

# Appeal Decision

Inquiry held on 17 January 2006

Site visit made on 18 January 2006

by **Christopher Jarvis** LLB MRTPI Solicitor

an Inspector appointed by the First Secretary of State

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Date

**13 MAR 2006**

## **Enforcement Appeal A: Ref: APP/J3910/C/05/2003132**

**Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr P W Candy against an enforcement notice issued by North Wiltshire District Council.
- The Council's reference is 05/00130/ENF(A).
- The notice was issued on 13 June 2005.
- The breach of planning control as alleged in the notice is the unauthorised erection of buildings shown on the plan attached to the notice, the provision of hard surfaced areas and the siting of a metal container.
- The requirements of the notice are:
  - a) Demolish the buildings shown on the plan and any foundations, floors and sub-bases to a depth of 0.5metre below ground level or their total depth if less.
  - b) Remove all hardsurfacing materials to a depth of 0.5 metre or to the total depth of the hardsurfacing material if less than 0.5metre.
  - c) Remove the metal container from the site.
  - d) Remove all the materials and debris resulting from the required demolition and removal of hardsurfacing areas.
  - a) Restore the land levels over the whole of the site to natural contours consistent with the levels of the adjoining land with clean topsoil free of any stones measuring in excess of 150mm in any direction to a depth of at least 200mm.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended.

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

## **Enforcement Appeal B: Ref: APP/J3910/C/05/2003133**

**Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr P W Candy against an enforcement notice issued by North Wiltshire District Council.
- The Council's reference is 05/00130/ENF(B).
- The notice was issued on 13 June 2005.
- The breach of planning control as alleged in the notice is the unauthorised erection of a building shown on the plan attached to the notice.
- The requirements of the notice are:

- e) Demolish the building shown on the plan and any foundations, floors and sub-bases to a depth of 0.5metre below ground level or their total depth if less.
- f) Remove all the materials and debris resulting from the required demolition.
- g) Restore the land levels over the whole of the site to natural contours consistent with the levels of the adjoining land with clean topsoil free of any stones measuring in excess of 150mm in any direction to a depth of at least 200mm.
- 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.

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**Enforcement Appeal C: Ref: APP/J3910/C/05/2003134**  
**Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr P W Candy against an enforcement notice issued by North Wiltshire District Council.
- The Council's reference is 05/00130/ENF(C).
- The notice was issued on 13 June 2005.
- The breach of planning control as alleged in the notice is the unauthorised material change of use of the land from the keeping of horses to residential use.
- The requirements of the notice are:
  - a) Cease using the land for residential purposes.
  - b) Remove all domestic accoutrements, equipment, Chattels and other such paraphernalia from the land.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) 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.

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**Planning Appeal A: Ref: APP/J3910/A/05/1180006**  
**Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN.**

- 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 & Mrs P W Candy against the decision of North Wiltshire District Council.
- The application Ref 05/00165/FUL, dated 10 January 2005, was refused by notice dated 30 March 2005.
- The development proposed is retention of dwelling and residential annex amending planning permission 03/01835/COU following demolition and reconstruction of former stables.

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

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**Planning Appeal B: Ref: APP/J3910/A/05/1180003**  
**Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to
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grant planning permission.

- The appeal is made by Mr & Mrs P W Candy against the decision of North Wiltshire District Council.
- The application Ref 04/01184/FUL, dated 13 April 2004, was refused by notice dated 30 March 2005.
- The development proposed is retention of stables with hay store and tack room [resubmission of planning application 03/02860/FUL].

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

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**Planning Appeal C: Ref: APP/J3910/A/05/1180005**

**Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN.**

- 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 & Mrs P W Candy against the decision of North Wiltshire District Council.
- The application Ref 04/02077/S73A, dated 13 July 2004, was refused by notice dated 30 March 2005.
- The development proposed is retention of building for use as a workshop and store ancillary to dwelling and stables.

