

Our Ref: 03/00129/EMIN

Your Ref:

Enquiries to: Robin Williams

Date: 21 November, 2003

Chief Executive: Bob Marshall

Director: Bob Gwilliam

Director: Jeff Penfold

Business Manager: Laurie Bell

Planning Services

Monkton Park

Chippenham

Wiltshire

SN15 1ER

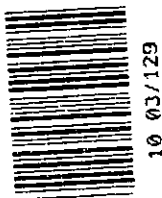
Tel: 01249 706640

Fax: 01249 460810

email: rwilliams@northwilts.gov.uk

www.northwilts.gov.uk

PLANNING
REGISTER



Dear Sir/Madam

**ENFORCEMENT NOTICE AT THE CARAVAN, 9 OLD COURT, WOOTTON BASSETT,
WILTS**

The Council have issued an Enforcement Notice relating to the above Land and copies of been served on you, 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


PP. Charles Pescod

Implementation Team Leader

Development Control and Listed Buildings

To Sylvia Lee
The Caravan
9 Old Court
Wootton Bassett
Wilts SN4 8QY

Westlea Housing Association
Methuen Park
Chippenham
Wilts SN14 8GU



INVESTOR IN PEOPLE

Our Ref: 03/00129/EMIN

Your Ref:

Enquiries to: Robin Williams

Date: 21 November, 2003

Chief Executive: Bob Marshall

Director: Bob Gwilliam

Director: Jeff Penfold

Business Manager: Laurie Bell

Planning Services

Monkton Park

Chippenham

Wiltshire

SN15 1ER

Tel: 01249 706640

Fax: 01249 460810

email: rwilliams@northwilts.gov.uk

www.northwilts.gov.uk

Dear Sir/Madam

**ENFORCEMENT NOTICE AT THE CARAVAN, 9 OLD COURT, WOOTTON BASSETT,
WILTS**

Should you wish to appeal against the enforcement notices the following fees will be required:- £110 for both the Planning Inspectorate and the Local Planning Authority.

These fees must be included with your appeal forms, which you have to send to the Council at the above address and the Planning Inspectorate at the address on the appeal form. The cheque for to the Inspectorate must be made payable to the First Secretary of State.

Yours faithfully



Charles Pescod
Implementation Team Leader
Development Control and Listed Buildings

To Sylvia Lee
The Caravan
9 Old Court
Wootton Bassett
Wilts SN4 8QY

Westlea Housing Association
Methuen Park
Chippenham
Wilts SN14 8GU



INVESTOR IN PEOPLE

03/00129/EMIN

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 The Caravan, 9 Old Court, Wootton Bassett shown hatched on the attached plan.
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

The material change of use of the land by the stationing of a mobile home which is not of an approved design.
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 siting of this mobile home by reason of its size, location and general appearance is detrimental to the character and appearance of the Wootton Bassett Conservation Area contrary to policy HE7 of the Wiltshire Structure Plan 2011 and policy RB3 of the North Wiltshire Local Plan 2001.
 - c) The continued use of this land, without complying with planning permission, for the siting of this mobile home and its residential use would, in due course, lead to the unauthorised development becoming

lawful. The loss of planning control over such a temporary structure as a mobile home on this prominent site would be likely to lead to further significant adverse visual detriment to the Wootton Bassett Conservation Area.

5. WHAT YOU ARE REQUIRED TO DO

Remove the unauthorised mobile home from the site.

6. TIME FOR COMPLIANCE


Six months from the date that this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 24 December 2003 unless an appeal is made against it beforehand.

