

ENFORCEMENT INFORMATION

REGISTER SHEET

E/202		
APPEAL	YES	NO
Plan's Ref N/82/0336/ENF		

ADDRESS

WESSINGTON PLANT HIRE LTD.,
LONDON ROAD,
CALNE

BREACH of CONTROL

CHANGE OF USE TO MANUFACTURE,
SALE, HIRE & REPAIR OF PORTABLE
BUILDINGS, OFFICES & TOILET ACCOMMODATION
& CARAVANS & PARKING OF ARTICULATED
TRACTORS & TRAILERS FOR ROAD
HAULAGE BUSINESS.

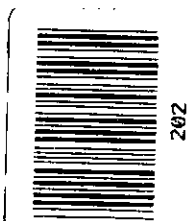
Issuing Authority N.W.D.C.

Date Issued 18.12.81

STOP NOTICES

Date Served

Requiring



Date withdrawn

Date(s) served
18.12.81

Takes effect 2.3.82

Compliance by 2.6.82

Dates Extended by
Secretary of State

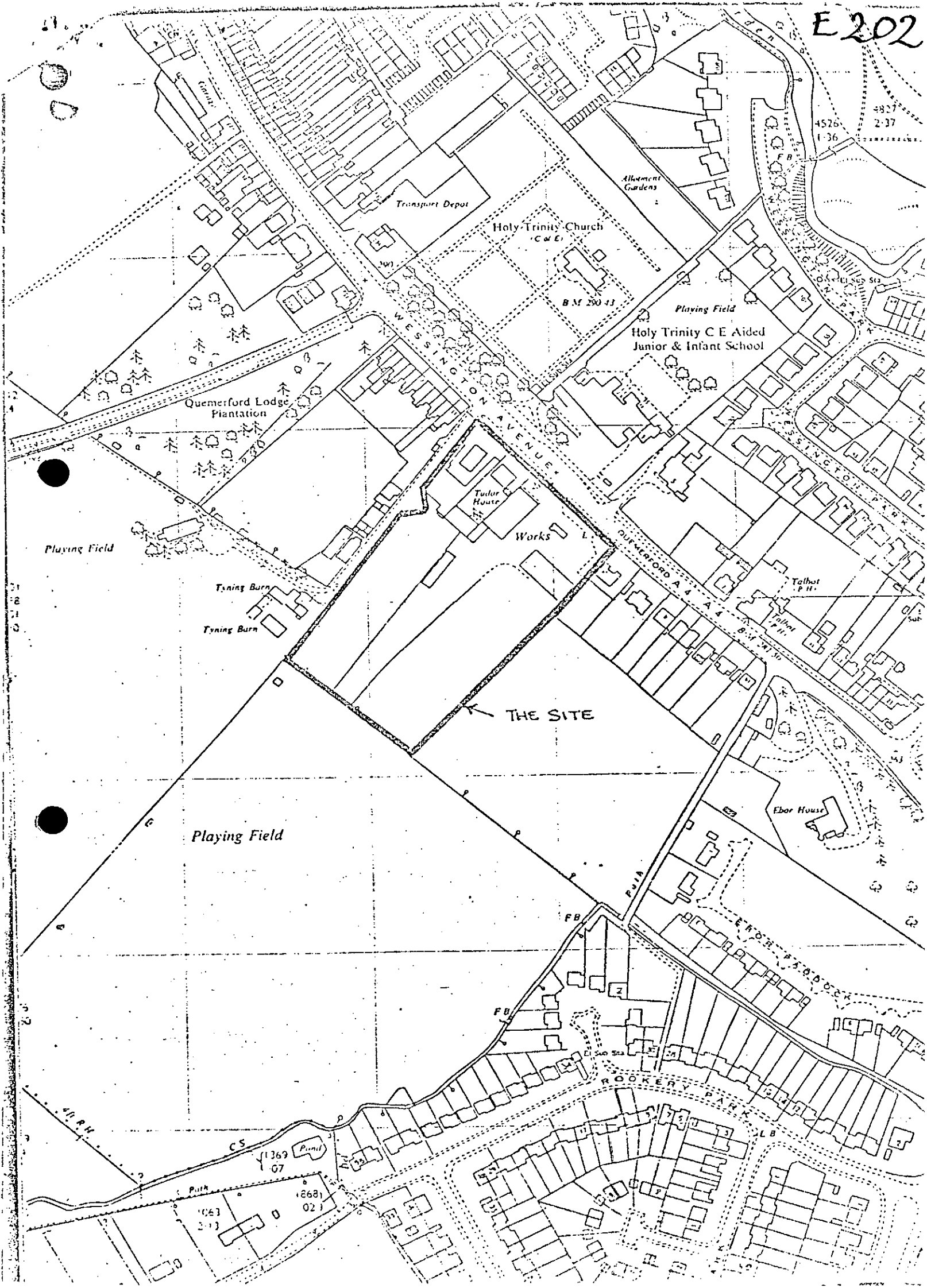
Appeal dismissed

REQUIREMENTS of ENFORCEMENT

- (i) to discontinue the use of the said land in connection with the business of the manufacture, sale, hire and repair of portable buildings, office and toilet accommodation and caravans.
- (ii) to discontinue the use of the said land in connection with heavy road haulage
- (iii) to secure the removal of all articulated motor vehicle tractor and trailer units brought onto the land for the purpose of parking together with all portable buildings office and toilet accommodation and caravans present on the land for the purpose of manufacture, repair sale or hire.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

E 202



Transport Depot

Holy Trinity Church
(C of E)

Allotment
Gardens

Playing Field

Holy Trinity C of E Aided
Junior & Infant School

Quemerford Lodge
Plantation

Playing Field

Tynning Burn

Tynning Burn

Tudor House

Works

THE SITE

Talbot
P.H.

Ebor House

Playing Field

ROOKERY PARK

NORTH WILTSHIRE DISTRICT COUNCIL

ENFORCEMENT REGISTER

INFORMATION SHEET

E/202.		
APPEAL	yes	no
Plan's Ref		

ADDRESS
WESSINGTON PLANT HIRE LTD.,
LONDON ROAD,
CALNE

BREACH of CONTROL
CHANGE OF USE TO MANUFACTURE, SALE
HIRE & REPAIR OF PORTABLE BUILDINGS;
OFFICE & TOILET ACCOMMODATION & CARA-
VANS & PARKING OF ARTICULATED
TRACTORS & TRAILERS FOR ROAD
HAULAGE BUSINESS

Issuing Authority N.W.D.C.

