

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 :06/191/ENF

SERVED BY : North Wiltshire District Council (“the Council”)

1. THIS NOTICE is served by the Council, under section 187A of the above Act, because it considers that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the conditions 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 Barretts Yard, Stone Lane, Lydiard Millicent, 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 08/01603/S73A granted on 27.08.2008 described as ‘Variations to Conditions 3, 4, 5 & 7 of 07/2947FUL (Revised)’.

4. THE BREACH OF CONDITION.

The following conditions have not been complied with:

Condition 10 *‘The development hereby approved shall not be brought into use until a properly consolidated and surfaced turning space for commercial vehicles has been provided within the site in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times’*

Reason: In the interests of Highway safety.

Condition 11 *‘Before the development hereby approved is brought into use, the access shall be amended in accordance with details which shall have been submitted to and*

approved by the Local Planning Authority. Details shall include the provision of a fence, hedge or other type of barrier alongside the road, except where access is to be gained'.
Reason : In the interests of Highway safety and amenity of the area.

Condition 13 *'Within six months of the date of this permission all mobile structures and vehicles used on the site for temporary storage shall be removed'.*

Reason: In the interests of the amenity of the area and as planning permission has been granted for replacement storage buildings.

Condition 14 *'Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:*

(1) The means of surface water disposal;

(2) The means of foul sewage disposal.

The development shall be carried out in accordance with the details so approved'.

Reason: To prevent ground water pollution.

5. WHAT YOU ARE REQUIRED TO DO

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

- 1) Construct from a compacted hardcore base a turning space for commercial vehicles in the area in accordance with the enclosed plan, ref: LPC.2031.01
- 2) Form the access to the site in accordance with the enclosed plan, ref:LPC.2031.01. Such access to include a fence, customer parking area and landscaped area as shown on the aforesaid plan.
- 3) Remove all mobile structures and vehicles used on the site for temporary storage.
- 4) Provide details of the means of surface water disposal for the approval of the Local Planning Authority.

6. PERIOD FOR COMPLIANCE

2 months from the date of this Notice

Dated : 24th March 2009

Signed : 
the Council's Authorised Officer.

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

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 Tony Phillips, Planning Services, North Wiltshire District Council, Council Offices, Monkton Park, Chippenham, Wiltshire. SN15 1ER. Tel : 01249-706627