Dated : 21 November 2003

Signed :


on behalf of North Wiltshire District Council

ANNEX

YOUR RIGHT OF APPEAL

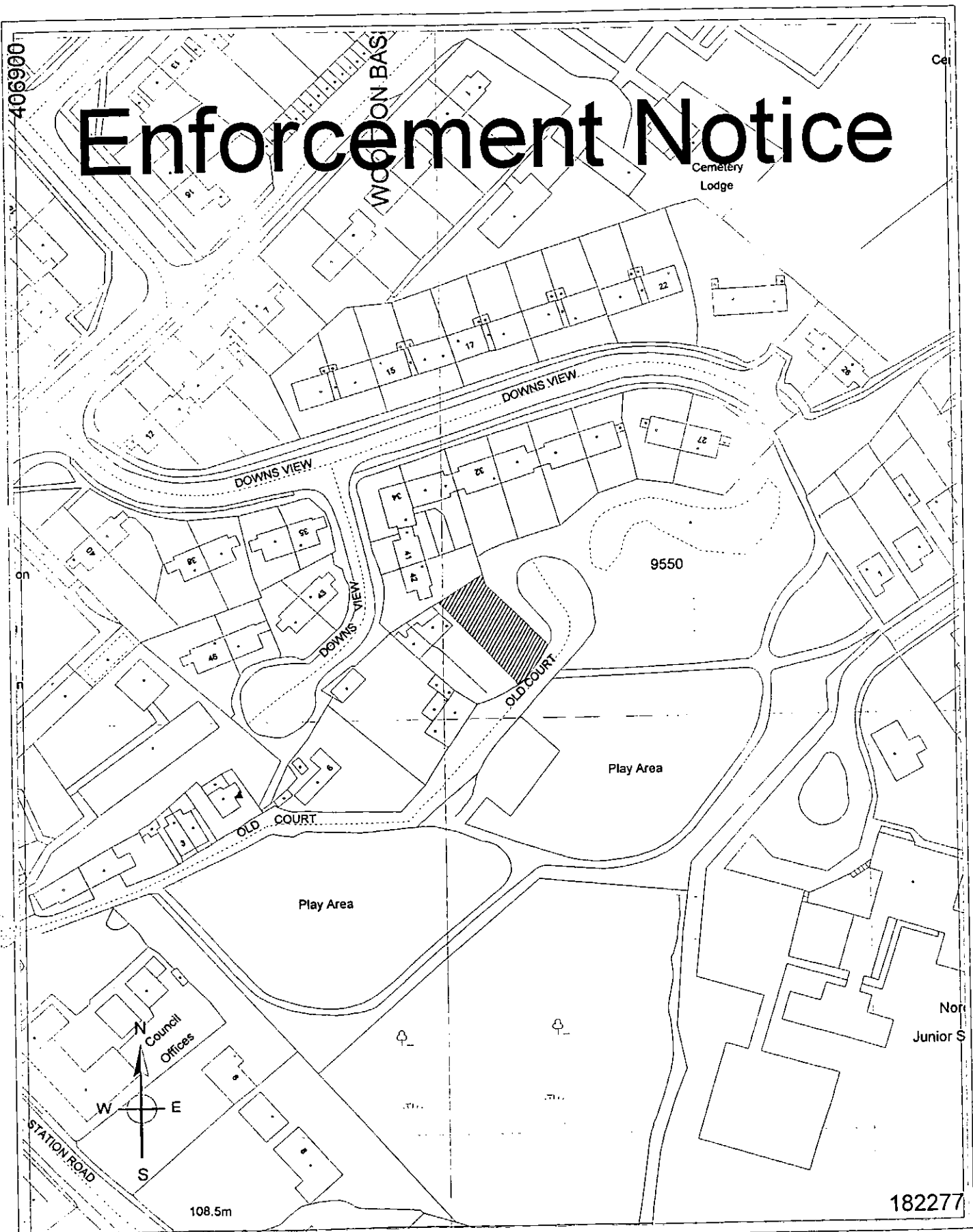
You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. You may use the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

The Caravan, 9 Old Court, Wootton Bassett SN4 8QY
SCALE: 1:1250

Grid Ref: SU0701 8241 03.00129.EMIN

Planning Services

31.10.03

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 - LA078840 2003



Appeal Decisions

Inquiry held and site visit made on 15 December 2004

by V F Ammoun BSc DipTP MRTPI FRGS

an Inspector appointed by the First Secretary of State

File Copy

040050/ESOC 03/129
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

7.20.5

Two appeals relating to The Caravan, 9 Old Court, Wootton Bassett, Wilts, SN4 8QY.

