

# IMPORTANT

## THIS COMMUNICATION AFFECTS YOUR PROPERTY

### TOWN & COUNTRY PLANNING ACT 1990

[As amended by the Planning & Compensation Act 1991]

# BREACH OF CONDITION NOTICE

**SERVED BY : Wiltshire Council ('the Council')**

**TO: Simon John Nicholls, Whites Farm, Grittenham, Wiltshire, SN15 4JW**

**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, have not been complied with. The Council considers 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 Whites Farm, Grittenham, Chippenham, Wiltshire, SN15 4JW shown edged red on the attached plan, (The Land).

### **3. THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission reference 13/05325/FUL granted on 29<sup>th</sup> January 2014 for Retention of Motorcross Circuit (Resubmission of 13/00278/S73A).

A copy of the permission is attached to this notice.

### **4. THE BREACH OF CONDITION.**

The following conditions have not been complied with:

**Condition 3** – The development hereby permitted shall not be first brought into use in any calendar year until a full schedule of events for that year has been submitted to and approved in writing by the Local Planning Authority not later than the date 28 days prior to the first event of that year. Alterations to the approved schedule shall pertain solely to scheduled events that must be postponed due to unforeseen circumstances and shall be notified to the Local Planning Authority no less than 7 days prior to that event.

**Reason:** In the interests of residential amenity and to enable the Local Planning Authority to monitor the distribution of events.

**Condition 4** – The use hereby permitted shall not take place outside the hours of 0930 and 1700 from Fridays to Mondays inclusive. The use shall not take place at any time between the days of Tuesdays to Thursdays inclusive.

**Reason:** To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**Condition 6** – The development hereby permitted shall be implemented and the site operated in full accordance with the submitted Event Management Plan (LPC, February 2014), in perpetuity.

**Reason:** In the interests of residential amenity and highway safety.

## **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:

### **Condition 3**

- (1) Submit a full schedule of motorcross events on the Land for the year of 2014 to the Local Planning Authority, for its approval.
- (2) If the full schedule of motorcross events on the Land submitted under paragraph 5 (1) above is not approved by the Local Planning Authority, to submit further full schedules of events for its approval which allows the Local Planning Authority time to approve it at least 28 days prior to the first scheduled event.
- (3) Cease the use of the Land for motorcross until the Local Planning Authority has approved the full schedule of events submitted under paragraphs 5 (1) and (2) above, and 28 days has elapsed from the date of that approval.

### **Condition 4**

- (4) Cease the permitted use of the Land for motorcross outside the hours of 0930 and 1700 from Fridays to Mondays inclusive and at any time between the days of Tuesdays to Thursdays inclusive.

### **Condition 6**

- (5) Cease the use of the Land for motorcross other than in full accordance with the Event Management Plan (LPC, February 2014), a copy of which is attached to this Notice.

## 6. PERIOD FOR COMPLIANCE

For all steps at paragraph 5 above - 35 days from the date this Notice is served on you.

Dated: 15th April 2014.

Signed: 

Stephen Hawkins  
Council's Authorised Officer  
on behalf of Wiltshire Council

Planning Services and Economic Development,  
Wiltshire Council  
County Hall  
Bythesea Rd  
Trowbridge  
Wiltshire, BA14 8JN

# **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 Stephen Hawkins, Enforcement Team Leader, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN. Telephone 01225 770397.

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.

Wiltshire Council

Where everybody matters



land at White's Farm, Gritterham, Chippenham, Wiltshire, SN15 4JW  
 Gnd ref: SU0283SW.