

# 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')

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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 Field 0644, (Rose Field), Hullavington, Chippenham, Wiltshire, SN16 0HW, shown outlined in 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 residential caravans.

Without planning permission, the laying of a hard-surface.

4. **REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breaches of planning control have occurred within the last ten years and four years respectively.
- b) The C1n access road by reason of its restricted width, poor alignment and sub-standard junctions with the A429 and C1 is considered unsuitable to service as a means of access to the proposed development.

- c) The continued use of the Land, without planning permission, for the stationing and occupation of caravans together with the creation of the hard surface would, in due course, lead to the unauthorised development becoming lawful.

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

- a) Cease the residential use and remove from the Land all caravans and any ancillary buildings and fences.
- b) Remove from the Land, to a depth of at least 500mm below ground level or to its total depth if less than 500mm, all hardsurfacing material that forms the hardsurface area.
- c) Remove all debris resulting from the requirements of 5a and 5b of this Notice from the Land.

**6. TIME FOR COMPLIANCE**

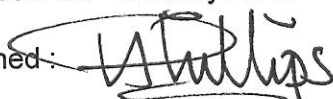
Six months from the date this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **8th March 2010** unless an appeal is made against it beforehand.

Dated : 25<sup>th</sup> January 2010

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:

Plot 1: Margaret Anne Hanrahan  
Elizabeth Hanrahan  
Anne Hanrahan  
Felix Hanrahan

Plot 2: Terrance Tomley  
Eileen Tomley

Plot 3: Kathleen Reynolds  
Felix Reynolds

Plot 4: Patrick Price  
Rachel Price

Plot 5: John McCann

Plot 6 Patrick Hanrahan  
Kerry Hanrahan

A copy of this notice has been sent to Alison T Heine at Heine Planning Consultancy

## 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 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](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:-

- (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

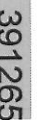
alleged in the notice and you will have to pay a fee of **£340** You should pay half of the fee (**£170**) to Wiltshire Council (The Local Planning Authority) (made payable to Wiltshire Council and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities 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.

# ENFORCEMENT NOTICE



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