- The appeals are made under sections 174 and 78 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Ms S Lee against an enforcement notice issued by North Wiltshire District Council and against the refusal of planning permission by the same Council.
- The Council's references are AD2634 and 03/01275/S73A

Appeal A - Ref: APP/J3910/C/04/1138145 – the enforcement notice appeal.

- The notice was issued on 21 November 2003.
- The breach of planning control as alleged in the notice is *the material change of use of the land by the stationing of a mobile home which is not of an approved design.*
- The requirements of the notice are *remove the unauthorised mobile home from the site.*
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B - Ref: APP/J3910/A/03/1135852 – the planning application appeal.

- The application Ref 03/01275/S73A, dated 6 May 2003, was refused by notice dated 30 July 2003.
- The development proposed is *retention of a mobile home.*

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. The enforcement notice plan, the S78 appeal plan, and an earlier 2002 plan differ. It was agreed that I should defer my decision for a month while a more accurate plan was prepared, and that it be used as the basis for a landscaping scheme. Measurements were made and agreed at my site inspection and a revised plan provided after the close of the inquiry (Plan C, Document 10).
2. As the enforcement notice appeal on ground (a) and the S78 planning application appeal deal with the same development, I shall deal with them together.

Planning Policy and Main Issue

3. The appeal site is a plot of land at the end of Old Court, owned by a housing association and let as a caravan/mobile home pitch. The Appellant occupies the mobile home and is a Romany Gypsy, but because of her non-nomadic style of life it was agreed at the inquiry

that national planning policy relating to gypsy caravan site provision was not relevant to the appeals. I concur with this, and also noted that as the Council had already granted planning permission for her to live on the appeal site in a caravan, the principle of a residential caravan site use was not at issue.

4. The site is situated well within the built up area of Wootton Bassett, in a narrow salient of the Wootton Bassett Conservation Area centred on the Old Court cul-de-sac. Within the Conservation Area policies of the development plan reflect national policy and the statutory requirement that special attention be paid to preserving or enhancing the character of appearance of the area. Old Court is developed with older cottages and buildings, but near the appeal site is bounded on the north-west by modern housing development on higher ground, while generally to the south-east is a play area/open space on lower land, with beyond that a modern school. Play area and housing land are outside the Conservation Area. I was told that an appraisal had been made of the main High Street part of the Conservation Area, but did not apply to the Old Court cul-de-sac.
5. From my inspection of the site and area, and from consideration of the representations made, I have concluded that the main issue in this case is the effect of the mobile home/caravan site use upon the character and appearance of the Conservation Area.

Reasons

6. In December 2002 the Council granted planning permission for mobile home use of the land. The planning status of the site at that time was not entirely clear at the inquiry, but appeared to have included residential gypsy caravan/mobile home use for some years previously. There is no other such undeveloped plot or caravan pitch use in the area. The 2002 planning permission included a condition that in effect required either the placing on site of a particular, illustrated mobile home, or the approval of an alternative. The Appellant put a different mobile home on the site, without having obtained Council approval.
7. The 2002 permission remains extant. The Appellant claimed that she had not been able to implement it, because the approved mobile home could not be got along Old Court and her son had had to abort an unauthorised attempt to access her site via the school and the play area due to intervention by the Town Council who owned the latter and denied access. At the site inspection an agreed measurement between a wall and a telephone pole established that access along Old Court Close would indeed have been impossible. At the inquiry a letter was obtained from the Town Council indicating their willingness to allow use of their land for access to the appeal site, subject to reasonable safeguards. I have concluded that whatever was or is believed by the Appellant, the 2002 permission can be implemented. Though this would involve expense unwelcome to the Appellant, there was no evidence sufficient to indicate that it could not be afforded. Nor was there any evidence that an alternative pitch was available for her to move to. I have concluded that the 2002 permission is likely to be implemented if the present appeal fails. The 2002 approved mobile home is thus the "fall back" position against which effects upon the Conservation Area of the appeal mobile home may be assessed.
8. It was not claimed that there was any material difference in siting such as might affect visual amenity or the residential amenity of neighbouring dwellings, and I concur. The appeal mobile home would be wider, shorter, and lower than that approved in 2002. It was agreed to be lower by 0.4m. Its frontage to the road would be wider at 6.1m rather than the 3.7m approved; and its depth would be less at 9.2m than the 13.7m approved. In the