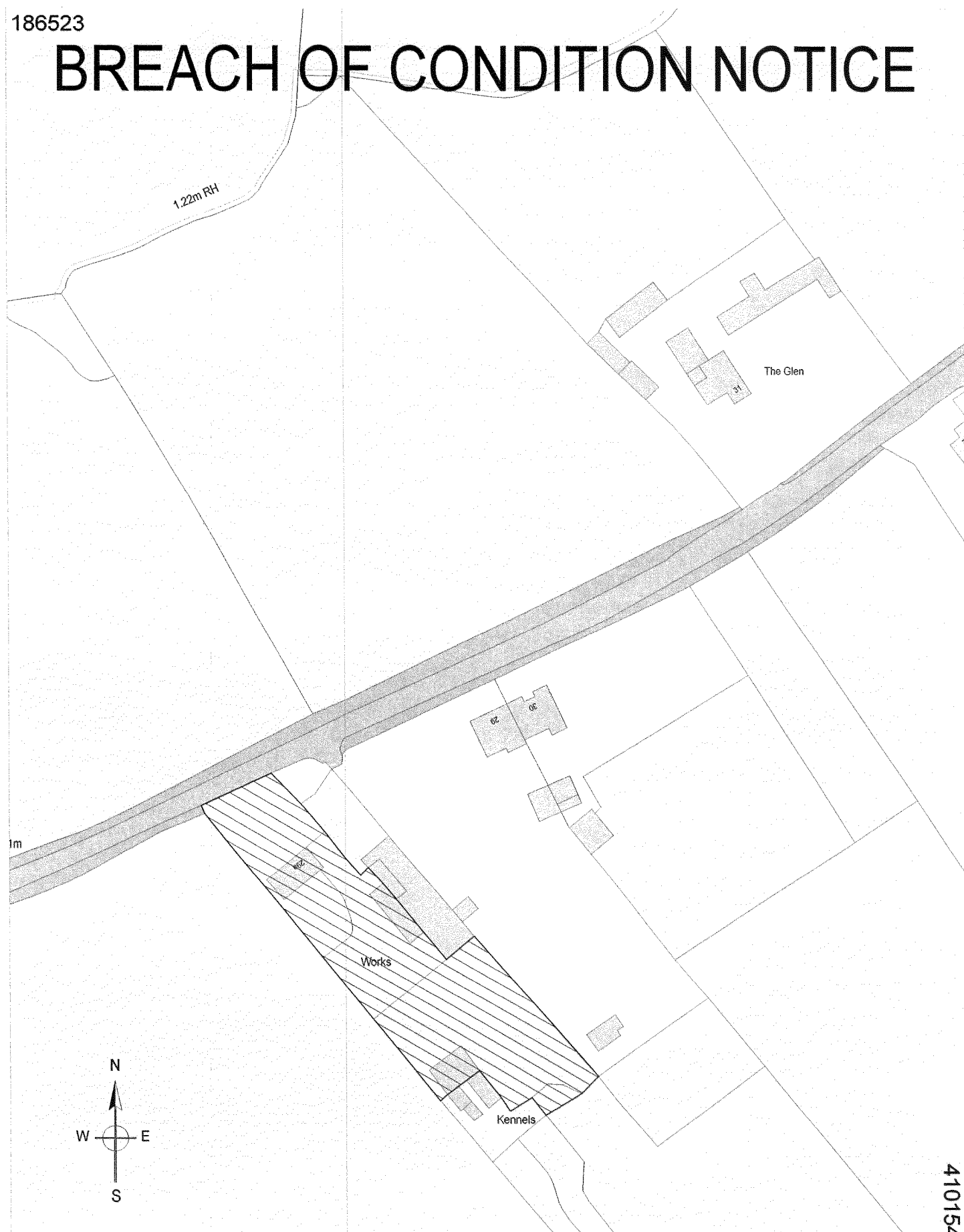
If you need independent advice about this Notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

[END]

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BREACH OF CONDITION NOTICE



410154

*North
Wiltshire
District
Council*

Barretts Yard, Stone Lane, Lydiard Millicant, Wiltshire

SCALE: 1:1250

06/0191/ENF

Grid Ref: SU 1001 8630

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NORTH WILTSHIRE DISTRICT COUNCIL - 100017933 2009

Application Reference Number 08/01603/S73A

**NOTIFICATION OF PLANNING
PERMISSION**

*North
Wiltshire
District
Council*

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

Brief Details of Application in the Parish of: Lydiard Millicent

Applicant

Messrs R & J Barrett
LPC (Trull) Ltd
Trull
Tetbury
Gloucestershire
GL8 8SQ

Agent

Simon Chambers
LPC (Trull) Ltd
Trull
Tetbury
Gloucestershire
GL8 8SQ

Location

Barretts Yard, Stone Lane, Lydiard Millicent,
Swindon, Wiltshire SN5 3LD

Proposal

Variations to Conditions 3, 4, 5 & 7 of 07/2947FUL
(Revised)

Registration Date: 02 July 2008

Permission Granted: 27 August, 2008

PERMISSION GRANTED FOR THE FOLLOWING REASON:

The proposed variation of conditions 3, 4, 5 and 7 would not be detrimental to the character and appearance of the countryside at this location nor the residential amenity of adjacent residents by reason of noise and nuisance. The proposal accords with Policies C3 and NE18 of the North Wiltshire Local Plan 2011.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

- 3 No machinery shall be operated, no industrial process shall be carried out site before 08:00 hours on weekdays and Saturdays nor after 18:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank or Public Holidays. There shall be no deliveries received or goods despatched from the site before 08:00 hours on weekdays and Saturdays nor after 17:30 hours on weekdays and Saturdays, nor before 10:00 hours and after 16:00 hours on Sundays, Bank or Public Holidays.