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

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**Background**

1. In 2003 an appeal hearing was held by my colleague, Mr Woolcock. The development then considered was conversion of stables to a dwelling and garaging and erection of a stable block. Mr Woolcock dismissed the appeal in his decision dated 23 June 2003. After that decision was issued, and relying upon its terms, planning applications were made for the developments that are now the subject of the planning appeals before me. The proposed new, and now built, stable building was moved closer to the previous stables that are now in residential use and known as "Bubbas Barn".
  2. Planning permission was granted by the District Council for conversion of the old stable buildings on 22 August 2003 subject to a number of conditions many of which required details to be submitted to, and approved by, the District Council before development commenced. However, development of the residential accommodation commenced without those conditions being satisfied. In addition, the main walls of Bubbas Barn needed to be rebuilt for safety reasons and the building was extended. This resulted in a new building 24.0m long and 6.6m wide and with a slightly raised ridge height whereas permission had been granted for a building 20.3m long and 4.6m wide. The distance across the courtyard to the annex building had also decreased from about 10.0m to 9.0m.
  3. The applications for the new dwelling, for the new stables with hay store and tack room, and for the workshop and store, fell foul of the Council because of its concern over the construction of a new dwelling, larger than that permitted, without planning permission and because of a failure to tie the use of the new stables and other buildings to occupation of the dwelling through a Planning Obligation.
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### Enforcement Appeal A Ground (c)

4. The undisputed evidence at the inquiry was that the metal container rests on the ground; it was moved from time to time by towing it using a tractor or JCB; and that it contained materials and equipment used on the land for maintenance, or relating to the use of the land from time to time. No engineering operations seem to have taken place involving the container. In the circumstances I find that the use of the metal container does not constitute a breach of planning control. Accordingly the appeal succeeds on ground (c) in respect of the container and I will delete this use from the allegation.

### The Planning Appeals and Enforcement Appeals Ground (a)

#### *Retention of the Dwellinghouse ("Bubbas Barn") and Annex*

5. *The Dwellinghouse.* The crucial objection to the dwellinghouse is one of policy. It is common ground that the dwellinghouse is a new dwelling since the walls and roof needed to be rebuilt. Policy RH13 (Residential Replacements) does not apply because the building was not a dwellinghouse before it was replaced. Although Policy RH12 (Residential Conversions) applied to the stables when the building was the subject of the planning appeal and the subsequent grant of planning permission in 2003, that policy does not apply now to the new dwelling because the stables building was demolished and so the new construction was not a conversion. The stables building has not been adapted and re-used. On the other hand RH12 does apply to the Annex building.
6. Mr and Mrs Candy strongly advocate compliance of the dwellinghouse with Policy RH10 (Housing Outside the Framework Boundaries) but I do not agree. I do not believe that this policy applies to this development because Quemerford Gate seems to be outside the framework boundaries of Cherhill and I do not recognise it as being on the edge of Cherhill, or satisfying the definition of a very small settlement. The new dwelling effectively extends built development into the open countryside on the north side of the group of buildings, most of which have been converted from agricultural use, so consolidating a fragmented pattern of settlement. There is a distinct gap between Cherhill and Quemerford Gate and Quemerford Gate appears as a small sporadic group of buildings set in open countryside on both sides of the A4. The recreational uses of cricket pitch and angling facilities nearby to not alter my view.
7. As a new dwelling, I find that Policies RH11 (Housing in the Countryside) and RC9 (General Countryside Policy) apply to the replacement for the stables building which is outside the physical limits or framework of a settlement. However, the new dwelling does not comply with any of the four categories of housing required for compliance with RH11, even though it is located close to, and in association with, the existing buildings and facilities that are also the subject of these appeals. The dwelling is not required to support agriculture or forestry. It is not a conversion or replacement under policies RH12 and RH13. It is not an Affordable Dwelling as described in policy RH21.
8. The new dwelling does not comply with policy RC9 because it is not an agricultural building requiring planning permission and neither is it development appropriate in "the countryside". As a result of these conflicts the new dwelling does not accord with the Development Plan. In normal circumstances this conflict would make the dwelling unacceptable. However, in this case I believe that there are exceptional reasons why the dwelling should be granted planning permission contrary to the policies.