Council's view these differences were significant and adverse in that while the approved mobile home would have looked what it was, the appeal unit looked more like a poorly proportioned bungalow, that would be visually substandard.

9. In considering this matter I start with the observation that neither the approved 2002 unit as illustrated or the appeal mobile home look like traditional caravans. With pitched roofs, skirting around the sides, and domestic doors and windows they are reminiscent of chalets. I also consider that any such unit will look somewhat out of place in this location, as the area is one where by reason of proximity to the traditional buildings within and beyond the Conservation Area one would expect to find a small permanent dwelling. This expectation is reinforced by the particular features of the appeal site that I saw: the rectangular form and modest size of the plot, the established vehicular access opening onto an immediately adjacent hard standing, the retaining walls, concreted areas, and boundary walls, fences, and hedging. There is also a domestic garage immediately abutting the plot on its road frontage, serving the neighbouring cottage.
10. Having reached this conclusion I consider that the appeal mobile home, having a squarer and more bungalow like form, is somewhat less incongruous than would be the longer and thinner 2002 unit. To that extent I consider it to be an improvement. On the other hand I have given some weight to the Council's observation that, considered as a bungalow, it is of a poorer appearance than would be expected of such a structure. In my assessment these two countervailing differences are so balanced that the overall effect of the appeal proposal upon the Conservation Area is neutral. It is thus my conclusion on the main issue that, in that sense, the appeal proposal preserves the character and appearance of the Conservation Area¹. The appeals will therefore succeed, and I will quash the notice and grant planning permission subject to conditions.
11. It was agreed at the inquiry that conditions should be imposed to ensure that the site be used by no more than one residential unit, and that having regard to the appearance of the area control should be maintained over any change of mobile home or alteration thereto. Both controls are clearly necessary having regard to the possible visual and other effects. Hard and soft landscaping is needed to integrate the mobile home with its open and built surroundings, and I consider that the agreed scheme is generally appropriate. It is, however, not fully detailed and therefore its effect must be in some doubt. Nor was a colour or range of colours for the external walls of the mobile home put forward as agreed. I consider that these particular circumstances suggest a need for a "trial run" temporary permission, to allow any need for further planting, screening, colour treatment or other conditions to be assessed. In this regard I noted that a temporary permission was sought by the Council to secure periodic control over the appearance of the site. This is an approach which I consider, as indicated at the inquiry, to be contrary to national guidance on the use of temporary permissions in Circular 11/95 at paragraph 109. The temporary permission which I shall impose for the different reasons referred to above will, however, have the incidental consequence of allowing the Council time to determine what the long term future of this plot of land within the Conservation Area should be.
12. Having reached the foregoing conclusions the appeal on ground (g) is no longer before me. Similarly concerns at the Appellant's need for housing that were put in terms of personal

¹ For completeness I record that this is consistent with an officer assessment that the overall impact upon the locality would be unaffected, leading to a recommendation to approve the S78 application.

circumstances and the Human Rights Act related to concern that planning permission would be withheld, but in the event the appeals have succeeded.

FORMAL DECISIONS

Appeal A - Ref: APP/J3910/C/04/1138145 – the enforcement notice appeal.

