

IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
[As amended by the Planning & Compensation Act 1991]

**BREACH OF CONDITION
NOTICE**

Reference Number :04/00051/EBOC

SERVED BY : North Wiltshire District Council ("the Council")

To Sylvia Margaret Brooks

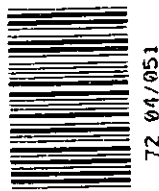
1. THIS NOTICE is served by the Council, under section 187A of the above Act, because it considers that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, is not being complied with. The Council consider that you should be required to comply with the condition specified in this notice. **The Annex at the end of this Notice contains important additional information.**

2. THE LAND TO WHICH THIS NOTICE RELATES

Land at Ordnance Survey parcel number 5966, Sambourne Road, Minety, Malmesbury, Wiltshire, shown hatched on the plan, attached to this Notice.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission [copy attached] to which this Notice relates is the permission reference 00/00733/COU granted on 17 May 2000 described as "Change of use of land to the keeping of horses, erection of stable block and alterations to access " on land at Sambourne Road, Minety, Malmesbury, Wiltshire.



CONTINUED ON PAGE 2
PAGE 1 OF [3]

4. THE BREACH OF CONDITION.

The following condition has not been complied with:

- (5) *There shall be no parking of horse-boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site to which this permission relates.*

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition detailed in paragraph 4 of this Notice, you are required to comply with the stated condition by taking the following step:

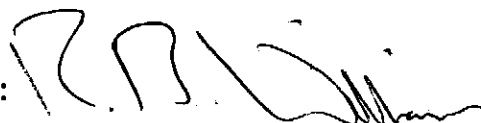
Cease parking a caravan on the land during the hours between dusk and dawn.

6. PERIOD FOR COMPLIANCE

By the end of April 2005 or such other date as the Council may agree in writing.

Dated : 22nd December 2004
.....

Signed :



the Council's Authorised Officer.

On behalf of :
North Wiltshire District Council
Council Offices,
Monkton Park,
Chippenham,
Wiltshire. SN15 1ER

ANNEX

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DATE YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance time period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is **£1,000** for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Robin Williams, Planning Services , North Wiltshire District Council, Council Offices, Monkton Park, Chippenham, Wiltshire. SN15 1ER. Tel : 01249-706640

If you need independent advice about this Notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

[END]

THE SCHEDULE

Name of Local Planning Authority: **NORTH WILTSHIRE DISTRICT COUNCIL**
Monkton Park, Chippenham, Wiltshire, SN15 1ER

NAME & ADDRESS OF AGENT:

BRIEF DETAILS OF APPLICATION IN THE
PARISH OF MINETY:

CHANGE OF USE OF LAND TO THE
KEEPING OF HORSES, ERECTION OF
STABLE BLOCK AND ALTERATIONS TO
ACCESS (RESUBMISSION OF 99.01010.COU)

NAME & ADDRESS OF APPLICANT:

LOCATION:

N J & S M Brooks
Montrose
Station Road
Minety
Wiltshire
SN16 9QY

Land At
Sambourne Road
Minety
Malmesbury
Wiltshire

Application Dated: 21.03.2000 Application Registered: 12.04.2000
Permission Granted: 17.05.2000

PERMISSION GRANTED FOR THE FOLLOWING REASON:

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, and subsequently approved pursuant to this decision (if applicable), unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity.

2. Within one month of the date of this permission, details of the construction, levels and gradient of the access and access track shall be submitted to the Local Planning Authority for approval. The development shall have been carried out in accordance with these details, as approved, within 4 months of the date of this permission. Thereafter, the access shall remain permanently available for use and the visibility splays shown on the approved plans shall be permanently maintained free from obstruction at a height of 600mm above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

3. Any gates to the vehicular access shall be set back a distance of 9m, measured from the nearest edge of the carriageway to which access is obtained. Such gates shall be capable of opening only in a direction away from the carriageway.

Reason: In the interests of highway safety.

4. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

Reason: To prevent the introduction of a commercial use into the area in the interests of rural amenity.

5. There shall be no parking of horse-boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site to which this permission relates.

Reason: In the interests of the amenity of the countryside.

6. No jumps or other structures shall be erected on the site, without the grant of planning permission by the Local Planning Authority on that behalf.

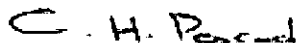
Reason: In the interests of visual amenity.

7. The approved landscaping scheme shall be implemented within the next available planting season, being October 2000 - March 2001, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

INFORMATIVES:

1. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact The Director of Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wilts, BA14 8JD.

C. H. P. 

Implementation Team Leader
Development Control, Listed Buildings & Landscaping

Date: 17th May 2000

PL100

NORTH WILTSHIRE DISTRICT COUNCIL
Town and Country Planning Act 1990

PERMISSION GRANTED FOR CHANGE OF USE

1. The Local Planning Authority HEREBY GRANT PLANNING PERMISSION subject to the scheduled conditions (if any) for the development proposed by the applicant in the application, which is expressly incorporated herewith and is briefly described in the Schedule forming part of this permission.
2. The scheduled conditions (if any) have been imposed for the reasons set out in the Schedule.
3. "The Local Planning Authority", "the scheduled conditions", and "the application" referred to above are those described in the Schedule.

