

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 Chelworth Park Industrial Estate, Braydon Lane, Chelworth, Cricklade, Wiltshire, SN6 6HE shown outlined in red on the attached plan (The Land), attached to this Notice.

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

(i) Without planning permission, the unauthorised erection of new buildings and extensions to an existing building on agricultural land (in the approximate positions shown hatched black on the attached plan) and use for the repair and maintenance of commercial vehicles.

4. **REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
- b) The extensions have been added to a building on agricultural land, and are in use for non-agricultural purposes for repair and maintenance of commercial vehicles.
A certificate of lawfulness for B8 storage use was issued in respect of the existing un-extended building only.
The extensions and the new buildings unduly cause harm to the character and appearance of the area which is defined as countryside and enable the increased non-agricultural use of the land and thus fail to accord with Policies C1, C3, and BD5 of the adopted North Wiltshire Local Plan 2011 and policies CP1, CP34, CP48, and CP57 of the Wiltshire Core Strategy.

- c) The erection of extensions and new buildings within a Flood Zone 1 area is contrary to Part 10, paragraph 103 of the National Planning Policy Framework.
- d) The erection of buildings which encroach into a County Wildlife Site is contrary to Policies NE7 and NE15 of the adopted North Wiltshire Local Plan 2011, CP50 and CP51 of the Wiltshire Core Strategy and Part 11, paragraphs 109 and 118 of the National Planning Policy Framework.
- e) The Council do not consider that planning permission should be given because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

- a) Permanently cease the unauthorised business use of the Land referred to at 3 above.
- b) Permanently demolish the extensions and buildings referred to at 3 above, together with their foundations.
- c) Permanently remove from the Land all demolition materials and debris resulting from the requirements of step 5b of this Notice.

6. TIME FOR COMPLIANCE

5 a) – c) Six months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3rd April 2013 unless an appeal is made against it beforehand.

Dated : 20th February 2013

Signed :

Stephen Hawkins
on behalf of Wiltshire Council

A copy of this Enforcement Notice has been served on:

The Company Secretary,
European Entertainment Corporation Limited,
Swatton Barn,
Badbury,
Swindon,
Wiltshire,
SN4 0EU

Lloyds TSB Bank PLC,
84-84 Cricklade Road,
Gorse Hill,
Swindon,
Wiltshire,
SN2 6AE

Mrs E F Austen,
Park Farm,
The Green,
Oaksey,
Malmesbury,
Wiltshire,
SN16 9SD

Mr Brian Austen,
Park Farm,
The Green,
Oaksey,
Malmesbury,
Wiltshire,
SN16 9SD

Mr P A Featherstone,
2 The Courtyard,
The Park,
Oaksey,
Malmesbury,
Wiltshire,
SN16 9SD

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 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:-

Ground (a) That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged.

Ground (b) That the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact.

Ground (c) That there has not been a breach of planning control.

Ground (d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

Ground (e) The notice was not properly served on everyone with an interest in the land.

Ground (f) That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.

Ground (g) The time given to comply with the notice is too short.

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 £12320. You should pay all of the fee to Wiltshire Council (The Local Planning Authority) (made payable to Wiltshire Council). 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.