13. 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 use of the land at The Caravan, 9 Old Court, Wootton Bassett, Wilts, SN4 8QY, as shown on the plan attached to the notice and corrected Plan C, for *stationing of a mobile home which is not of an approved design*, subject to the following conditions:

- 1) On or before five years from the date of this permission the use hereby permitted shall be discontinued and all caravans and mobile homes on the land shall be permanently removed.
- 2) No more than one residential caravan/mobile home shall be stationed on the land at any time, and no more than one touring caravan.
- 3) The permission hereby granted relates only to the mobile home on the site on 15 December 2004 while it remains sited as shown on Plan C, and this mobile home may not be added to, externally altered, replaced, or repositioned without the prior permission in writing of the local planning authority.
- 4) The works of hard and soft landscaping set out on Plan C and in the associated Schedule shall be carried out in full within one year of the date of this permission; and any trees or plants which within a period of 4 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Appeal B - Ref: APP/J3910/A/03/1135852 – the planning application appeal.

14. I allow the appeal, and grant planning permission for *retention of a mobile home* at The Caravan, 9 Old Court, Wootton Bassett, Wilts, SN4 8QY in accordance with the terms of the application, Ref 03/01275/S73A, dated 30 July 2003, and the plans submitted therewith as altered by corrected Plan C, subject to the same four conditions as are set out above.



V F AMMOUN

APPEARANCES

FOR THE APPELLANT:

Mr M B Cox

Solicitor, of South West Law (Legal Services in the Community) Limited.

He called

Mrs S Lee

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Miss J Evans

Of Counsel, instructed by Mr P Jeremiah, Solicitor,
North Wiltshire District Council

She called

Mr S W L Chambers Director, LPC (Trull) Limited.
BSc(Hons) MA MRTPI

DOCUMENTS

- | | | |
|----------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document | 1 | List of persons present at the inquiry. |
| Document | 2 | Council notification letters and addresses to which sent. |
| Document | 3 | Representations in response to Document 2, including petition in support of proposal and accompanying letter dated 7 May 2004 from South West Law. |
| Document | 4 | Appendices to Council's statement of case. |
| Document | 5 | Draft condition provided by Council. |
| Document | 6 | Two letters of support provided by Appellant. |
| Document | 7 | Letter dated 1 st May 2003 from Council to Mrs S Lee. |
| Document | 8 | Fax copy of letter dated 15 th December 2004 from the Town Clerk to the Wootton Bassett Town Council, addressed to the Planning Inspectorate. |
| Document | 9 | Gypsy site brief accompanying Inspectorate's letters of 28 April 2004 to the Council and to South West Law (Legal Services in the Community) Limited. |
| Document | 10 | Post inquiry correspondence, including signed copies of finally agreed plan and schedule accompanying LPC Town Planning Consultants' letter of 13 th January 2005. |

PLANS

- | | | |
|------|---|-------------------------------------------------------------------------------|
| Plan | A | Plan accompanying the enforcement notice. |
| Plan | B | Plans accompanying the planning application. |
| Plan | C | Corrected Plan, also showing agreed landscaping scheme. |
| Plan | D | Plan showing Conservation Area boundaries in the vicinity of the appeal site. |



Plan and Schedule

This is the Plan C and Schedule referred to in my decision dated:

