

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 change of use of agricultural land to use for the commercial storage of containers.
 - (ii) Without planning permission, the unauthorised change of use of agricultural land to use for the commercial storage of vehicles.
 - (iii) Without planning permission the laying of hardsurfaced areas, forming an integral part of the unauthorised material change of use, in (i) and (ii) above.
4. **REASONS FOR ISSUING THIS NOTICE**
 - a) It appears to the Council that the above breach of planning control has occurred within the last 10 years.
 - b) The commercial storage uses 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 commercial storage of containers and vehicles and laying of the hardsurfaced areas within a Flood Zone 1 area is contrary to Part 10, paragraph 103 of the National Planning Policy Framework.

- d) The use of land within a County Wildlife Site for commercial storage purposes 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.

5. WHAT YOU ARE REQUIRED TO DO

- a) Permanently cease the use of the Land for the commercial storage of containers and vehicles referred to at 3 above.
- b) Permanently remove from the Land all containers and vehicles referred to at 3 (i) and (ii) above.
- c) Permanently remove from the land the hardsurfaced areas referred to at 3 (iii) above and reinstate the Land to its condition prior to the unauthorised works taking place.

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:

Mr Brian Austen,
European Entertainment Corporation Limited,
Chelworth Park Industrial Estate,
Braydon Lane,
Chelworth,
Cricklade,
Wiltshire,
SN6 6HE

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

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

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

Mr Michael S Austen,
Pear Tree Farm,
Braydon Lane,
Chelworth,
Cricklade
Wiltshire,
SN6 6HE

Company Secretary,
Elliott Group Limited ,
Manor Drive,
Peterborough,
PE4 7AP

Lloyds TSB Bank PLC,
Dept 1149,
4th Floor,
6-7 Park Row,
Leeds,
LS1 5LB

Lloyds TSB Bank PLC
Barnett Way,
Gloucester,
GL4 3RL

Lloyds TSB Bank PLC
84-86 Cricklade Road,
Gorse Hill,
Swindon,
Wiltshire,
SN2 6AE

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 £770. 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

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/ENE(B)

