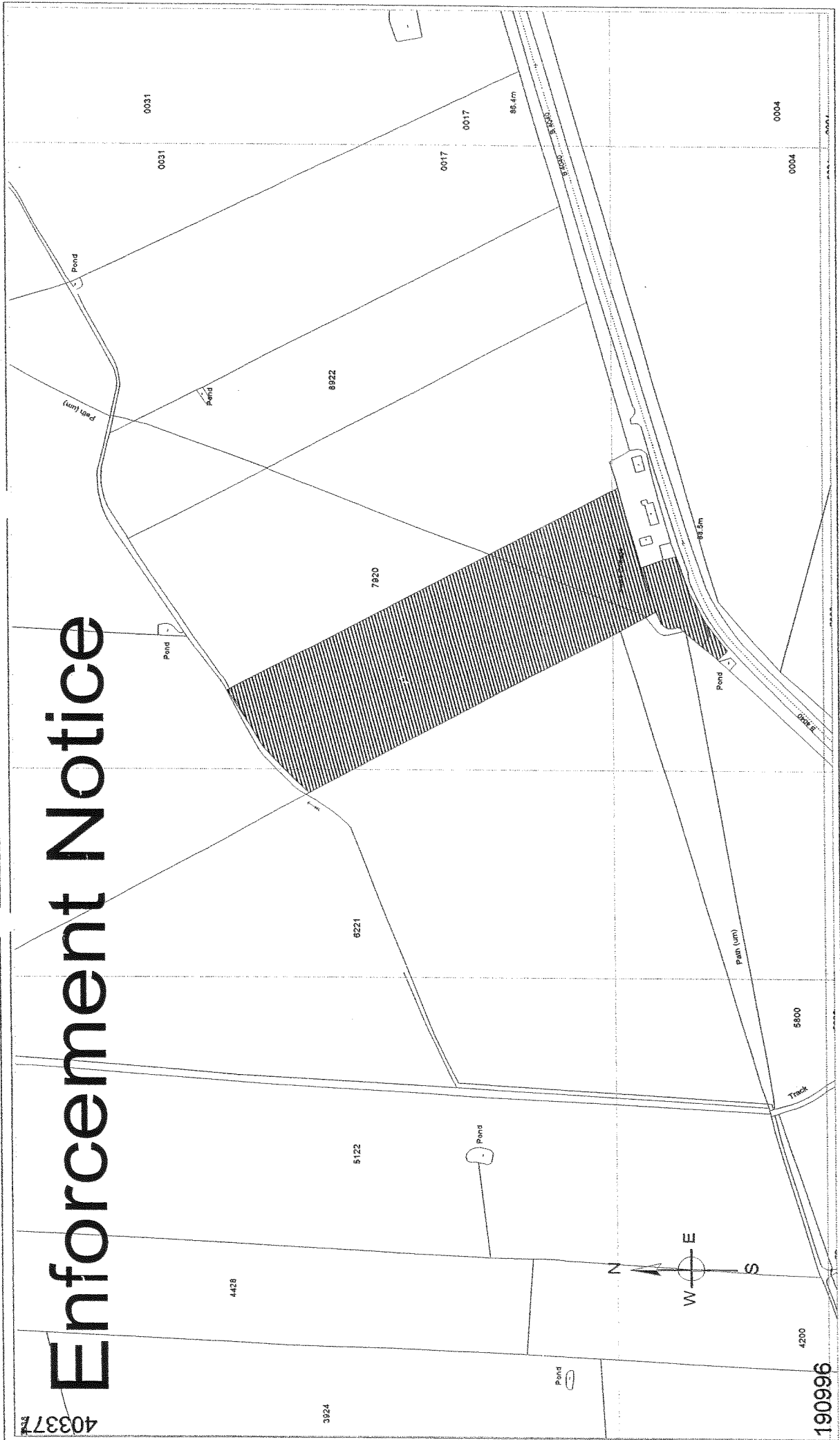
You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the First Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Making your enforcement appeal" sets out your rights. The enclosed appeal forms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

*North
Wiltshire
District
Council*

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
NORTH WILTSHIRE DISTRICT COUNCIL - 100017933 2004