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

- 4 There shall be no customers on the premises to which this application relates before 08:00 hours on weekdays and 08:00hours on Saturdays nor after 18:00hours on weekdays and Saturdays, nor before 10:00 hours or after 16:00 hours on Sundays, Bank or Public Holidays.

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

- 5 No loose aggregates or other raw materials shall be stored outside the buildings on the application site other than in the aggregate storage bays as shown on the annotated ariel photograph submitted to the Council on 5 February 2008.

Reason: In the interests of amenity.

- 6 There shall be no sales from the application site other than items produced at the site or aggregates.

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

- 7 The open fronted store permitted on the northern boundary as shown on the annotated ariel photograph submitted to the Council on 5 February 2008 and drawing number LPC.2031.02 received on 5 November 2007, shall be used solely for the storage of cement and other bagged aggregates and no other use.

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

- 8 The workshop building hereby permitted on the southern boundary as shown on the annotated ariel photograph submitted to the Council on 5 February 2008 and drawing number LPC.2031.02 received on 5 November 2007, shall be used solely for the preparation and drying of concrete slabs and garden ornaments and no other use.

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

- 9 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

- 10 The development hereby approved shall not be brought into use until a properly consolidated and surfaced turning space for commercial vehicles has been provided within the site in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

Reason: In the interests of Highway safety.

- 11 Before the development hereby approved is brought into use, the access shall be amended in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Details shall include the provision of a fence, hedge or other type of barrier alongside the road, except where access is to be gained.

Reason : In the interests of Highway safety and amenity of the area.

- 12 Within three months of the date of this permission the use of the land edged blue adjacent the application site shall be cleared of all structures and earthworks and restored to its previous condition.

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

- 13 Within six months of the date of this permission all mobile structures and vehicles used on the site for temporary storage shall be removed.

Reason: In the interests of the amenity of the area and as planning permission has been granted for replacement storage buildings.

- 14 Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) The means of surface water disposal;
- (2) The means of foul sewage disposal.

The development shall be carried out in accordance with the details so approved.

Reason: To prevent ground water pollution.

- 15 The level of noise emitted from the site shall not exceed 45dB LAeq 1hour as measured on the north eastern boundary.

Reason: In the interests of residential amenity.

INFORMATIVES:

1. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, NE18

2. The applicant should be aware that notwithstanding this decision should the council be satisfied that a statutory nuisance is occurring as a result of activity on this site an abatement notice could be served.

C. H. Perceval

Development Control Manager

Dated: 27 August, 2008

NORTH WILTSHIRE DISTRICT COUNCIL
Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

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 within 3 years from the date of the outline planning permission and further the development to which the permission relates must be begun either 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 3 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.

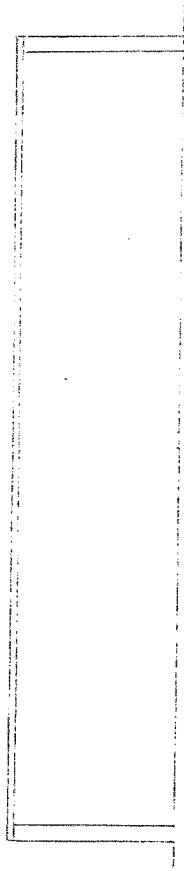
(It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

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 six months of the date of this decision. (Appeals must be made on a form which is obtainable from the Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. 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.

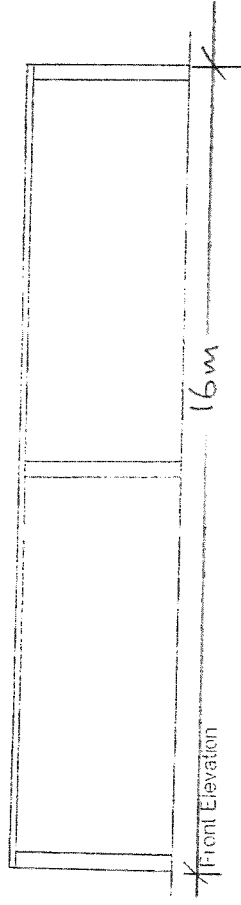
If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

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.

