

IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
[As amended by the Planning & Compensation Act 1991]

**BREACH OF CONDITION
NOTICE**

Reference Number :09/28/ENF

SERVED BY : North Wiltshire District Council ("the Council")

1. THIS NOTICE is served by the Council, under section 187A of the above Act, because it considers that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, are not being complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. **The Annex at the end of this Notice contains important additional information.**

2. THE LAND TO WHICH THIS NOTICE RELATES

Land at Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ shown hatched on the plan, attached to this Notice.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission [copy attached] to which this Notice relates is the permission reference 07.02241.S73A granted on 20.2.2008 described as *'Continued temporary use of part of overflow car park for storage of goods related to garden centre for a period of three years'*.

4. THE BREACH OF CONDITION.

The following conditions have not been complied with:

Condition 3: *'The area shall be used for the bulk storage of compost and location of bins to be used specifically and only for the storage and collection of waste associated with the delivery of the compost, the details of which shall have been submitted to and approved in writing by the Local Planning Authority within one month of the date of this decision'.*

Reason: *'In the interests of the amenity of the area'.*

Condition 5 *'Within one month of this decision being issued, the site shall be cleared of all items not related to the bulk storage of compost and kept free of such items, at all times thereafter'.*

Reason: *'In the interests of the amenity of the area'.*

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breaches of conditions detailed in paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:

- 1) Cease the storage of goods other than compost, within the area shown hatched on the plan accompanying this Notice.
- 2) Clear the site within the area shown hatched on the plan accompanying this Notice of all items not related to the bulk storage of compost and thereafter keep the area free of such items.
- 3) Cease the storage of waste other than waste associated with the delivery of the compost, other than in the bins referred to in condition 3 above, within the area shown hatched on the plan accompanying this Notice.

6. PERIOD FOR COMPLIANCE

30 days from the date of this Notice

Dated : 27th February 2009

Signed : 
the Council's Authorised Officer.

On behalf of :
North Wiltshire District Council
Council Offices,
Monkton Park,
Chippenham,
Wiltshire. SN15 1E

ANNEX

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DATE YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance time period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is **£1,000** for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Tony Phillips, Planning Services, North Wiltshire District Council, Council Offices, Monkton Park, Chippenham, Wiltshire. SN15 1ER. Tel : 01249-706627

If you need independent advice about this Notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

[END]

Application Reference Number 07/02241/S73A

*North
Wiltshire
District
Council*

**NOTIFICATION OF PLANNING
PERMISSION**

**Name of Local Planning Authority: NORTH WILTSHIRE DISTRICT COUNCIL
Monkton Park, Chippenham, Wiltshire, SN15 1ER**

Brief Details of Application in the Parish of: Lacock

Applicant

Peter Self
Whitehall Garden Centre
Corsham Road
Lacock
Chippenham
Wiltshire
SN15 2LZ

Agent

D Pearce
Land Development&Planning Consultants Ltd
Lavender Cottage
Nettleton
Chippenham
Wiltshire
SN14 7NS

Location

Whitehall Garden Centre, Corsham Road, Lacock,
Chippenham, Wiltshire, Sn15 2LZ

Proposal

Continued Temporary Use of Part of Overflow Car
Park for Storage of Goods Related to Garden
Centre for a Period of Three Years

Registration Date: 17 August 2007

Permission Granted: 20 February, 2008

PERMISSION GRANTED FOR THE FOLLOWING REASON:

The proposal is considered to be acceptable as it would not lead to unacceptable nuisance from noise and dust to the detriment of the amenity of adjacent properties, nor would it have a detrimental impact upon the countryside at this location. The proposal is considered to accord with Policies C3, NE15 and NE18 of the adopted North Wiltshire Local Plan 2011.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 The use hereby permitted shall cease and any associated plant, materials and equipment shall be removed on or before the 31 August 2010.

Reason: To enable the local planning authority to review the development in the light of its effect on the locality

- 2 The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do

not materially affect the permission.

- 3 The area shall be used for the bulk storage of compost and location of bins to be used specifically and only for the storage and collection of waste associated with the delivery of the compost, the details of which shall have been submitted to and approved in writing by the Local Planning Authority within one month of the date of this decision.

Reason: In the interests of the amenity of the area.

- 4 The proposal shall be carried out in accordance with the details so approved and maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

- 5 Within one month of this decision being issued, the site shall be cleared of all items not related to the bulk storage of compost and kept free of such items, at all times thereafter.

Reason: In the interests of the amenity of the area.

INFORMATIVES:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

dwg no LDC.1097A.01 received by the local planning authority 17 August 2007

2. The noise management measures outlined in section 11 of the Assessment of Noise Increase dated 12 December 2007 are noted and supported

C. H. Perceval

Development Control Manager

Dated: 20 February, 2008

**NORTH WILTSHIRE DISTRICT COUNCIL
Town and Country Planning Act 1990**

PERMISSION FOR DEVELOPMENT

1. The Local Planning Authority HEREBY GRANT PLANNING PERMISSION subject to the scheduled conditions (if any) for the development proposed by the applicant in the application, which is expressly incorporated herewith and is briefly described in the Schedule forming part of this permission.
2. The scheduled conditions (if any) have been imposed for the reasons set out in the Schedule.
3. "The Local Planning Authority", "the scheduled conditions", and "the application" referred to above are those described in the Schedule.