9. The old stable building, converted from a cattle byre, did not appear to my colleague, or, it seems, to the District Council, to be structurally unsound during the appeal in 2002/3. The conversion did not appear to my colleague to involve extensive alterations although the District Council submitted in its statement that the proposal could not amount to a conversion because much of the external facing materials would need to be removed and replaced. The Council submitted that the building was of poor quality and that the rebuilding work was inevitable but my colleague did not feel that this was fatal to a conversion. Thus, the Council lost the argument about the feasibility of conversion at the hearing in 2003 based upon the evidence submitted at that time, which does not appear to have been extensive or detailed. In the light of subsequent events I am not clear why, if the Council had these serious reservations about the conversion, and it had experience of other similar conversions, it did not seek better evidence, for example the advice of its Building Regulations experts, or asking the applicant to provide a structural survey, when the planning application for conversion was made [No.03/01835/COU dated 3 July 2003]. The application makes no reference to structural works to walls. In my experience a structural report is not an uncommon requirement for the conversion of agricultural buildings when the feasibility of conversion is in doubt. In any event no structural report was required or submitted in this instance.
10. My concern over the Council's approach to the development of the building as a conversion is reinforced by the Report to Committee of 30 March 2005 giving the reason for the inability to convert the original building as an absence of adequate foundations. The report also speculates that my colleague's decision might have been different had he appreciated that the building would need to be demolished and built as new. I entirely agree with this last point, but the interesting feature is that the reason for the rebuilding in the report differs from that submitted by the Council in its statement for the previous appeal hearing (replacing facing materials) and the reason given at my inquiry (weak walls and the impracticability of under-pinning).
11. From my inquiry it is clear that the building was open on one side requiring a new wall along its length on one side in any event. This was not a substantial agricultural building. It was similar to other less substantial buildings in the farm complex converted previously that had required strengthening of walls. I have in mind specifically the building now known as "Cricketer's Rest" which required under-pinning. In the case of "Bubbas Barn" it was the Council's building surveyor, not Mr and Mrs Candy or their architect, who reportedly required the walls to be rebuilt. This decision seems to have been made by the Council's Building Regulations team, albeit at a very early stage in the works, when Mr and Mrs Candy were trying to implement the conversion.
12. Given their experience of building, I feel that Mr and Mrs Candy were negligent in failing to go back to the Council's Planning Department to seek advice about the new situation from the Council. I find it very surprising that they did not consult with their Planning Consultant, or their Architect at this point. They also failed to obtain approval for conditions precedent attached to the permission. Nevertheless, the Council is prepared to concede that Mr and Mrs Candy were not dishonest. I find it important that Mr and Mrs Candy do not appear to have set about the approved conversion with the intention of building a new dwelling but of underpinning to strengthen the walls as per the drawings for Building Regulations approval.

