

**Our Ref:** 07/510/ENF

**Your Ref:**

**Enquiries to:** Anne Murphy

**Date:** 04 March 2009

**Planning Services**  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER  
Tel: 01249 706635  
Fax: 01249 460810  
email: [amurphy@northwilts.gov.uk](mailto:amurphy@northwilts.gov.uk)  
[www.northwilts.gov.uk](http://www.northwilts.gov.uk)

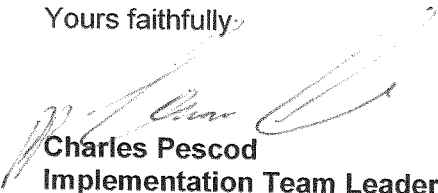
Dear Sir / Madam

**ENFORCEMENT NOTICE AT LAND AT ASHLEY LODGE FARM, ASHLEY, BOX ,  
WILTSHIRE, SN13 8AN**

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

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

To: Mr Jenkins  
Ashley Stud Farm  
Ashley Lane  
Box  
Corsham  
Wiltshire  
SN13 8AN

Mrs Jenkins  
Ashley Stud Farm  
Ashley Lane  
Box  
Corsham  
Wiltshire  
SN13 8AN

Manchester Building  
Society  
PO Box 4255  
Manchester  
M60 3AT



INVESTOR IN PEOPLE

**07/510/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 at Ashley Lodge Farm, Ashley, Box, Wiltshire, shown hatched on the attached plan ("the Land").

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

Without planning permission:

- i) The partial erection after the demolition of two former stable blocks, of a dwelling, which for identification purposes only can be seen in the attached photographs titled AM1 and AM2, with its approximate position marked on plan number AM3.

4. **REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- b) To remedy an injury to amenity
- c) The proposal is situated within the open countryside, Western Wiltshire Green Belt and Cotswold Area of Outstanding Natural Beauty (AONB),

where the principle of isolated new dwellings, unrelated to agriculture or forestry, is unacceptable. Furthermore, due to its scale, massing and obtrusive nature, this new residential development in this location fails to preserve the openness of the Green Belt, nor does it conserve or enhance the AONB. As such the proposal is contrary to well established planning policy at the local and national level, particularly Policies C3, NE1, NE4 and H4 of the adopted North Wiltshire Local Plan 2011 and national planning guidance contained within PPG2, PPS3 and PPS7.

- d) The proposal of a new dwelling which is located remote from services, employment opportunities and not well served by public transport, is contrary to the key aims of PPG13, which seeks to reduce growth in the length and number of motorised journeys, expressed at the local level by Policy C1 of the adopted North Wiltshire Local Plan 2011.
- e) The matters listed in 3 i above, constitute residential development in the countryside contrary to Policy H4 of the North Wiltshire Local Plan 2011 and Policy DP14 of the Wiltshire and Swindon Structure Plan 2016.

## **5. WHAT YOU ARE REQUIRED TO DO**

- a) Demolish / dismantle and remove from the Land, the dwelling which has partially been erected together with its foundations. For identification purposes only this development can be seen in the attached photographs titled AM1 and AM2, with its approximate position marked on plan number AM3.
- b) Restore the areas resulting from the requirements of 5a of this Notice, level with the natural contours of the adjoining land by the importation, if necessary, of soil as appropriate.
- c) Remove all materials and debris resulting from the requirements of 5a -5b of this Notice from the Land.

## **6. TIME FOR COMPLIANCE**

Six months from the date this Notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 15 April 2009 unless an appeal is made against it beforehand.

Dated 4<sup>th</sup> March 2009

Signed :



on behalf of North Wiltshire District Council

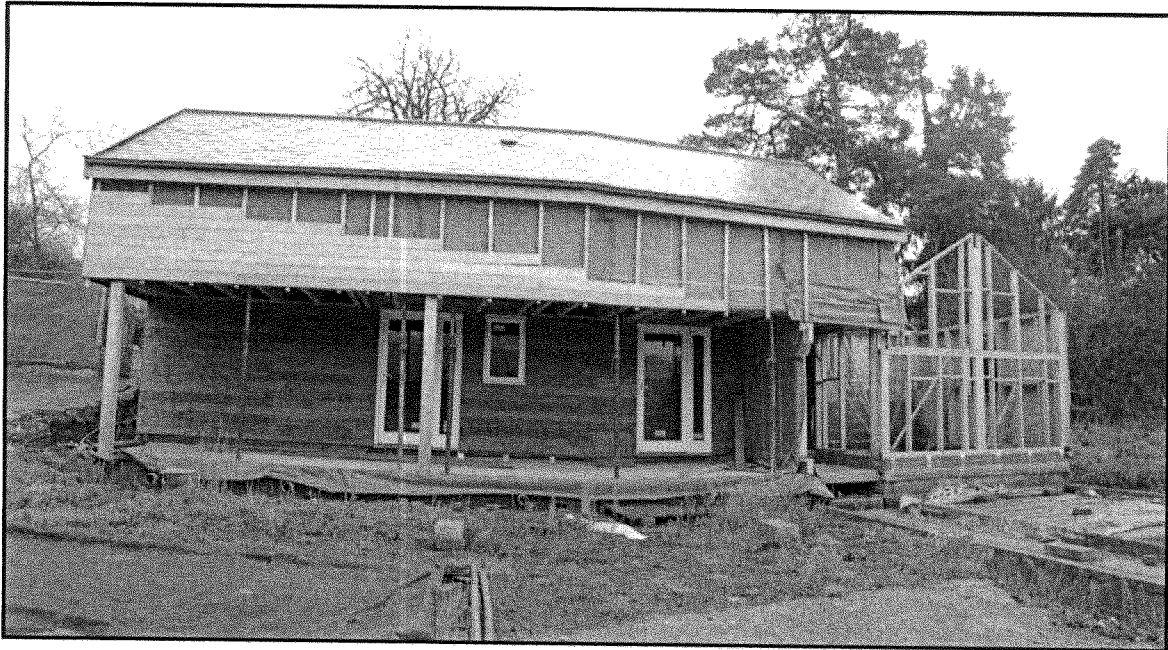
A copy of this Enforcement Notice has been served on:

