

**IMPORTANT**  
**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

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**BREACH OF CONDITION  
NOTICE**

Reference Number :07/412//ENF

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**SERVED BY : Wiltshire Council ("the Council")**

**TO: Mr D Hendry, David Hendry Cars, White Lodge Farm Buildings, Filands,  
Malmesbury, Wiltshire, SN16 9JN**

**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 White Lodge Farm buildings, Filands, Malmesbury, Wiltshire SN16 9JN, shown edged red on the attached plan, (The Land).

**3. THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission reference 06/03236/FUL granted on 15/03/2007 described as: *'Change of Use of Buildings to Garage, Showrooms, Offices, Warehouse and Spare Parts Stores Including Alterations'*  
A copy of the permission is attached to this notice.

# **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, Wiltshire 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]

#### 4. THE BREACH OF CONDITION.

The following condition has not been complied with:

**Condition 11:** *'The materials to be used for the construction of the front boundary wall shall match those of the existing wall in colour, texture and size. The wall shall be built prior to the first occupation of the development hereby permitted and shall be permanently retained thereafter.'*

*Reason: In the interests of visual amenity.*

#### 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 steps:

- 1) Construct a front boundary wall in strict accordance with details as specified on drawing reference RIR/06/27/12 & 13 (copies enclosed) in terms of colour, material, texture and size.

#### 6. PERIOD FOR COMPLIANCE

3 months from the date of this Notice is served on you.