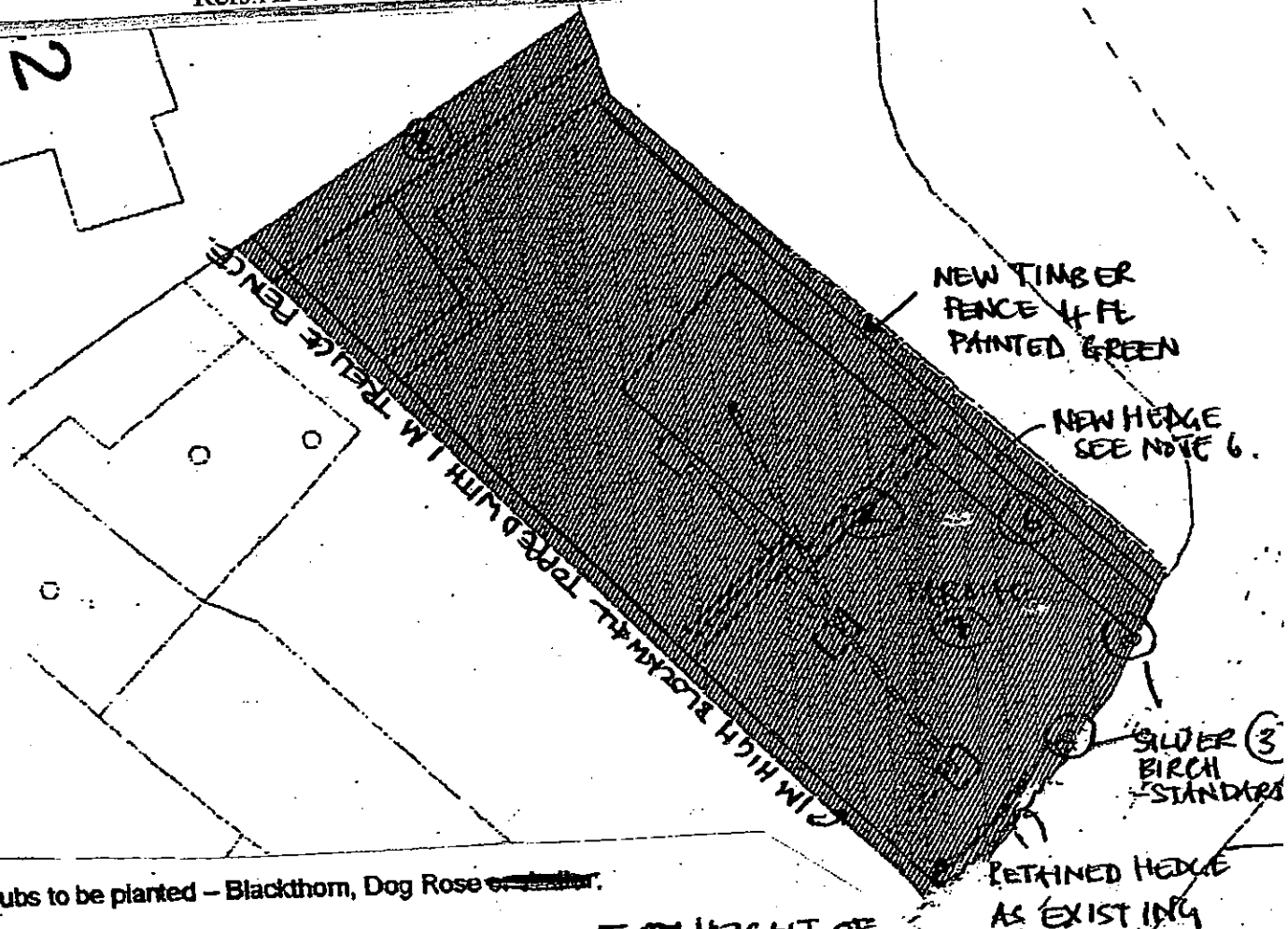
V F Ammoun

V F Ammoun BSc DipTP MRTPI FRGS

Land at: The Caravan, 9 Old Court, Wootton Bassett, Wilts,
SN4 8QY

Refs: APP/J3910/C/04/1138145 & APP/J3910/A/03/1135852

The Planning Inspectorate
4/05 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail:
enquiries@planning-
inspectorate.gsi.gov.uk



1. Shrubs to be planted – Blackthorn, Dog Rose ~~and~~.
2. Wall to be finished in natural stone, as existing finish. **TO THE HEIGHT OF EXISTING WALL**
3. Trees at entrance of the site to be planted – Silver Birch.
4. ~~Gate to be installed in wrought iron – 1.5mtr. high.~~
5. Climbing plants to run up trellis fence – Climatisus ^{AND} Honeysuckle.
6. Path to be moved over and existing hedge to be re-enforced by planting of Hawthorn and blackthorn.
7. Existing tarmac to be relaid in front area.
8. Rear wall to be rendered and capped. **WITH CEMENT**