

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990

[As amended by the Planning & Compensation Act 1991]

ENFORCEMENT NOTICE

SERVED BY: Wiltshire Council ('the 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 THIS NOTICE RELATES**

Land at Box House, Bath Road, Box, Nr Corsham, Wiltshire, SN13 8AA, (The Land), shown outlined with a red line on the plan attached to this Notice.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission:

- i) The erection of a building, parking area and associated retaining walls, which for identification purposes only, can be seen in the attached photograph titled AM1, with its approximate position marked on Plan AM1A.
- ii) The erection of a double garage and underground store, associated parking area and retaining walls, which for identification purposes only, can be seen in the attached photograph titled AM2 with its approximate position marked on plan number AM1A.

4. **REASONS FOR ISSUING THIS NOTICE**

1. On 6 May 2008 the Council issued an enforcement notice ("the 2008 Notice") under S171A (1) of the Act for the breach of planning control as set out in paragraph 3 of this notice.
2. The 2008 Notice was not served on The Company Secretary, Box House (Services) Limited as owner of the Land.
3. On 19 May 2009 the 2008 Notice was upheld on appeal by the Planning Inspectorate.

4. The 2008 Notice has not been complied with.
5. The Council are therefore issuing this notice in accordance with section 171B (4) (b) of the Act by way of taking further enforcement action within 4 years of the date of issue of the 2008 Notice, for the breach specified in the 2008 Notice.
6. The development is situated within the open countryside and Western Wiltshire Green Belt and is inappropriate development contrary to well established planning policy at the local and national level, particularly Policies NE1 of the adopted North Wiltshire Local Plan 2011 and national planning policy contained within Part 9, paragraphs 87-89 of the National Planning Policy Framework.
7. Due to its scale, massing and obtrusive nature, the development does not conserve or enhance the Area of Outstanding Natural Beauty and there are no special circumstances which indicate that permission should be granted. As such it is contrary to Policy NE4 of the North Wiltshire Local Plan 2011 and Policy C8 of the Wiltshire and Swindon Structure Plan 2016.

5. WHAT YOU ARE REQUIRED TO DO

- a) Demolish/dismantle and remove from the land the building, parking area and associated retaining walls; and the double garage and underground store, together with its associated parking area and retaining walls, which have been erected, together with all associated foundations.
- b) Restore the area of the Land on which the requirement of 5a of this Notice has been carried out to a height and contour level with the natural contours of the adjoining land by the importation, if necessary, of soil as appropriate.
- c) Remove from the land all materials and debris resulting from the requirements of 5a-5b of this Notice.

6. TIME FOR COMPLIANCE

Steps 5 (a)-(c) above: six months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect 22nd May 2012 unless an appeal is made against it beforehand.

Dated : 10th April 2012

Signed :



Stephen Hawkins
Wiltshire Council,
Planning Services,
Monkton Park,
Chippenham,
Wilts,
SN15 1ER

Authorised Officer on behalf of Wiltshire Council

A copy of this Enforcement Notice has been served on:

Mr Charles Tull,
Box House,
Bath Road,
Box,
Corsham,
Wiltshire,
SN13 8AA

The Company Secretary,
Box House (Services) Ltd,
Bath Road,
Box,
Corsham,
Wiltshire,
SN13 8AA

