

Our Ref: 03/00218/EMIN

Your Ref:

Enquiries to: Robin Williams

Date: 20 February 2004

Chief Executive: Bob Marshall

Director: Bob Gwilliam

Director: Jeff Penfold

Business Manager: Laurie Bell

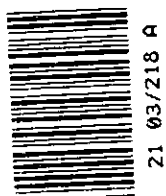
Planning Services

Monkton Park

Chippenham

Wiltshire

SN15 1ER



Tel: 01249 706640

Fax: 01249 460810

email: rwilliams@northwilts.gov.uk

www.northwilts.gov.uk

Dear Sirs

**ENFORCEMENT NOTICES AT MANBY HOUSE, FLINTHAM HILL, OAKSEY,
WILTSHIRE**

Should you wish to appeal against the enforcement notice the following fees will be required:- £220 for both the Local Planning Authority and the Planning Inspectorate for each appeal against notice 03/00218/E (A) and 03/00218/E (B); £110 for both the Local Planning Authority and the Planning Inspectorate for an appeal against 03/00218/E (C).

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.

Yours faithfully

Charles Pescod

Implementation Team Leader

Development Control and Listed Buildings

To: Mr Martin Shewry Fitzgerald
Manby's House
Oaksey
Malmesbury
Wiltshire
SN16 9SA

Mrs Ann Shewry Fitzgerald
Manby's House
Oaksey
Malmesbury
Wiltshire
SN16 9SA

HSBC Bank
2 Market Place
Chippenham
Wiltshire
SN15 3HE



INVESTOR IN PEOPLE

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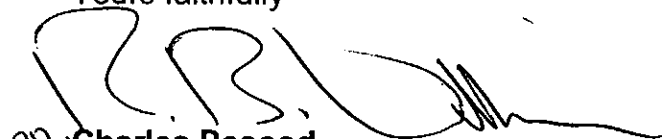
Dear Sirs

**ENFORCEMENT NOTICES AT MANBY HOUSE, FLINTHAM HILL, OAKSEY,
WILTSHIRE**

The Council have issued Enforcement Notices relating to the above Land and copies of these Notices have been served on you, in view of your interest in the Land.

Unless appeals are made, as set out in the Annexes, 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



Charles Pescod

Implementation Team Leader

Development Control and Listed Buildings

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Manby's House
Oaksey
Malmesbury
Wiltshire
SN16 9SA

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03/00218/E (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 Manby House, Flintham Hill, Oaksey, Malmesbury, SN16 9SA shown hatched on the attached plan.
- 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the change of use of part of Manby House from ancillary domestic use (i.e. garage) to a separate self-contained unit of residential accommodation located as shown cross hatched on the enclosed plan.
- 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 provision of this self contained unit of residential accommodation constitutes the creation of a new dwelling in the countryside where such development is strictly controlled in the interests of protecting the countryside and providing that new development is directed to the most sustainable locations. The development is contrary to policy DP1 and DP15 of the Wiltshire Structure Plan and policies RH11 and RH12 of the North Wiltshire Local Plan 2001.

- c) The establishment of a separate unit of residential accommodation in the building would, in due course, be likely to lead to a need for a separate residential curtilage, the addition of ancillary domestic buildings such as garages and garden sheds and the likelihood that the residential unit of accommodation will be extended; all to the detriment of the countryside in this location contrary to policy C9 of the North Wiltshire Local Plan 2001.
- d) The continued use of this part of Manby House as a separate self-contained unit of residential accommodation in breach of planning control would, in due course, lead to the unauthorized development becoming lawful.

5. WHAT YOU ARE REQUIRED TO DO

- a) Cease using the part of Manby House shown cross hatched on the attached plan as a separate self-contained unit of residential accommodation

6. TIME FOR COMPLIANCE

4 Months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 2 April 2004 unless an appeal is made against it beforehand.

