

# IMPORTANT

## THIS COMMUNICATION AFFECTS YOUR PROPERTY

### TOWN & COUNTRY PLANNING ACT 1990

[As amended by the Planning & Compensation Act 1991]

## ENFORCEMENT NOTICE

ISSUED 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 The Horse Guards Public House, Brokenborough, Malmesbury SN16 0HZ shown edged in black and hatched on the attached plan (The Land).

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

Without planning permission, the erection of a front porch to the public house.

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 porch, by reason of its size, form and overall bulk appears as an unduly obvious, alien and incongruous addition, out of scale and character with the principal building and seriously detracting from its traditional character and appearance. To retain the porch would therefore be contrary to saved policy C3 (i) of the adopted North Wiltshire Local Plan 2011.
- c) The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

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

- a) Permanently demolish the porch;

- b) Permanently remove the demolition materials arising from step (a) from the Land.

**6. TIME FOR COMPLIANCE**

- a) 2 years from the date this Notice takes effect.
- b) 2 years from the date that this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 22nd August 2011 unless an appeal is made against it beforehand.

Dated: 21st July 2011

Signed:

  
Brian Taylor, Monkton Park, Chippenham, Wiltshire SN15 1ER  
(insert name and address of Authorised Officer)  
on behalf of Wiltshire Council

A copy of this Enforcement Notice has been served on:

Mr. A.C. and Mrs. J.S. Grun, "The Pines", 29 The Street, Shipton Moyne, Tetbury,  
Gloucestershire GL8 8PN.

Mr. A.C. and Mrs. J.S. Grun, The Horse Guards Public House, Brokenborough,  
Malmesbury SN16 0HZ.

HSBC Bank PLC, 40-54-47 of Sheffield Securities Processing Centre, P.O. Box 3924,  
Sheffield S1 9BD.

Mr. A.J. and Mrs. C. J. Hole, "The Paddocks", Brokenborough, Malmesbury, Wiltshire  
SN16 0HZ.

Coventry Building Society, Economic House, P.O. Box 9, High Street, Coventry CV1  
5QN.

## 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 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:-

**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 £340. You should pay half of the fee (£170) 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.

189364

# ENFORCEMENT NOTICE

gh

91.2m

Hillside Cottages

Baptist's  
Church

Court Cottage

The Old Post Office

Post Office Cottage

Old Garden House

Queens

The Paddocks

91.0m

TCB

Rose and Crown  
PH

Brokenborough Farm

The Green

391945



**Wiltshire Council**  
Where everybody matters

The Horse Guards, (form. The Rose and Crown) Brokenborough, Wilts, SN16 0HZ  
SCALE: 1:1250

09/056/ENF Grid Ref: ST 9186 8915

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