13. The fact is that the Council granted planning permission for conversion of a building about which it had serious reservations and in fact was unsound, without obtaining a structural report that should have revealed the shortcoming in the original main wall. Although it is easy to be wise in hindsight, I believe that the conversion proposal should have been appraised more critically by the Council before granting planning permission. It seems implicit in the Council granting planning permission under planning policies that are specific for conversions that it considers the building to be suitable for what is permitted. It was then one of the Council's officers, albeit from the Building Regulations Department, that required the rebuilding operation alongside the original wall and so enlarging the building and making it no longer a conversion as permitted. The new building was then constructed under the continuing regulatory supervision of the Council's Building Regulation Department. Looking at the history of events to my mind, if fault is to be found, there was fault on the Council's side as well as on Mr and Mrs Candy's side, and this is an important aspect of the matter.
14. There are other factors that bear upon my final conclusion. The first is the size of the new building which is larger than the permitted conversion. This is due to the foundations for the new wall being built outside the original wall while it remained in place and to an extension to the length of the building. Because these alterations are relatively small; because the building identifies reasonably closely with the permitted conversion; and because the rebuilt wall was constructed as close as possible to the original, I do not regard the enlargement as being fatal to the scheme.
15. The second factor is the impact of the dwelling. Because it is modest in size, is a single storey, and is constructed close to other buildings in the group, its impact on character and appearance is relatively low.
16. The third factor is one of sustainability. Quemerford Gate is not a very sustainable location because it is some distance to comprehensive facilities at Calne. It is separated from the day to day requirements of daily life and is not linked by good public transport. Walking distances are longer than the ideal to all facilities other than a bus stop. Quemerford to the west has some shops. Cherhill is closest to the east with a junior school, public house, village hall and church. Cherhill is linked to the appeal site by public footpaths, including a path alongside the A4. The A4 runs close by Quemerford Gate and Cherhill and through Calne and Quemerford. The "wiggly bus" provides public transport to these settlements, albeit on a pre-booking basis but is not very frequent. Cycling facilities are moderate. Labour in Vain Hill could discourage many wishing to cycle east and the speed and density of traffic on the A4 creates an unpleasant cycling environment. Thus, for new building, the appeal site is not viewed favourably in terms of sustainability.
17. On the other hand the level of sustainability is not such as to justify refusing permission for conversion of the old stables building. The policies, as a balance, also regard the level of sustainability to be acceptable within the framework boundary of Cherhill despite the lack of facilities. This leads me to the conclusion that the level of sustainability for the appeal site, while less than satisfactory, is not so bad as to warrant refusing permission for the newly built dwelling in the particular circumstances of these appeals.
18. The need for tight control of development in the countryside is embodied in national and local policies and so is the clear context for assessing the merits of this development. The Council is right to be seriously concerned about construction of a new dwelling in this



location. However, I do not believe that this control should be exercised so tightly, and so inequitably, that the permission granted to create the dwelling in decision no.03/01835/COU dated 22 August 2003 should be effectively taken away, and demolition of a completed and occupied dwelling required, when the permission seems to have been granted without effective scrutiny; when the development seems to have been commenced in good faith; when the building's reconstruction has stemmed from the decision, requirement, or recommendation of a member of the Council's staff; and when construction was then allowed by the Council to continue to the building's substantial completion and subsequent occupation apparently without intervention. In this instance I find this combination of factors to amount to material considerations that justify overriding the Development Plan, even though it may be that the failure to comply with the conditions precedent negated the permission for conversion in any event and Mr and Mrs Candy have taken a huge risk by proceeding with the development after discovering that all new walls would be required.

19. *The Annex Building* was constructed over 4 years before issue of the enforcement notices and so its lawfulness, as a building, was not at issue at the inquiry. It was a stable forming part of the stables complex with the old stables building since demolished and rebuilt as a dwelling ("Bubbas Barn"). In planning permission no.03/01835/COU dated 22 August 2003, the building was designed to be a garage, a laundry, a wc and a study/studio to complement the main dwelling and was permitted on that basis. The internal layout of the building is now shown on plans 21B and 22A. The building is located between "Bubbas Barn" and Quemerford Cottage and forms an infilling form of development. Given my conclusion on "Bubbas Barn", and the Unilateral Undertaking dated 18 January 2006 tying the occupation of this building to "Bubbas Barn" as a single dwelling unit, I find its conversion to residential use linked to the parent dwelling accords with Local Plan policy RH12 and to be acceptable for that reason. As my colleague found, it does not harm the setting of Quemerford Cottage, a listed building.

#### *Retention of the Stables and Workshop*

20. The Council concedes that, if the dwelling "Bubbas Barn" is permitted, and given the terms of the Unilateral Undertaking linking the use of the stables, hay store and tack room and the workshop and store to occupation and use of "Bubbas Barn", then the Stables and Workshop are acceptable. Given the same context I find these developments to accord with Local Plan policy RLF13 and so I agree with the Council but subject to conditions identified below.