Dated : 20 February 2004

Signed :

A handwritten signature in black ink, appearing to be 'M.B. Williams', written over a horizontal line.

on behalf of North Wiltshire District Council

ANNEX

YOUR RIGHT OF APPEAL

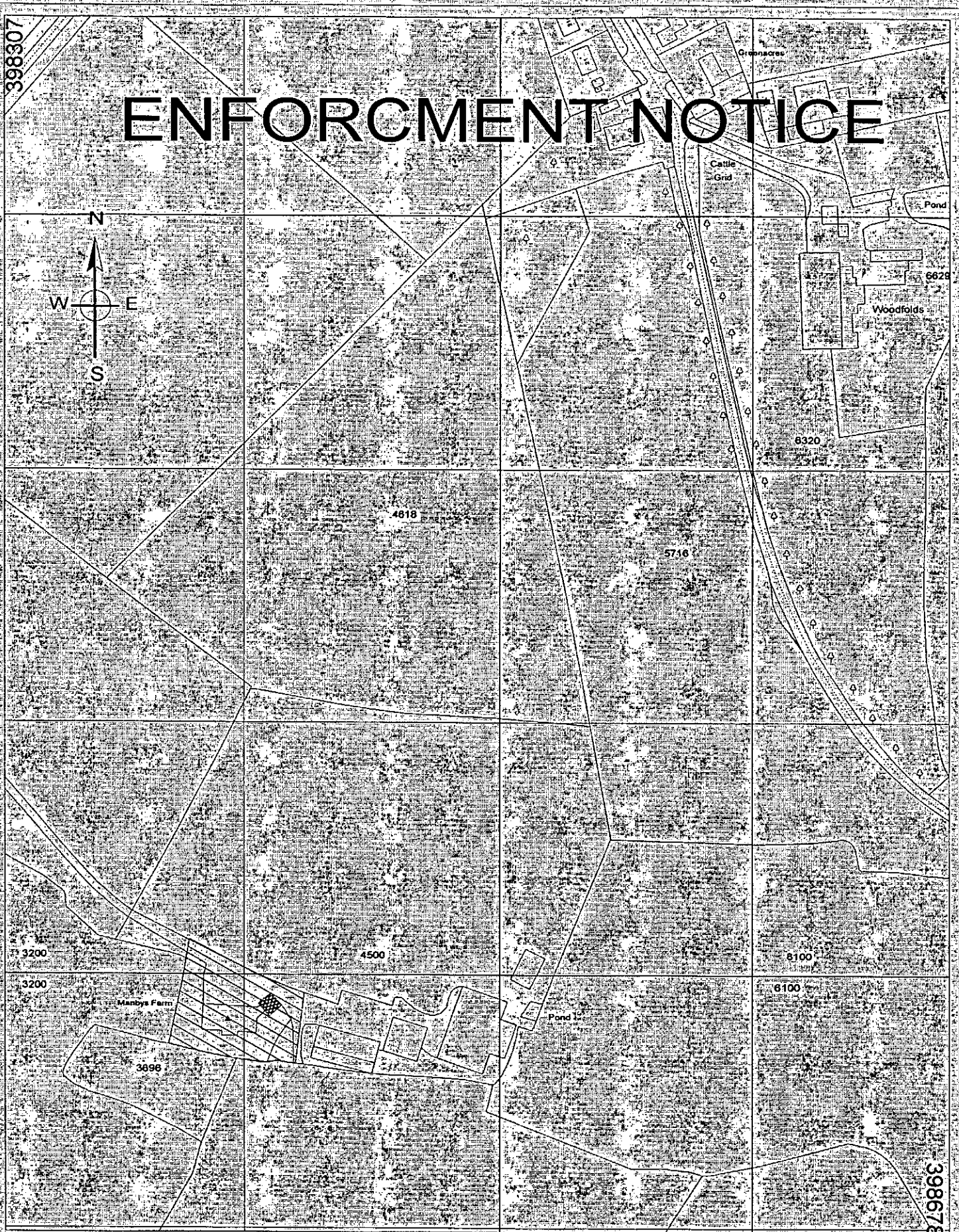
You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the First Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Making your enforcement appeal" sets out your rights. The enclosed appeal forms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



*North
Wiltshire
District
Council*

Land at Manby House, Flintham Hill, Oaksey, Malmesbury, SN16 9SA
SCALE: 1:2000

Grid Ref: ST 983 929

11/2/2004

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NORTH WILTSHIRE DISTRICT COUNCIL, LA078840 2004