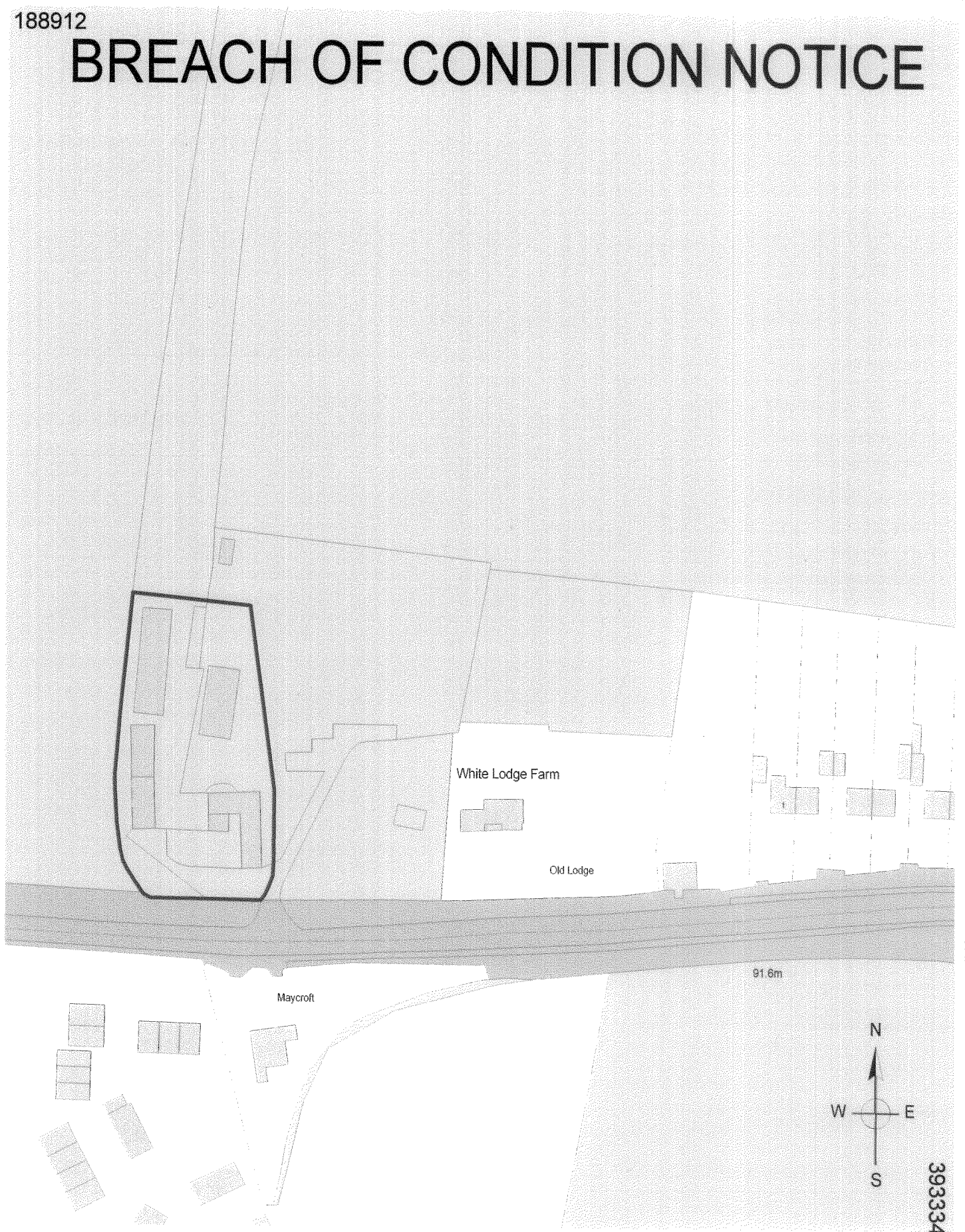
**Dated :** 7 December 2009

**Signed :**   
the Council's Authorised Officer.

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

188912

# BREACH OF CONDITION NOTICE



**Wiltshire Council**  
Where everybody matters

White Lodge Farm Buildings, Filands, Malmesbury, Wiltshire, SN16 9JN  
SCALE: 1:1250

07/412/ENF Grid ref. : ST 9321 8871

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WILTSHIRE COUNCIL- 100023455 2009

**NOTIFICATION OF REFUSAL OF  
PLANNING PERMISSION**

*North  
Wiltshire  
District  
Council*

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

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**Brief Details of Application in the Parish of:** St Paul Malmesbury Without

**Applicant**

Mr D & Mrs J Hendry  
David Hendry Cars  
White Lodge Farm Buildings  
Filands  
Malmesbury  
Wiltshire  
SN16 0BX

**Agent**

Mr R I Rea  
A1 Planning Services Ltd  
Unit B Ingoldmells Court  
Edinburgh Way  
Corsham  
Wiltshire  
SN13 9XN

**Location**

White Lodge Farm Buildings, Filands,  
Malmesbury, Wiltshire, SN16 9JN

**Proposal**

To Amend Condition 11 on Planning Approval  
06/03236/FUL. To Extend The As Built Height of  
The Front Boundary Wall up to 900mm Height  
Above Internal Tarmac Level.

**Application Dated:** 12 December, 2008  
**Permission Refused:** 12 February, 2009

**Registration Date:** 12 December 2008

**REFUSED FOR THE FOLLOWING REASONS:**

- 1 Non compliance with condition 11 of 06/03236/FUL and construction of a 900mm high wall would lead to the resulting development, associated deliveries and, notably, the parking and display of vehicles, being overly visible and prominent in the countryside contrary to policies C3 and NE15 of the North Wiltshire Local Plan 2011.

**INFORMATIVES:**

1. This decision relates to documents/plans submitted with the application, listed below.

Plan Ref Location plan, A1/06/27/18revA, RIR/06/27/10revD, and photographs dated 11<sup>th</sup>  
December 2008.

**Dated:** 12 February, 2009

*C. H. P. ...*



**NORTH WILTSHIRE DISTRICT COUNCIL  
Town and Country Planning Act 1990**

**REFUSAL OF PERMISSION FOR DEVELOPMENT**

1. The Local Planning Authority HEREBY REFUSE TO GRANT PLANNING PERMISSION for the development proposed by the applicant in the application, for the reasons set out in the Schedule forming part of this notice of refusal.
2. "The Local Planning Authority, "the applicant" and "the application" referred to above are those described in the Schedule.