#### *Conditions*

21. A number of conditions are proposed if planning permission is granted for "Bubbas Barn" and other development. If planning permissions are granted the Unilateral Undertaking dated 18 January 2006 comes into effect.
22. *"Bubbas Barn" and Annex.* Because the Unilateral Undertaking ensures that the use of the Annex remains ancillary to "Bubbas Barn", and is more effective for that purpose, I see no need for a condition to that effect. The agreement prevents proliferation of independent residential uses in this countryside location and protects the level of privacy in both buildings and the land between them.

23. Conditions excluding permitted development rights would limit the intensification of residential development in this rural location which has already been expanded from the original stable building. However, I see no reason to exclude the right to construct storage for domestic heating oil. Protection of the present landscaping would reduce the visual intrusion of all the new buildings in the landscape.
24. *Retention of the Stables and Workshop.* Again, it is necessary to protect the character of this countryside location by limiting expansion of buildings, vehicles and other ancillary activity or development and by tying the use of the stables and workshop to occupation of the dwelling. The Unilateral Undertaking achieves the latter. In addition, it is necessary to ensure that storage and disposal of manure and storage of contaminated water are satisfactorily regulated given the proximity of residential uses.

### Conclusions

25. For the reasons given above and having regard to all other matters raised, I conclude that the enforcement appeals should succeed on ground (a) and that planning permission should be granted for all the appeals. The enforcement appeals on grounds (f) and (g) do not therefore need to be considered.

### Formal Decision

#### *Enforcement Appeal A: Ref: APP/J3910/C/05/2003132 [Stables, Workshop & Store]*

26. I direct that this enforcement notice be corrected by the deletion of the text of Section 3 of the enforcement notice and the substitution of the text as follows: "*Without planning permission, the erection of buildings shown diagrammatically coloured red on the attached plan and engineering works comprising the provision of hard-surfaced areas.*"

Subject to this correction 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 1990 Act as amended, for the development already carried out, namely the erection of buildings shown on the plan attached to the notice, being stables a workshop and store, plus the provision of hard surfaced areas on the land at Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN referred to in the notice, subject to the conditions in Schedule 1 attached to this decision.

#### *Enforcement Appeal B: Ref: APP/J3910/C/05/2003133 [New Dwelling "Bubbas Barn"]*

27. I allow the appeal, and direct that this enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a dwelling, on land at Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN referred to in the notice, subject to the conditions in Schedule 2 attached to this decision.

#### *Enforcement Appeal C: Ref: APP/J3910/C/05/2003134 [Residential Use - Bubbas Barn & Annex]*

28. 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 1990 Act as amended for the development already carried out, namely the change of use of the land and buildings to residential use at Bubbas Barn, Quemerford Gate, Calne, Wiltshire,



SN11 8UN referred to in the notice, subject to the conditions in Schedule 2 attached to this decision.

*Planning Appeal A: Ref: APP/J3910/A/05/1180006 [New Dwelling & Annex]*

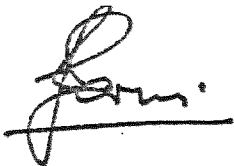
29. I allow the appeal, and grant planning permission for retention of dwelling and residential annex amending planning permission 03/01835/COU following demolition and reconstruction of former stables at Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN in accordance with the terms of the application, Ref 05/00165/FUL, dated 10 January 2005, the plans submitted therewith and drawings 21B and 22A, subject to the conditions in Schedule 2 attached to this decision.

*Planning Appeal B: Ref: APP/J3910/A/05/1180003 [Stables, Hay Store & Tack Room]*

30. I allow the appeal, and grant planning permission for retention of stables with hay store and tack room [resubmission of planning application 03/02860/FUL] at Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN in accordance with the terms of the application, Ref 04/01184/FUL, dated 13 April 2004, and the plans submitted therewith, subject to the conditions in Schedule 1 attached to this decision.

*Planning Appeal C: Ref: APP/J3910/A/05/1180005 [Workshop & Store ancillary to Dwelling & Stables]*

31. I allow the appeal, and grant planning permission for retention of building for use as a workshop and store ancillary to dwelling and stables at Bubbas Barn, Quemerford Gate, Calne, Wiltshire, SN11 8UN in accordance with the terms of the application, Ref 04/02077/S73A, dated 13 July 2004, and the plans submitted therewith, subject to the conditions in Schedule 1 attached to this decision.



