

04/020/ENF



Appeal Decision

Site visit made on 29 March 2005

by **D O Sweeting FRTPI**

an Inspector appointed by the First Secretary of State



67 04/020

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
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Date **21 APR 2005**

Appeal Ref: APP/J3910/A/04/1166843

16A New Road (rear of 18 New Road), Purton, SN5 4HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J P Allison against the decision of North Wiltshire District Council.
- The application Ref. 04/01908/COU, dated 22 June 2004, was refused by notice dated 2 September 2004.
- The development proposed is described as '*Change of use – agricultural land to domestic use*'.

Summary of Decision: The appeal is dismissed.

Introduction

1. The development essentially concerns the retention of 2 steel shipping containers used in connection with the maintenance/repair of the appellant's own vehicles, and as a secure place to store tools associated with his occupation as a bus fitter.
2. Reference is made to the Council, some 2 years ago, having verbally indicated that provided the containers were portable and had no foundations they would be acceptable, or, if attached to lorries, planning permission would not be required. Also, it is claimed vehicles have been parked on the land for over 25 years, and since the title deeds were obtained on the basis that vehicles would be parked on the land, it may not be agricultural.
3. The planning legislation contains specific provisions to determine whether the lawfulness of development. In the first instance, this enables a local planning authority to evaluate and respond to the evidence submitted in support thereof, and, should a certificate be refused, for the decision to be appealed. The remit of the current appeal, therefore, is limited to determining the acceptability, or otherwise, of the development on the basis of the application as submitted.

Main Issue

4. Whether the development is materially harmful to the character and appearance of the locality.

Planning Policy Framework

5. At national level, Planning Policy Guidance 1 has been replaced by Planning Policy Statement 1 and its accompanying document 'The Planning System: General Principles'. This confirms that the development in question shall be determined in accordance with the development plan, unless other material considerations indicate otherwise.
6. The development plan context in this appeal is the North Wiltshire Local Plan (NWLP). Policy NWLP Policy RC2 defines a rural buffer around Purton in which development will be strictly controlled. Consequently, new buildings which would lead to the coalescence of

settlements, or seriously undermine the openness of the rural landscape, will not be permitted. Subject to this proviso, buildings for agriculture, forestry, or other uses appropriate to a rural area will be permitted subject to the criteria of NWLP Policy RC9. The underlying objectives of these policies are reaffirmed nationally at Planning Policy Statement 7 that concerns development in rural areas.

Inspector's Reasoning

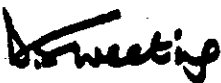
7. The appeal site is a narrow parcel of land extending lengthways from south to north off the cul-de-sac access serving 9 – 18, 18a, 19 & 19a New Road. The immediate lands to the west are down to grass. Beyond are employment and other developments. To the east is No. 18a comprising of what appears to be a mobile home type structure, various out-buildings, and open surface storage of plant, equipment and materials seemingly not usually associated with residential occupancy¹. Hence, hereabouts, the rural buffer as it abuts Purton's defined settlement limits is irregular and typically identifies with fringe transitional situations between urban and rural areas. It is important, therefore, to protect the buffer. To do otherwise would be to seriously weaken the locality's planning policy evolved from a publicly extensive process that led to the NWLP's formal approval.
8. Being within the rural buffer, in planning policy terms, the appeal site is part of what amounts to open countryside. The purposes of the containers are not within the NWLP Policy RC9 categories of development appropriate to a rural area. Further, although one behind the other and end on to the access such that public awareness of the containers is somewhat limited, nonetheless, their unrelated design to the needs of rural area is such that they are visually discordant structures. Even with screening of the western and northern boundaries, the container's encroachment into what amounts to a vulnerable part of the rural buffer would remain.
9. In summary, despite, in relative terms, the appeal site's superficial area and its proximity to housing, employment and other forms of development, the site's usage/containers represent an unjustifiable intrusion into the rural buffer materially harmful to the locality's character and appearance. The development, therefore, conflicts with the stringency of NWLP Policy RC2 and corresponding national planning policy frameworks designed to safeguard the countryside from unacceptable forms of development.

Conclusions

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

11. I dismiss the appeal.



Inspector

¹ For the avoidance of doubt, this description neither indicates nor implies formal recognition of this property's planning status.

Our Ref: 04/00020/ENF

Your Ref:

Enquiries to: Robin Williams

Date: 2 December, 2004

Strategic Manager: Alun Davies

Mr Jonathan Paul Allison
16 New Road
Purton
Swindon
Wilts SN5 4HF

Register

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

**ENFORCEMENT NOTICE ON LAND RUNNING AT A RIGHT ANGLE TO 18
NEW ROAD, PURTON, SWINDON, WILTSHIRE**

The Council has issued an Enforcement Notice relating to the above Land and copies of this Notice are now served on you, in view of your interest in the Land.

Unless an appeal is made, as set out in the Annexe, 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



INVESTOR IN PEOPLE

Our Ref: 04/00020/ENF

Your Ref:

Enquiries to: Robin Williams

Date: 2 December, 2004

Strategic Manager: Alun Davies

Mr Jonathan Paul Allison
16 New Road
Purton
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Dear Sir

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NEW ROAD, PURTON, SWINDON, WILTSHIRE**

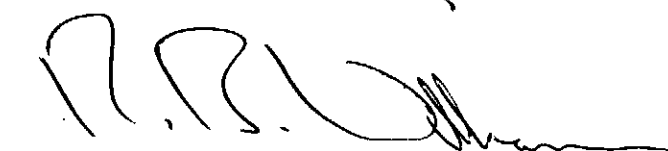
Should you wish to appeal against the enforcement notice on ground (a) as provided by Section 174 (2)(a) of the Town and Country Planning Act 1990 (as amended) the following fees will be required:-

£220 for both The Planning Inspectorate and the Local Planning Authority

The cheque for the Planning Inspectorate should be made payable to the First Secretary of State and for the Local Planning Authority the cheque should be made payable to North Wiltshire District Council. Only one person needs to pay a fee.

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



04/00020/ENF

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 running at a right angle to 18 New Road, Purton, Swindon, 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 from agriculture to the siting of containers for the purposes of storage and the maintenance/repair of vehicles.

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 change of use of this land to site containers and to carry out maintenance and repair of vehicles is detrimental to the rural character of this location, contrary to policy RC9 of the North Wiltshire Local Plan North Wiltshire Local Plan 2001.
- c) The use of this land for the carrying out of maintenance and repair of vehicles causes nuisance and disturbance to nearby residential properties

which is accentuated by the location of the site at the end of a narrow roadway serving several domestic properties.

5. WHAT YOU ARE REQUIRED TO DO

- a) Cease using the site for storage purposes and the maintenance and repair of vehicles.
- b) Remove the containers and all vehicles and trailers from the land together with other items not associated with the agricultural use of the land.

6. TIME FOR COMPLIANCE

Two months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 13 January 2005 unless an appeal is made against it beforehand.

Dated : 2 December 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 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.

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Enforcement Notice

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Path (um)

Works

Path (um)

N

W E

S

188487

*North
Wiltshire
District
Council*

Land at 16A New Road, Purton, Swindon, Wilts
SCALE: 1:1250

Grid Ref: SU0905 8859 04/00020/EMIN

Planning Services 9.11.04

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