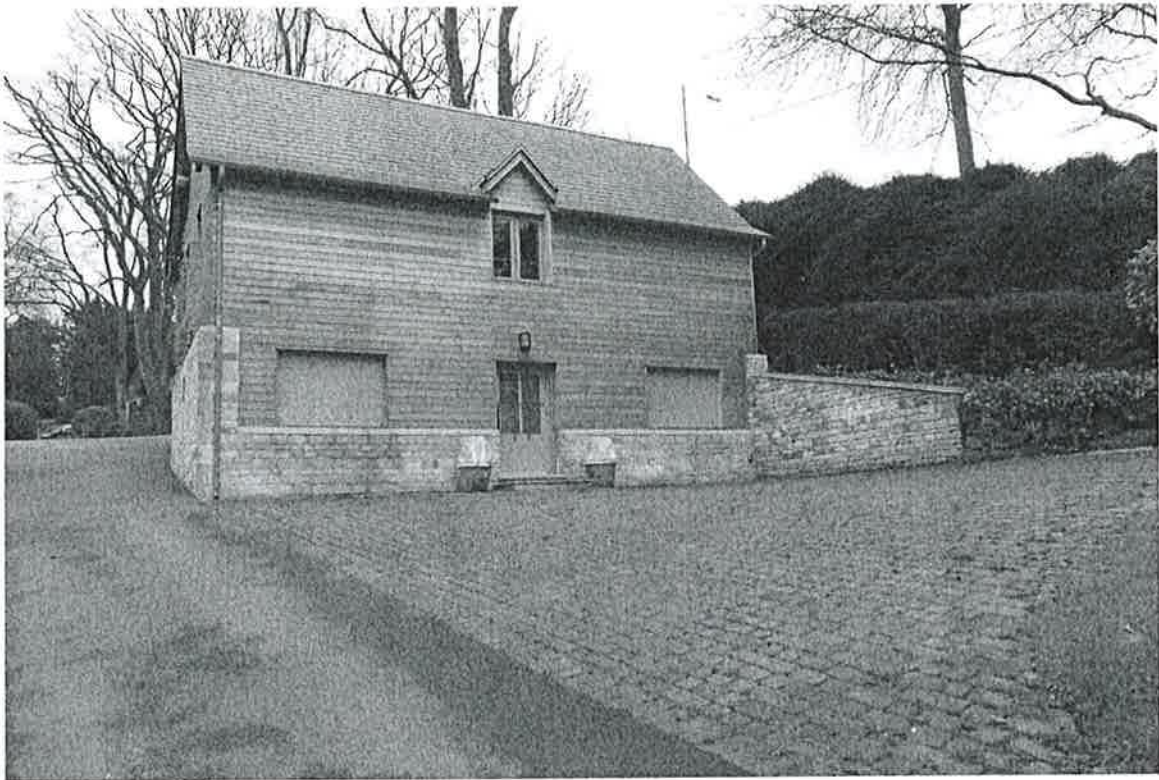
Ms S Dolman,
Barrack Farm Cottage,
Coulston,
Westbury,
Wiltshire,
BA13 4NY

Mrs Enid Tull,
7 Kersey Road,
Flushing,
Falmouth,
Cornwall,
TR11 5TR

The Company Secretary,
Svenska Handelsbanken AB (PUBL),
3 Thomas More Square,
London,
EW1 1WY

The Occupier
The building identified in photograph AM1,
Bath Road,
Box,
Corsham,
Wiltshire,
SN13 8AA