Inspector

**Schedule 1**

**Conditions Relating to the Stables and Workshop etc.**

- 1) The buildings hereby permitted shall be used solely for purposes ancillary to the dwelling and stables permitted by this decision and for no other purpose, whether commercial, industrial or otherwise.
- 2) No portable buildings, vehicles or structures, used for shelter, rest or refreshment shall be stationed on the site.
- 3) The stable block hereby permitted shall not be used for the training or schooling of riders or in connection with the operation of a riding school.
- 4) No tree or hedging on the perimeter of the site shall be removed, felled, lopped or topped without the prior written consent of the Local Planning Authority. If, during a period of 5 years commencing with the date of this permission, any tree or shrub on the perimeter of the site shall die, become diseased or be removed it shall be replaced by a tree or shrub of the same species unless an alternative is approved in writing by the Local Planning Authority.
- 5) The buildings hereby permitted shall be demolished to ground level and all equipment and materials brought onto the land for the purposes of the use of the buildings and all materials resulting from the demolition shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
  - i. within 3 months of the date of this decision a scheme for the storage and disposal of manure, together with associated drainage and contaminated water storage shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation.
  - ii. within 11 months of the date of this decision the scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Schedule 2**

**Conditions Relating to the New Dwelling & Annex**

- 1) Notwithstanding the provisions of Classes A, B, C, E and G of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension or alteration to the external appearance of the dwelling hereby permitted or to its ancillary accommodation building [the Annex] or to other buildings shall take place other than those expressly authorised by permissions in this decision.
- 2) No tree or hedging on the perimeter of the site shall be removed, felled, lopped or topped without the prior written consent of the Local Planning Authority. If, during a period of 5 years commencing with the date of this permission, any tree or shrub on the perimeter of the site shall die, become diseased or be removed it shall be replaced by a tree or shrub of the same species unless an alternative is approved in writing by the Local Planning Authority.

## APPEARANCES

FOR MR & MRS P W CANDY:

Mr Michael Bedford                                      Of Counsel. Instructed by Mr Pearce.

He called

Mrs P W Candy                                      Appellant

Mr D R Pearce BSc FRICS      Agent and Planning Consultant

FOR NORTH WILTSHIRE DISTRICT COUNCIL:

Mr Peter Wadsley                                      Of Counsel. Instructed by Mr P Jeremiah, Solicitor,  
Team Leader Legal Services to the Council.

He called

Mr S Chambers BSc MA Director, LPC(Trull) Ltd.  
MRTPI

## DOCUMENTS

Document	GEN1	List of persons present at the inquiry.
Document	GEN2	Notification of the inquiry by the Council.
Document	GEN3A-C	Enforcement notices A, B and C.
Document	GEN4	Statement of Common Ground.
Document	GEN5	Local Plan Framework Boundaries [extract].
Document	GEN6	Listing details for Quemerford Gate Cottage.
Document	GEN7	Plan of buildings at Quemerford Gate.
Document	GEN8	Planning Appeal A drawings LDC.809.001C, 033A, 035A & 036A.
Document	GEN8A	Planning Appeal A drawings 21B & 22A [added at the inquiry].
Document	GEN9	Planning Appeal B drawings LDC.809.001B, 031 & 032, & 04B.
Document	GEN10	Planning Appeal C drawings LDC.809.001C, 033A, & 034.
Document	GEN11	North Wiltshire District Local Plan Proposals Map Sheet 3A.
Document	GEN12	North Wiltshire District Local Plan Proposals Map Sheet 5A.
Document	GEN13	Bundle of written representations.
Document	NWC1	Appendices to Mr Chambers' proof of evidence.
Document	CAN1	Appendices to Mr Pearce's proof of evidence.
Document	CAN2	Photographs produced by Mr Pearce.
Document	CAN3	Appendices to Mrs Candy's proof of evidence.
Document	CAN4	Unilateral Undertaking dated 18 January 2006.