

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 Nables Farm, Upper Seagry, Chippenham, Wiltshire, SN15 5HB shown outlined with a thick black line on the plan, (The Land), attached to this Notice.

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

Without planning permission, the use of buildings shown hatched on the attached plan for purposes other than agriculture and the change of use of land shown cross-hatched on the attached plan for the storage of vehicles, trailers, equipment and machinery for purposes other than agriculture.

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 alleged unauthorised use introduces additional business development, and the intensification of further uses on the site is detrimental to the rural character of the area and the amenities of nearby residential and holiday accommodation by reason of noise, increased vehicular activity and other forms of nuisance and disturbance. The proposal is contrary to Policies C3, C4, BD5, BD6 and BD7 of the North Wiltshire Local Plan 2011.

- c) The continued use of the buildings would, in due course, lead to the unauthorised uses becoming immune from enforcement action and lawful. The lawful unrestricted use of the land for the unauthorised uses could result in a significant intensification of the uses which would further harm the rural character of the area.
- d) The site is located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce the growth in the length and number of motorised journeys.
- e) The access by reason of its sub-standard geometry and visibility is considered unsuitable to serve as a means of access to the development contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011.

5. WHAT YOU ARE REQUIRED TO DO

- a) Permanently cease the use of the buildings shown hatched on the attached plan for purposes other than agriculture.
- b) Remove from the buildings shown hatched on the attached plan all items other than those used for agricultural purposes.
- c) Permanently cease the use of the land shown cross-hatched on the attached plan for purposes other than agriculture.
- d) Remove from the land shown cross-hatched on the attached plan all items other than those used for agricultural purposes.

6. TIME FOR COMPLIANCE

Six months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect 1st July 2010 unless an appeal is made against it beforehand.

Dated : 20th May 2010

Signed :


Tony Phillips (Authorised Officer)

On behalf of Wiltshire Council North Area
Monkton Park
Chippenham
Wiltshire

on behalf of Wiltshire Council

A copy of this Enforcement Notice has been served on:

Mr P Winters,
Unit 6 Nables Farm
Upper Seagry,
Chippenham,
Wiltshire,
SN15 5HB

Mr S Winter
Unit 7 Nables Farm
Upper Seagry,
Chippenham,
Wiltshire,
SN15 5HB

Mr R Hurkett,
Units 8 & 16 Nables Farm
Upper Seagry,
Chippenham
Wiltshire
SN15 5HB

Mr A Hurkett,
Unit 17 Nables Farm
Upper Seagry,
Chippenham,
Wiltshire,
SN15 5HB

Mr R Saunders,
Unit 18 Nables Farm
Upper Seagry,
Chippenham,
Wiltshire
SN15 5HB

Mr A Cocksedge,
38 Sycamore Crescent,
Church Crookham,
Hants,
GU51 5NN

Mr J Winter
Units 8 & 16 Nables Farm
Upper Seagry
Chippenham
Wiltshire
SN15 5HB

Mr G Ridout,
Nables Farm,
Upper Seagry,
Chippenham,
Wiltshire,
SN15 5HB

The Company Secretary,
Ridout Farms
Nables Farm,
Upper Seagry,
Chippenham,
Wiltshire,
SN15 5HB

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 £335. You should pay half of the fee £167.50 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.

ENFORCEMENT NOTICE



Wiltshire Council
Where everybody matters

Nables Farm, Upper Seagry, Chippenham, Wiltshire, SN15 5HB
SCALE: 1:2500

08/011/ENF

19/5/2010

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
WILTSHIRE COUNCIL - 100023455 2009