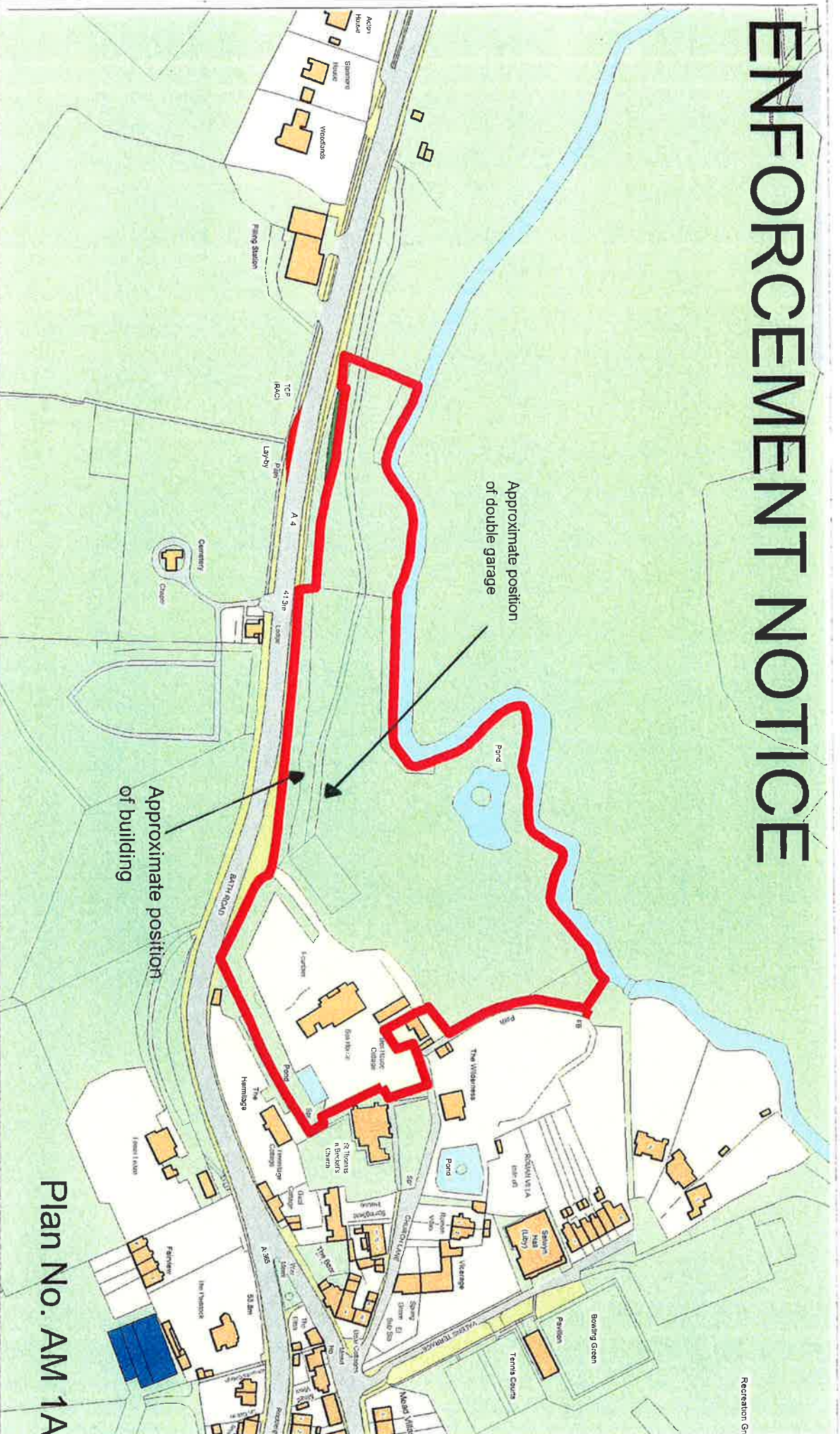
Photograph AM1 - building



Photograph AM2 – double garage



Recreation Gr



Box House, Bath Road, Box, Corsham, SN13 8AA
SCALE: 1:2500

SCALE: 1:2500

Wiltshire Council

Where everybody matters

06/120(D)/ENF. Grid Ref. ST8224 6843

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Plan No. AMIA

ANNEX

THIS IS IMPORTANT

YOUR RIGHT OF APPEAL

You can appeal against this notice to the Planning Inspectorate on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs). An appeal can also be made via a hard copy after getting enforcement appeal forms either by phoning the Planning Portal on 0117 372 6372 or by emailing them at enquiries@pins.gsi.gov.uk. **You MUST make sure that the Planning Inspectorate receive your appeal before the effective date on the enforcement notice.** In exceptional circumstances you may give notice of appeal by fax at 0117-372 8782 or letter sent to The Planning Inspectorate, CST Room 3/05, Temple Quay House, The Square, Temple Quay, Bristol BS1 6PN.

. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

They must receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £670. You should pay half of the fee (£335.00) to Wiltshire Council (The Local Planning Authority) (made payable to Wiltshire Council and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

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.