NOTES

1. **Time Limits on Planning Permissions.** By virtue of Section 91 - 96 of the Town and Country Planning Act 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits (as appropriate) will apply:-
 - 1.1 **Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made within 3 years from the date of the outline planning permission and further the development to which the permission relates must be begun either within 2 years from the final approval of all the matters reserved.
 - 1.2 **Where the planning permission is complete and is not in outline** then the development must be begun not later than the expiration of 3 years from the date on which permission was granted.
2. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the district and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 2.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. You are advised to contact Building Control before considering work on site);**
- 2.2 the need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath;
- 2.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
- 2.4 the need to make any appropriate arrangements under the Highways Act 1971, in respect of any works within the limits of a public highway. The address of the Highway Authority is Wiltshire County Council, County Hall, Trowbridge.

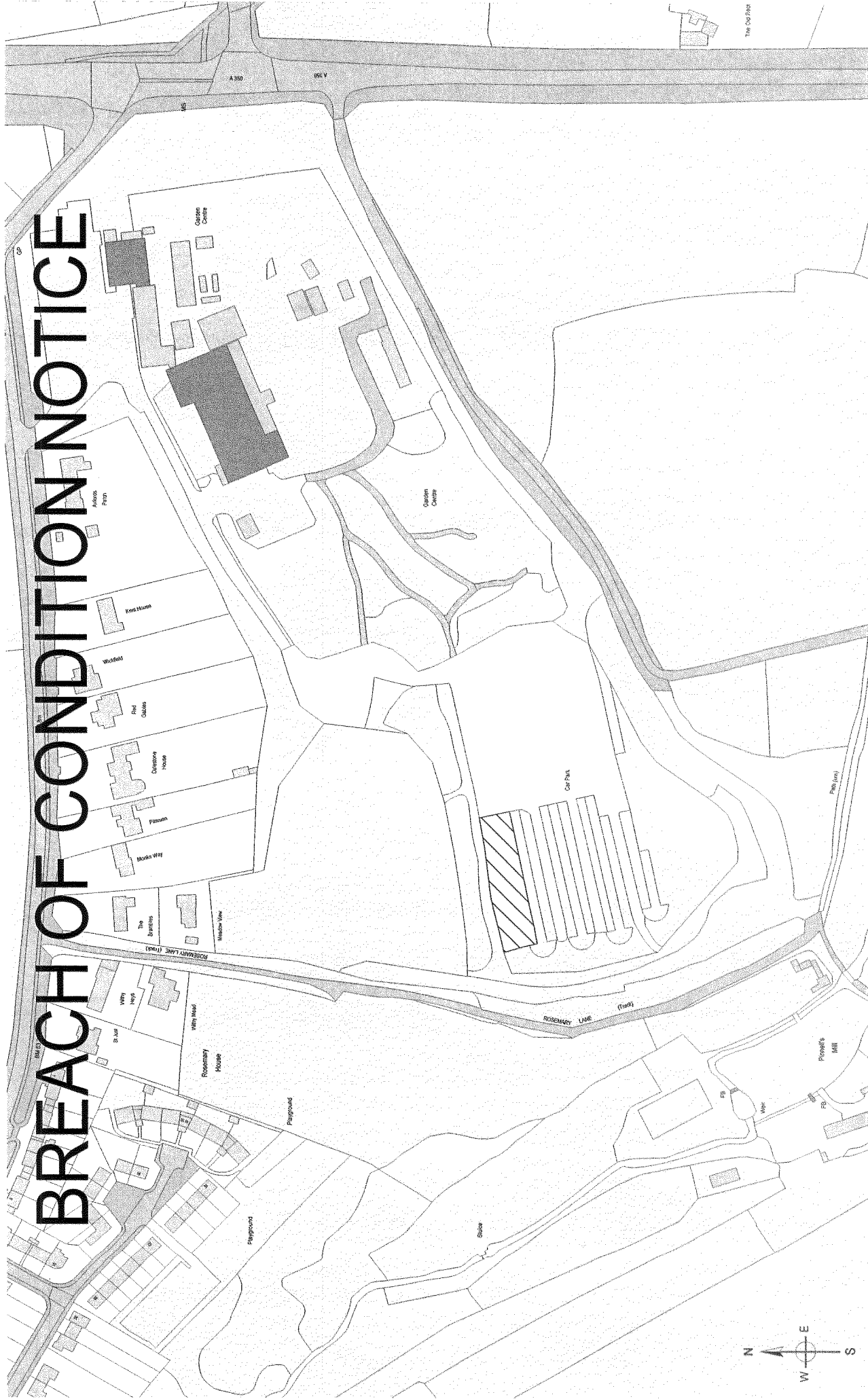
(It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

3. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within three months of the date of this decision. (Appeals must be made on a form which is obtainable from the Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

4. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
5. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

BREACH OF CONDITION NOTICE



*North
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Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ

SCALE: 1:2500

09/02/8/ENF Grd Ref: S1 9090 6888

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NORTH WILTSHIRE DISTRICT COUNCIL 11/001233 2009