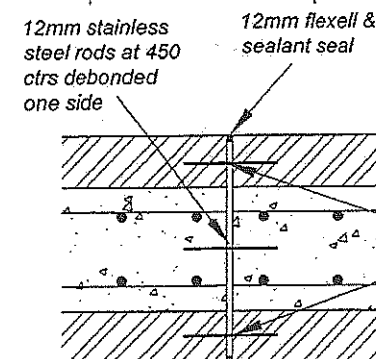
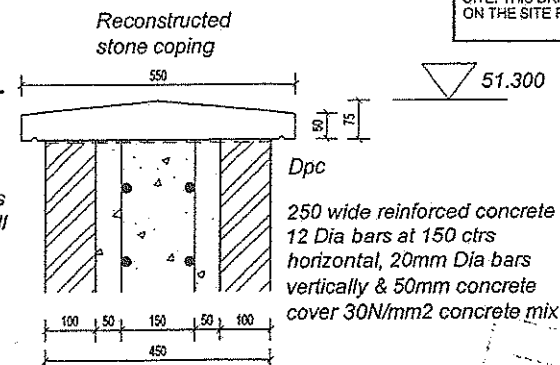
***If the applicant wishes to have any further explanation of the reasons for this decision, it will be given on request and a meeting arranged if necessary.***

**NOTES**

1. **Appeal.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development, 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 decision. **(Appeals must be made on a form which is obtainable from The Customer Support Unit, The Planning Inspectorate, 315 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 0117 372 6372).** The Secretary of State has 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 for the proposed development could not have been granted 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.
2. **Purchase Notice.** If permission to develop land is refused, whether by the local planning authority or by the Secretary of State, 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.
3. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused 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.

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# HEAD OF NEW BOUNDARY WALL DETAIL @1:10



## PLAN OF NEW BOUNDARY WALL DETAIL @1:10

Build in slide type  
wall ties 225 ctrs  
secure one side  
only

250 wide reinforced concrete  
12 Dia bars at 150 ctrs  
horizontal, 20mm Dia bars  
vertically & 50mm concrete  
cover

Reclaimed bricks  
from existing wall  
built 1:2:9  
cement, lime,  
blended sand

Finished Ground  
level

51.300 Top of wall

Reclaimed bricks  
from existing wall

49.45 end of blockwork

7N/mm2  
concrete  
blockwork built  
1:3 cement,  
sand, mortar

DITCH INVERT

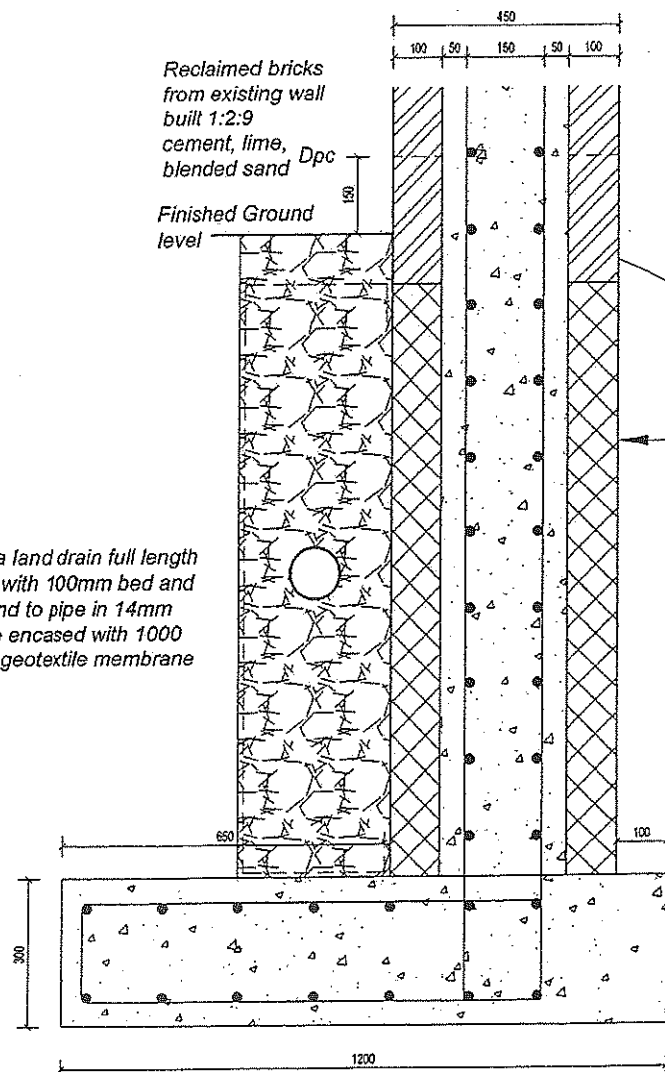
Bottom of  
existing ditch at  
gate 48.68

