

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 THE NOTICE RELATES**

Land at 5 Bentham Lane, Purton Stoke, Wiltshire, SN5 9HZ edged red on the attached plan, (The Land).
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the material change of use of 'the Land', to a use for the siting and occupation of a residential caravan/static mobile home.
4. **REASONS FOR ISSUING THIS NOTICE**
 - a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
 - b) The siting of the residential caravan/static mobile home for occupation by a person not employed in agriculture or forestry in the countryside, or for purposes not incidental to the enjoyment of the dwellinghouse is contrary to Policy H4 of the North Wiltshire Local Plan 2011.
 - c) The continued use of 'the Land', without planning permission, for the stationing and occupation of a caravan/static mobile home would, in due course, lead to the unauthorised development becoming lawful.

5. WHAT YOU ARE REQUIRED TO DO

- a) Cease the residential use of the caravan/static mobile home by person(s) other than by those who are employed in the refurbishment of number 5 Bentham Lane (The Land).


6. TIME FOR COMPLIANCE

Three months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **4th December 2009** unless an appeal is made against it beforehand.

Dated : October 2009

Signed : 

Tony Phillips (Authorised Officer)

On behalf of Wiltshire Council North Area
Monkton Park
Chippenham
Wiltshire

A copy of this Enforcement Notice has been served on:

Ms Christine Carswell
5 Bentham Lane
Purton Stoke
Wiltshire
SN5 9HZ

Mr Paul Wilson
5 Bentham Lane
Purton Stoke
Wiltshire
SN5 9HZ

Bank of Scotland
Teviot House
PO Box 12304
41 South Gyle Crescent
Edinburgh
EH12 9DX

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 receives 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 (*insert fee*). You should pay half of the fee (*insert fee*) 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.

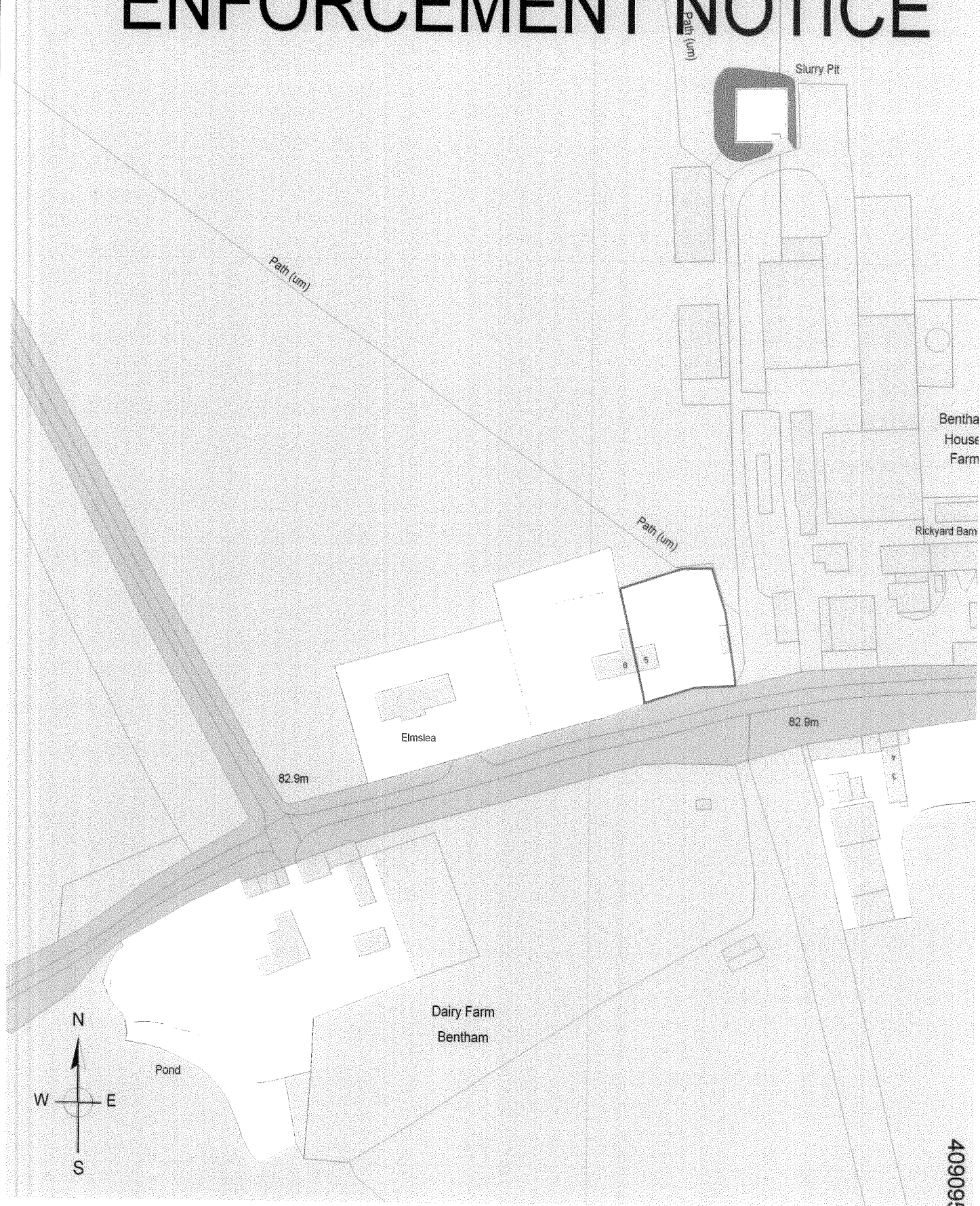
If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the 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.

189873

ENFORCEMENT NOTICE



409095

Wiltshire Council
Where everybody matters

5 Benthams Lane, Purton Stoke, Purton, Swindon, SN5 9HZ
SCALE: 1:1250

09/020/ENF Grid Ref: SU 0901 8970

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