

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990

[As amended by the Planning & Compensation Act 1991]

ENFORCEMENT NOTICE- OPERATIONAL DEVELOPMENT.

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 to the south of Bridge Paddocks, Braydon Road, Leigh, Swindon, Wiltshire, SN6 6RQ shown edged with a thick black line on the attached plan (the Land), excluding the area shown hatched.
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the formation of enclosures in breach of an Article 4 Direction by the way of the erection of gates, fencing and timber posts as well as the laying of a hard-surfacing.
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) To remedy an injury to amenity, in that the unauthorised development, by reason of its urban appearance, has an adverse effect on the character and appearance of the area and does not relate positively with its landscape setting. The development is therefore contrary to Core Policy 51 (i) and (vi) of the Wiltshire Core strategy (adopted 2015).
 - c) The unauthorised development is contrary to Paragraphs 127 (b) and (c), Paragraph 130 and Paragraph 170 (b) of the national Planning Policy Framework in that it is poorly designed and does not relate positively with its landscape setting.

- d) The development constitutes intentional unauthorised development.
- e) The Council does not consider that planning permission should be granted for the above breach of planning control, because planning conditions could not overcome these objections to the unauthorised development.

5. WHAT YOU ARE REQUIRED TO DO

- a) Permanently remove the unauthorised fencing, fence posts, timber posts and gates from the Land.
- b) Permanently remove from the Land the unauthorised hard-surfacing which has been laid to form the trackway from the entrance gate to the fenced enclosures.
- c) Permanently remove from the Land the mounds of earth which have been created as a result of the unauthorised works.
- d) Permanently remove from the Land all materials and debris resulting from compliance with 5a) – c) above.
- e) Permanently remove from the Land all plant and equipment associated with the erection of the unauthorised fencing, fence posts, timber posts and gates and the laying of the hard-surfacing.


6. TIME FOR COMPLIANCE

3 months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 31st January 2020 unless an appeal is made against it beforehand.

Dated: 17th December 2019.

Signed: 

Sean Williams
Council's Authorised Officer

A copy of this Enforcement Notice has been served on:

David William Fry, Bridge Paddocks, Leigh, Swindon, SN6 6RQ.

Gordon Wright, 14 Manor Close, Wyton, Hunts, Cambs, PE28 2AG.

Caroline Davies, 21 Maes Yr Ehedydd, Carmarthen, SA31 3GB.

Abdulaziz Eid Adam Darwish and Mohamed Eid Adam Abdulla, PO Box 1835, Manama, Bahrain.

Rosemarie Ann Adams, 145 Larch Close, London, SW12 9SX.

Jerry Conners, 89, Brython Drive, St Mellons, Cardiff, CF3 0GB.

Lizzie Conners, 89, Brython Drive, St Mellons, Cardiff, CF3 0GB.

Michael Glyn Powell, Wellow Wood Paddock, Wellow Wood Road, West Wellow, Romsey, SO51 6EP.

John Michael Hollingsworth, 124 Coleshill Heath Road, Chelmsley Wood, Birmingham, B37 7SN.

Apex Properties and Investments Ltd, (Co Reg no 06808960), 68 Kings Road, Ilkley, West Yorkshire, LS29 9BZ

Owner/Occupier or any other person who has an interest in the Land to the south of Bridge Paddocks, Braydon Road, Leigh, Swindon, Wiltshire, SN6 6RQ

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 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 £468.00 (£234.00 x2). You should pay all of the fee to Wiltshire Council. 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.

ArcGIS Web Map