NOTES

1. **Time Limits on Planning Permissions.** By virtue of Section 91 - 96 of the Town and Country Planning Act 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits (as appropriate) will apply:-
 - 1.1 **Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun either within 5 years from the date of the grant of the outline permission or within 2 years from the final approval of all the matters reserved.
 - 1.2 **Where the planning permission is complete and is not in outline** then the development must be begun not later than the expiration of 5 years from the date on which permission was granted.
2. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the district and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 2.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. You are advised to contact Building Control before considering work on site);**
- 2.2 the need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath;
- 2.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

- 2.4 the need to make any appropriate arrangements under the Highways Act 1971, in respect of any works within the limits of a public highway. The address of the Highway Authority is Wiltshire County Council, County Hall, Trowbridge.

(It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

3. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within three months of the date of this decision. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ.) The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

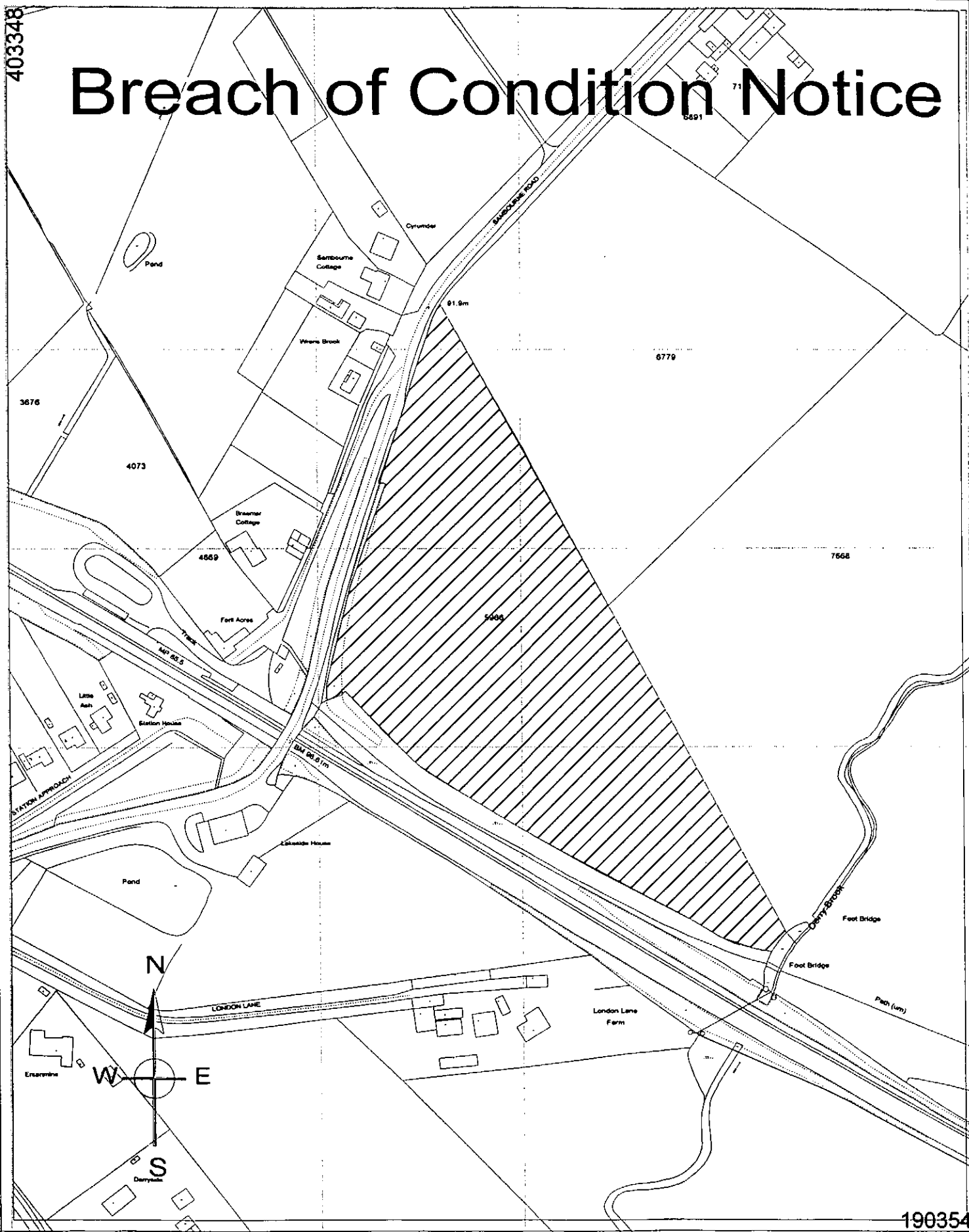
If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

4. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
5. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. **Enforcement.** It is very important that you comply with the Council's decision. If your application has been allowed, you must follow the agreed plans carefully and comply with the conditions. If your application has been refused, then you cannot carry out the work or use that you applied for.

