

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 Wrens Brook, Sambourne Road, Minety, Wiltshire, SN16 9RQ shown edged red on the attached plan ("The Land").

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

Without planning permission, the unauthorised erection of a building on the Land.

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) Planning permission was granted under reference N/09/01451/S73A ("the Planning Permission") for the 'Erection of Stable Block and Tack room, 2 Storey Fodder Storage Barn, Use of Site for Horsekeeping and Retention of Riding arena'. The unauthorised building has been erected on the Land instead of the fodder storage barn granted permission under the above Planning Permission.
- c) The unauthorised building, compared to the fodder barn permitted under the Planning Permission, is substantially increased in the size, bulk and overall scale and the external appearance has changed. The result is that the unauthorised building appears as an unduly prominent, alien and discordant feature, seriously detracting from the character and appearance of the surrounding countryside. To retain the unauthorised building would therefore be contrary to Policies C3 and NE15 of the North Wiltshire Local Plan 2011 and paragraphs 17, (bullet point 4) and 64 of the National Planning Policy Framework.

5. WHAT YOU ARE REQUIRED TO DO

- a) Carry out remedial works to the unauthorised building so that it conforms to the attached approved plan TD 11622/1, Planning Services dated 13th August 2009, for the fodder barn permitted under the Planning Permission, this shall include:
- (i) Reducing the length of the front (east) and rear (west) elevations of the building so that both are 7.3 metres in length.
 - (ii) Adjusting the roof profile of the building so that it accords with the approved plans.
 - (iii) Removing the unauthorised double doors which have been inserted in the front (east) elevation, enlarging the resultant opening, and inserting barn doors as approved into the opening.
 - (iv) Removing the unauthorised stable door and double door which have been inserted in the rear (west) elevation and blocking up the resultant openings with brickwork to match the existing brickwork.
 - (v) Raising the door which has been inserted in the side elevation (north side facing Sambourne Cottage) to the approved location, blocking up the resultant gap with brickwork to match the existing brickwork, and inserting the double door as approved at ground floor level.
 - (vi) Removing the two skylights which have been inserted into the roof on the side (south side facing Braemar Cottage), infilling the resultant gaps with roof tiles to match existing, and inserting the door at first floor level as approved.
- b) Remove all of the demolition materials arising from steps 5 (a) (i) – 5 (a) (vi) from the Land.
- OR
- c) Demolish the unauthorised building to ground level and remove all of the demolition materials arising from step 5(c) from the Land and reinstate the Land to its condition before the unauthorised building was erected.

6. TIME FOR COMPLIANCE

6 months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18th October 2013 unless an appeal is made against it beforehand.

Dated: 6th September 2013

Signed:



Stephen Hawkins
Council's Authorised Officer

Development Control Services North
Wiltshire Council
Monkton Park
Chippenham
Wilts
SN15 1ER
On behalf of Wiltshire Council

A copy of this Enforcement Notice has been served on:

Mr I M Plank,
4 Church Lane,
Cricklade,
Wiltshire,
SN6 6AD

Mr I M Plank,
Wrens Brook,
Sambourne Road,
Minety,
Wiltshire,
SN16 9RQ

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 £770. You should pay all of the fee to Wiltshire Council. Joint appellants need only pay one set of fees. 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.

IMPORTANT CHANGES TO LEGISLATION

Since 6th April 2012 the only way you can ask for the planning merits of the alleged development to be considered by the Inspector is to make an appeal on ground (a) (which contains a deemed application for planning permission) **and pay the fee.**

If you submitted a retrospective planning application after the LPA issued the enforcement notice, the LPA **may** decline to determine your application under section 70C of the Act (as amended). You cannot appeal against an LPA's decision to decline to determine your planning application. Therefore if the LPA **does** decline any retrospective application the only way you could ask for the planning merits of the alleged development to be considered is to appeal on ground (a) on your enforcement appeal **and pay the fee.**

However if you (or anyone else) had already submitted a retrospective planning application to the LPA and they issued the enforcement notice before the time to decide the application had expired, no-one can appeal against the enforcement notice on ground (a). Although the applicant could pursue a planning appeal if the LPA refuse or fail to determine the planning application. This is specified at section 174 (2A)(b) of the Act (as amended).

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

10/160/ENF



PLAN TO 11622/1