Reduce ditch  
depth to level  
48.380

48.380

48.080

100 Dia land drain full length  
of wall with 100mm bed and  
surround to pipe in 14mm  
shingle encased with 1000  
gauge geotextile membrane

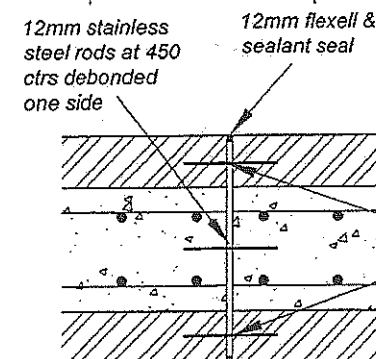
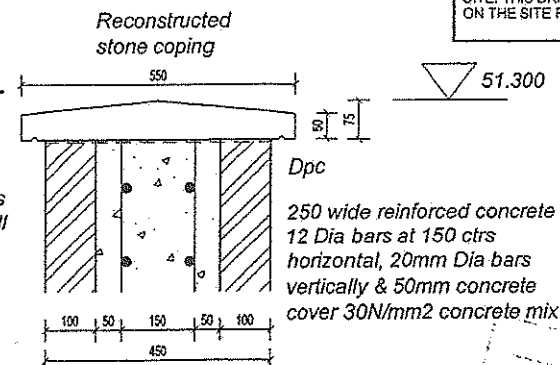


## FOOT OF NEW BOUNDARY WALL DETAIL @1:10

REVISIONS	DATE
CUSTOMER	MR.D. AND MRS.J. HENDRY
PROJECT	PROPOSED REDEVELOPMENT OF WHITE LODGE FARM FOR MOTOR TRADE AND SHOW ROOMS AT: WHITE LODGE FARM FILANDS MALMESBURY WILTSHIRE SN10 3JN
TITLE	BOUNDARY WALL DETAILS
DRAWN: LB	SCALE: 1:10
CHECKED: RIR	DATE: MAR 2007
DESIGN: RIR / 08 / 27 / 12	REV: -
<b>A1 PLANNING SERVICES LTD.</b> UNIT 8 INDOLEWELLS COURT EDINBURGH WAY CORSHAM WILTSHIRE SN13 9XN TEL & FAX 01255 519 159 MOBILE 0787 050 0879	