If you fail to comply with this Decision Notice, then you could be in contravention of the Town and Country Planning Act 1990. In such circumstances, the Council may well initiate enforcement action.

403348

Breach of Condition Notice



190354

*North
Wiltshire
District
Council*

Land at Samborne Road, Minety, Malmesbury, Wilts

SCALE:

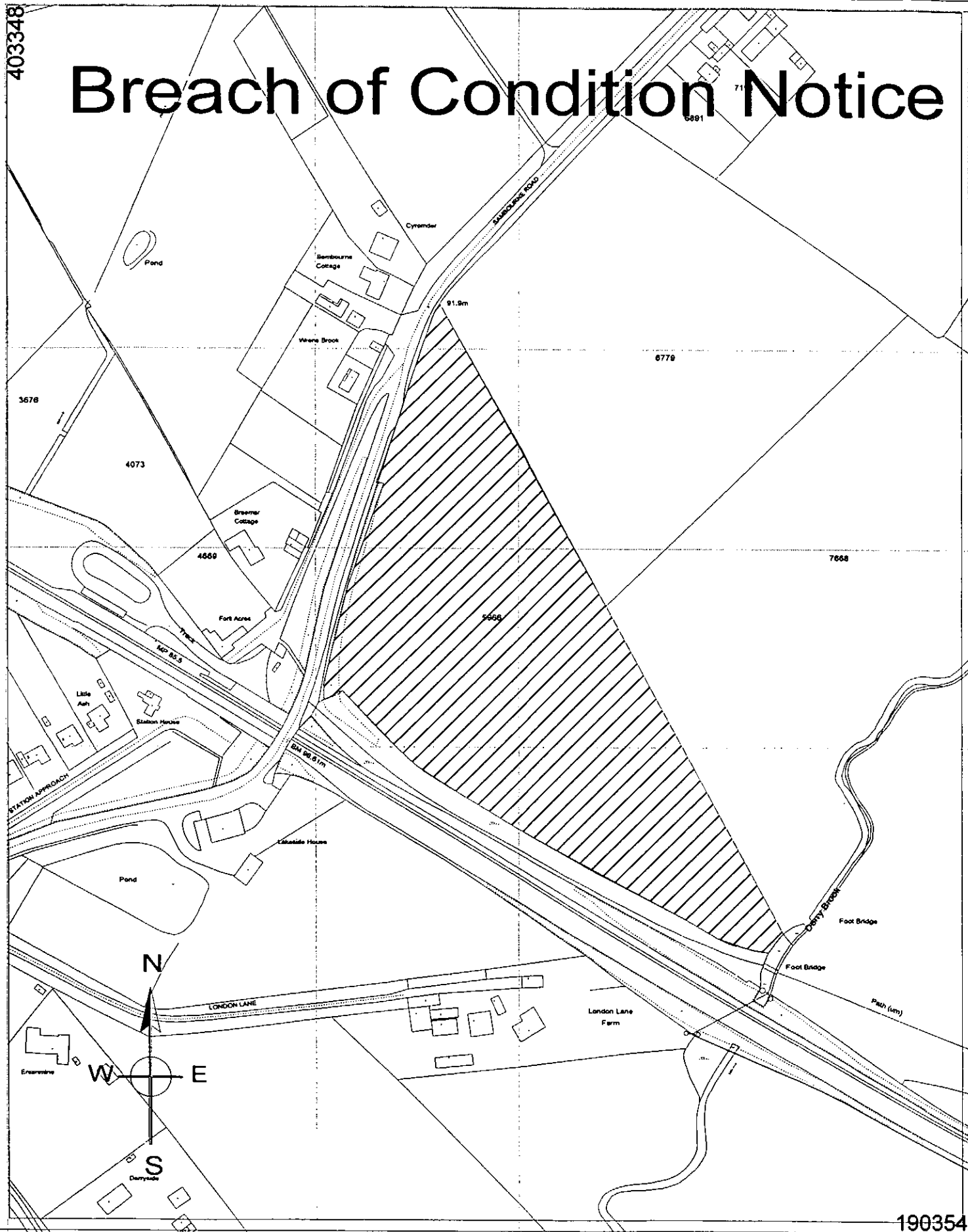
Grid Ref: SU0358 9069 04/00051/EMIN

Planning Services 20/12/2004

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NORTH WILTSHIRE DISTRICT COUNCIL- 100017933 2004

403348

Breach of Condition Notice



*North
Wiltshire
District
Council*

Land at Samborne Road, Minety, Malmesbury, Wilts

SCALE:

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