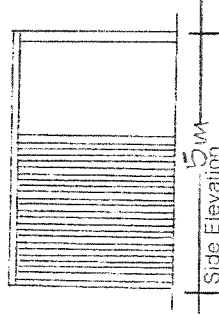
Proposed Open Fronted Storage Building



Rear Elevation



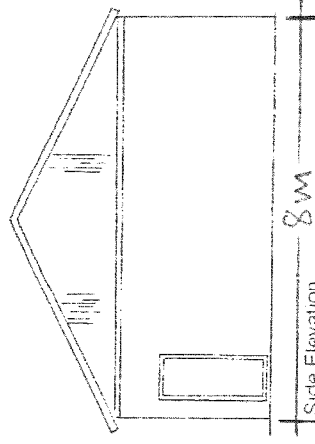
Front Elevation



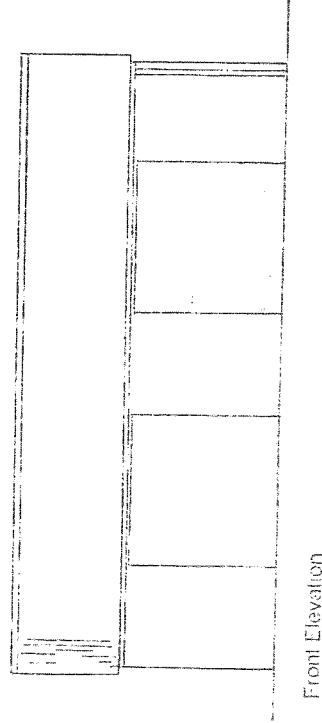
Side Elevation

07/02947

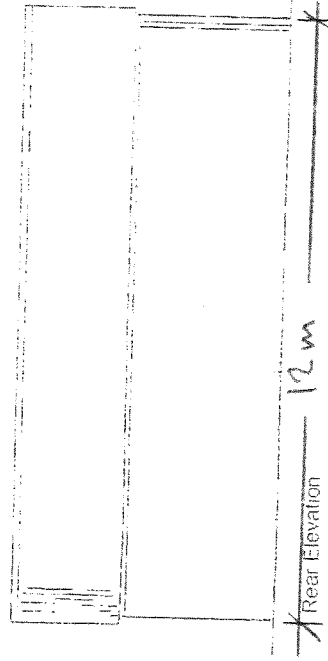
Proposed Concrete Preparation Building



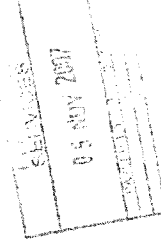
Side Elevation



Front Elevation

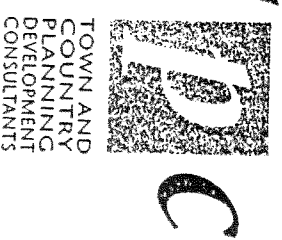


Rear Elevation



Drawing No. - LPC.2031.02

Scale 1:100
Not to Scale



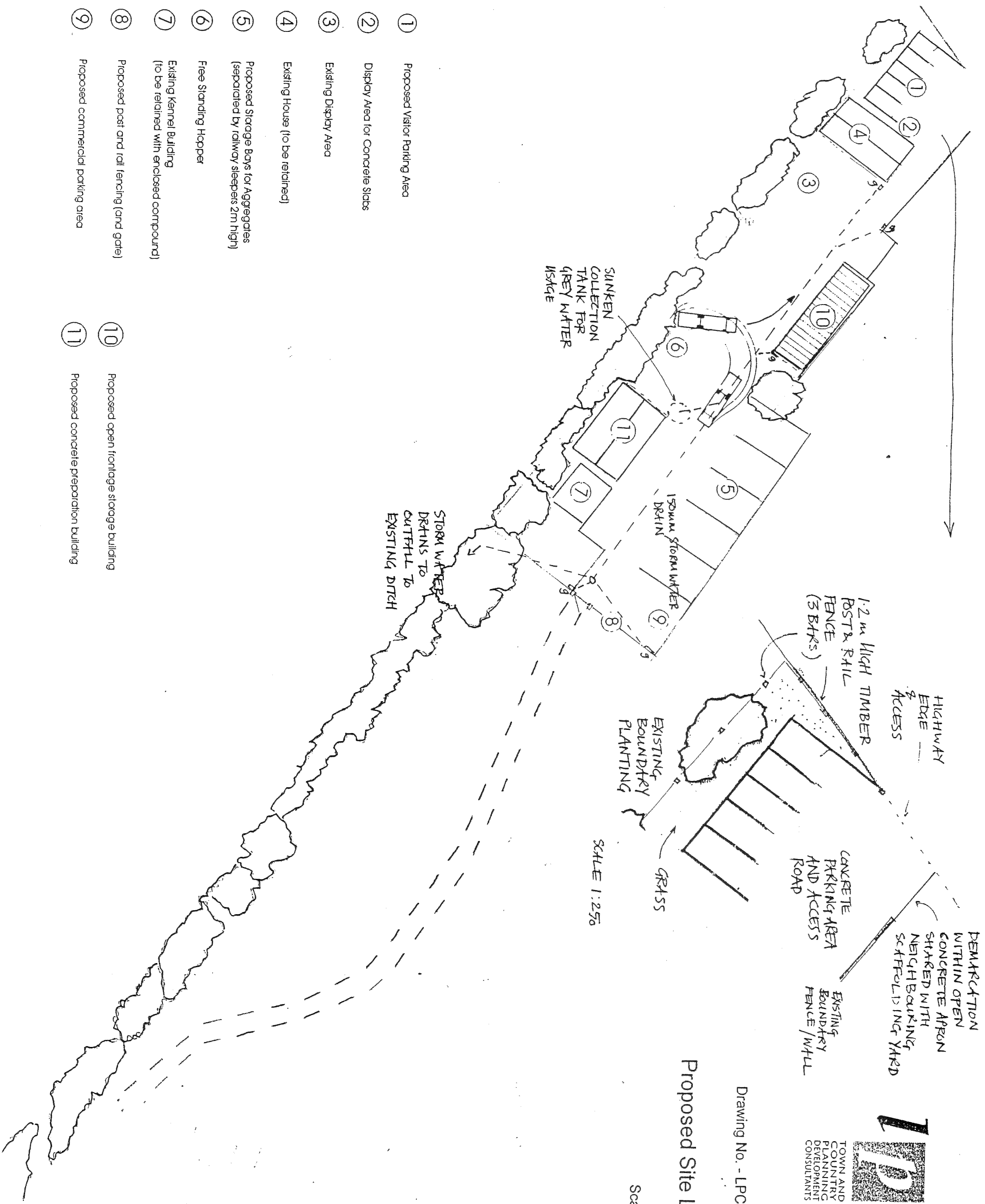
TOWN AND
COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS

Drawing No. - LPC.2031.01
A

Scale 1:500

Proposed Site Layout

SCALE 1:250



- ① Proposed Visitor Parking Area
- ② Display Area for Concrete Slabs
- ③ Existing Display Area
- ④ Existing House (to be retained)
- ⑤ Proposed Storage Bays for Aggregates (separated by railway sleepers 2m high)
- ⑥ Free Standing Hopper
- ⑦ Existing Kennel Building (to be retained with enclosed compound)
- ⑧ Proposed post and rail fencing (and gate)
- ⑨ Proposed commercial parking area

- ⑩ Proposed open frontage storage building
- ⑪ Proposed concrete preparation building