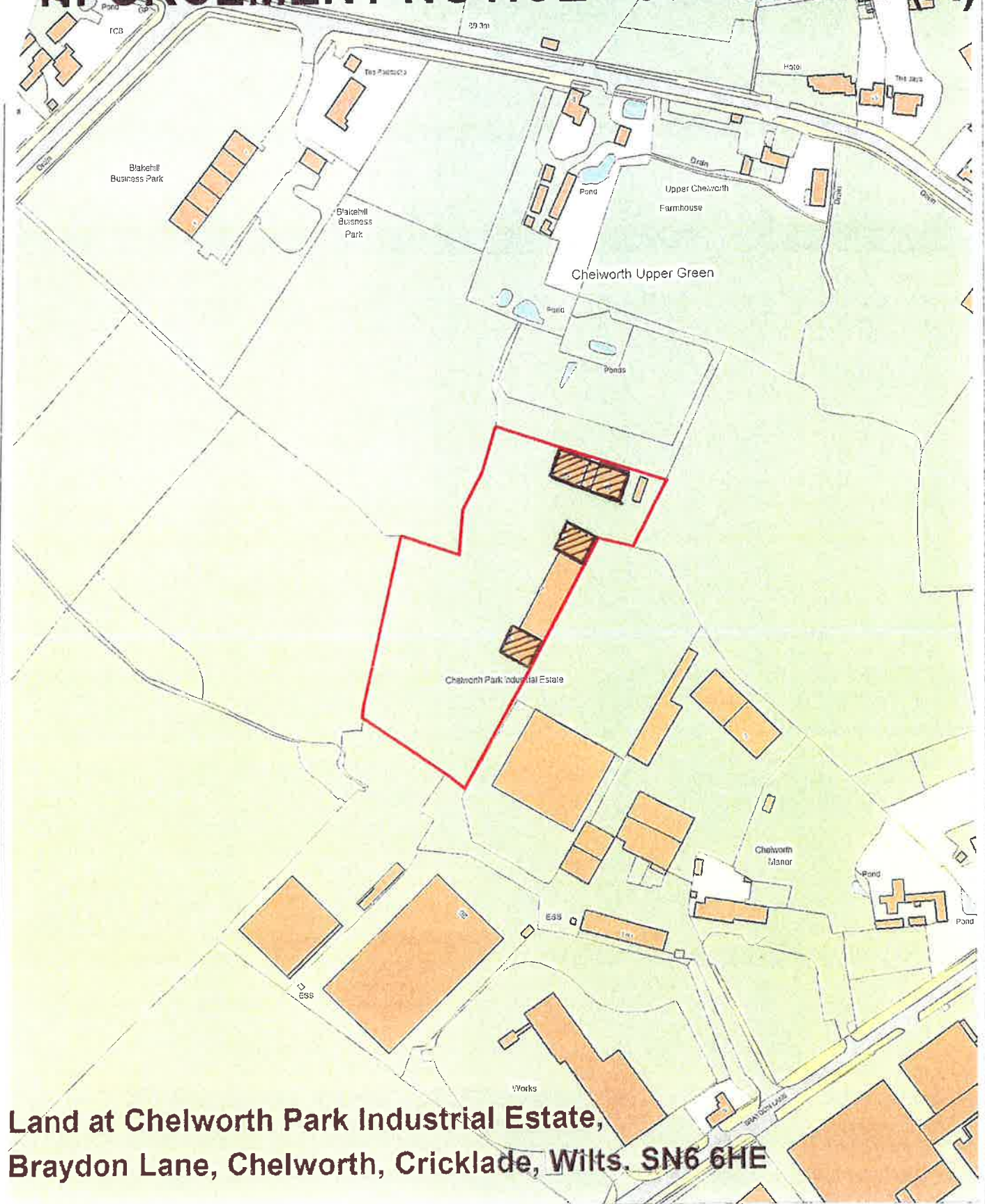
IMPORTANT CHANGES TO LEGISLATION

Since 6th April 2012 the only way you can ask for the planning merits of the alleged development to be considered by the Inspector is to make an appeal on ground (a) (which contains a deemed application for planning permission) **and pay the fee.**

If you submitted a retrospective planning application after the LPA issued the enforcement notice, the LPA **may** decline to determine your application under section 70C of the Act (as amended). You cannot appeal against an LPA's decision to decline to determine your planning application. Therefore if the LPA **does** decline any retrospective application the only way you could ask for the planning merits of the alleged development to be considered is to appeal on ground (a) on your enforcement appeal **and pay the fee.**

However if you (or anyone else) had already submitted a retrospective planning application to the LPA and they issued the enforcement notice before the time to decide the application had expired, no-one can appeal against the enforcement notice on ground (a). Although the applicant could pursue a planning appeal if the LPA refuse or fail to determine the planning application. This is specified at section 174 (2A) (b) of the Act (as amended).

ENFORCEMENT NOTICE - 08/333/ENF(A)



**Land at Chelworth Park Industrial Estate,
Braydon Lane, Chelworth, Cricklade, Wilts. SN6 6HE**

Wiltshire Council
Where everybody matters

SCALE: 1:2500

Grid Ref: 0824 9241

9/1/2013

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