Mr Jenkins  
Ashley Stud Farm  
Ashley Lane  
Box  
Corsham  
Wiltshire  
SN13 8AN

Mrs Jenkins  
Ashley Stud Farm  
Ashley Lane  
Box  
Corsham  
Wiltshire  
SN13 8AN

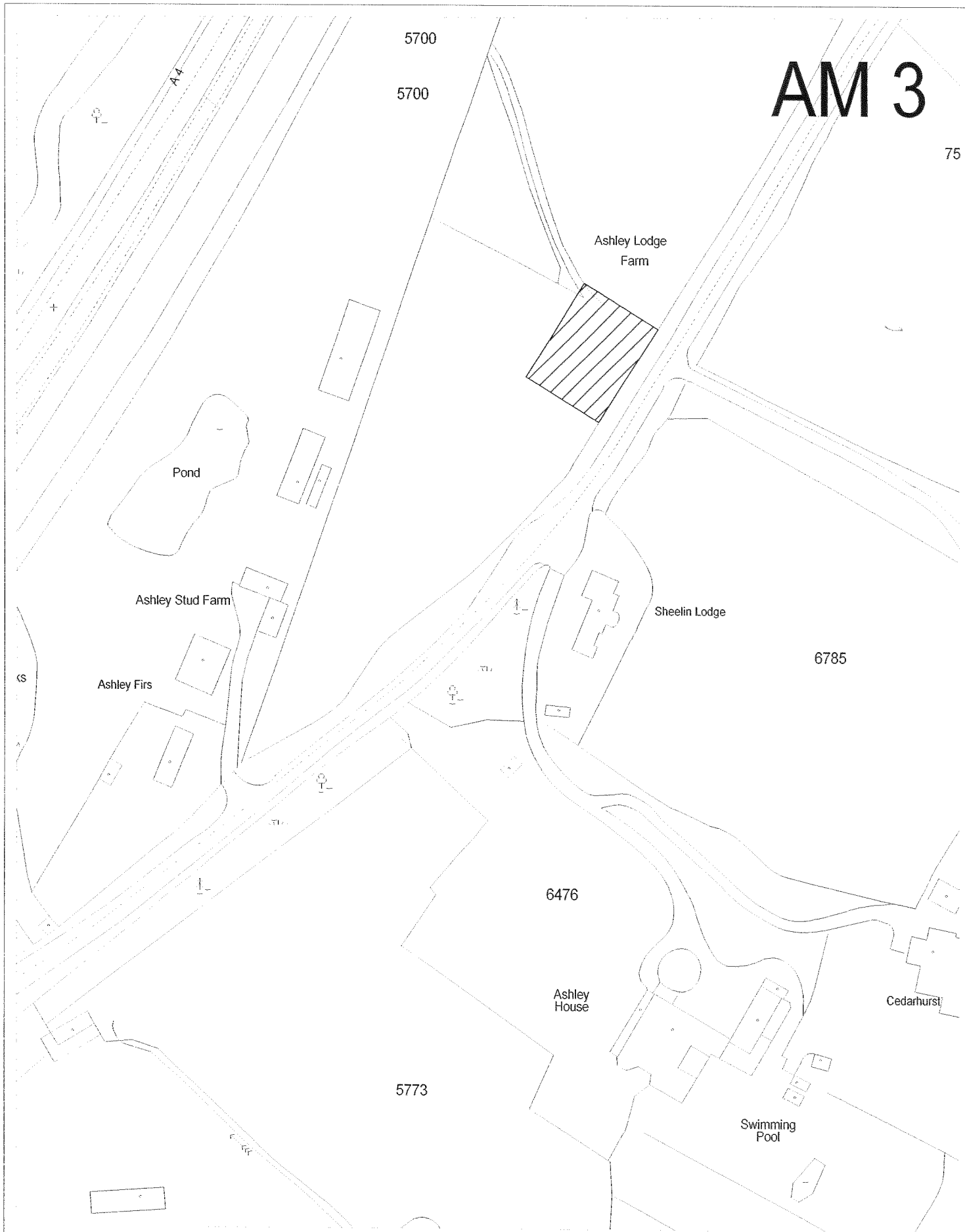
Manchester Building  
Society  
PO Box 4255  
Manchester  
M60 3AT

Photograph AM1. Partial erection of dwelling.



Photograph AM2. Partial erection of dwelling.





*North  
Wiltshire  
District  
Council*

Ashley Lodge Farm, Ashley Lane, Box, Corsham, Wiltshire, SN13 8AN  
SCALE: 1:1250

07/0510/ENF Grid Ref: ST 8061 6792

AM 3

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NORTH WILTSHIRE DISTRICT COUNCIL - 100017933 2009

## 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](http://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](mailto: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 **£335**. You should pay half of the

fee (**£167.50**) to North Wiltshire District Council (The Local Planning Authority) (made payable to North Wiltshire District 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.