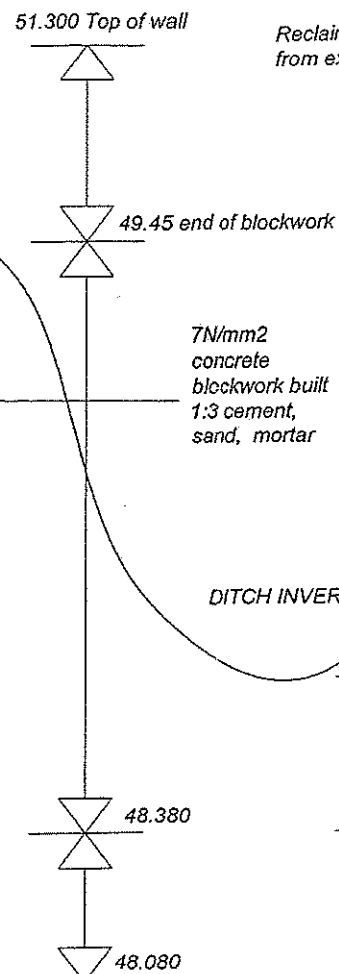
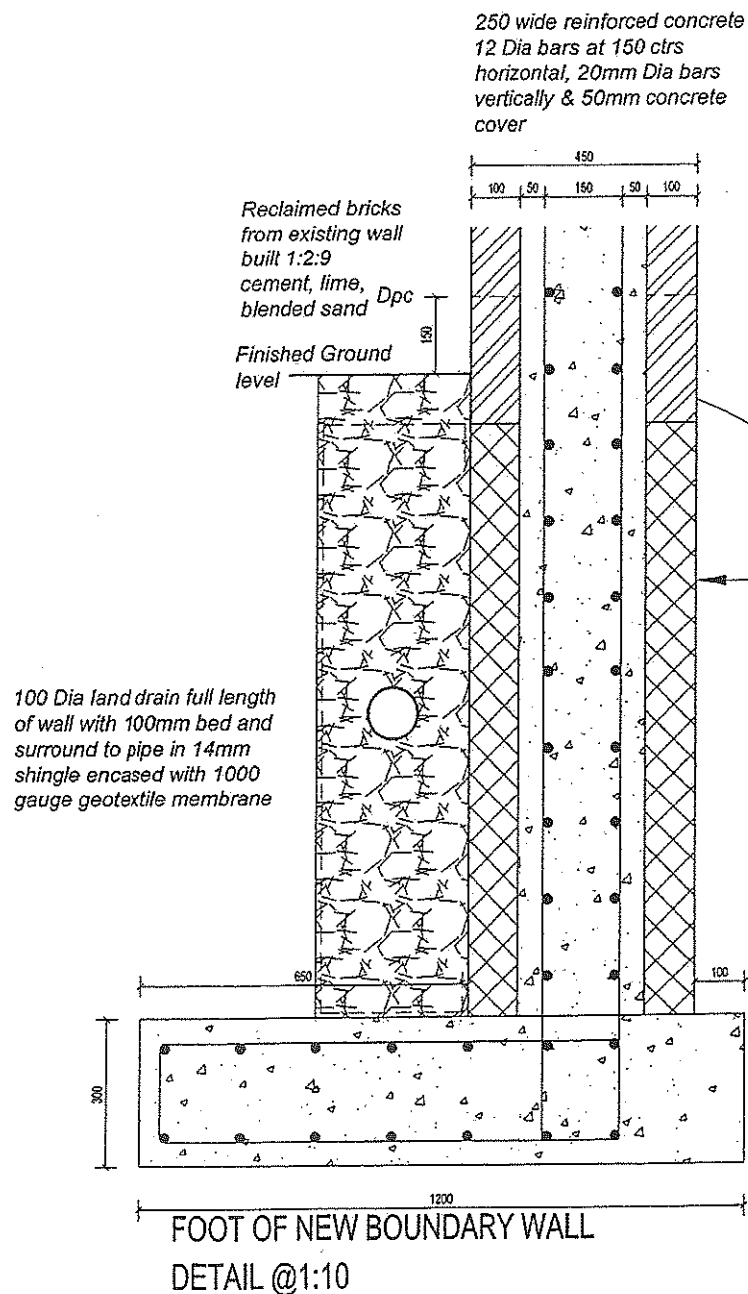
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# HEAD OF NEW BOUNDARY WALL DETAIL @1:10



## PLAN OF NEW BOUNDARY WALL DETAIL @1:10

Build in slide type  
wall ties 225 ctrs  
secure one side  
only



Bottom of  
existing ditch at  
gate 48.68

Reduce ditch  
depth to level  
48.380

ADDITIONAL

REVISIONS	DATE
CUSTOMER	MR.D. AND MRS.J. HENDRY
PROJECT	PROPOSED REDEVELOPMENT OF WHITE LODGE FARM FOR MOTOR TRADE AND SHOW ROOMS AT: WHITE LODGE FARM FILANDS MALMESBURY WILTSHIRE SN10 3JN
TITLE	BOUNDARY WALL DETAILS
DRAWN: LB	SCALE: 1:10
CHECKED: RIR	DATE: MAR 2007
DESIGN: RIR / 08 / 27 / 12	REV: -
<b>A1 PLANNING SERVICES LTD.</b> UNIT 8 INCKLOWELLS COURT EDINBURGH WAY CORSHAM WILTSHIRE SN13 9XN TEL & FAX 01255 519 159 MOBILE 0787 050 0879	