Date Issued 10.12.81

Date(s) served
10.12.81

Takes effect 28 2.3.82
DM

Compliance by 2.6.82

Dates Extended by
Secretary of State

STOP NOTICES

Date Served

Requiring

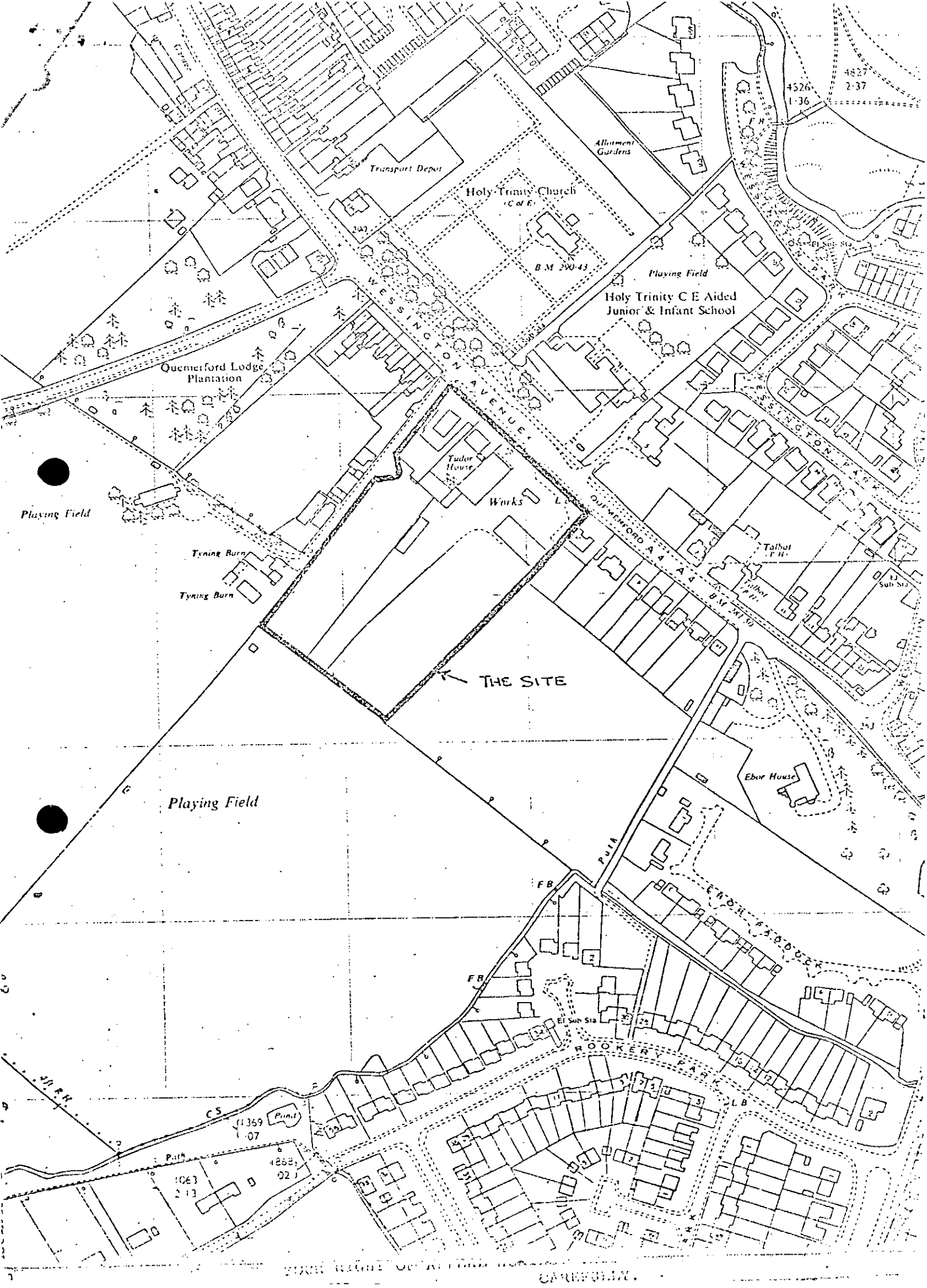
Date withdrawn

WITHDRAWN: RE-SERVED
ON 18.12.81.

REQUIREMENTS of ENFORCEMENT

- (i) To discontinue the use of the said land in connection with the business of the manufacture, sale, hire and repair of portable buildings, office and toilet accommodation and caravans.
- (ii) To discontinue the use of the said land in connection with heavy road haulage.
- (iii) To secure the removal of all articulated motor vehicle tractor and trailer units, brought onto the land for the purpose of parking together with all portable buildings, office and toilet accommodation and caravans present on the land for the purposes of manufacture, repair, sale or hire.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)



Transport Depot

Holy Trinity Church
(C of E)

Allotment
Gardens

Playing Field

Holy Trinity C E Aided
Junior & Infant School

Quemmerford Lodge
Plantation

Tynning Burn

Tynning Burn

Tudor
House

Works

Talbot
F.H.

Ebor House

THE SITE

Playing Field

P.U.A.

FB

FB

ROOKERY PARK

11369
07

1063
213

1268
02



Department of the Environment and
Department of Transport

Common Services

Room 1411 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

Direct line 0272-218 914

Switchboard 0272-218811

N/82/0336/ENF

E202.

Council reference AD/DA/456

Mr E Drewe
Green Gables
Lowden Hill
CHIPPENHAM
Wiltshire
SN15 2BX

Your reference

O/R/EGD/E

Our reference

T/APP/5408/C/82/470/PE2

Date

30 NOV 1983

Appeal dismissed

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY MR D G BLACKFORD
LAND AND BUILDINGS AT WESSINGTON AVENUE, CALNE

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against an enforcement notice issued by the North Wiltshire District Council concerning the above-mentioned land and buildings. I held an inquiry into the appeal on Tuesday 5 July 1983 at which the evidence on factual matters was taken on oath.

2. a. The date of the notice is 15 January 1982.

b. The breach of planning control alleged in the notice is the making of a material change in the use of the land to a use for the business of the manufacture, sale, hire and repair of portable buildings, offices and toilet accommodation and caravans and the parking of articulated motor vehicles tractor and trailer units in connection with the business of heavy road haulage, without the grant of planning permission required in that behalf.

c. The requirements of the notice are:-

i. To discontinue the use of the land in connection with the business of the manufacture, sale, hire and repair of portable buildings, office and toilet accommodation and caravans.

ii. To discontinue the use of the land in connection with heavy road haulage.

iii. To secure the removal of all articulated motor vehicle tractor and trailer units brought onto the land for the purpose of parking together with all portable buildings, office and toilet accommodation and caravans present on the land for the purpose of manufacture, repair, sale or hire;

d. The period for compliance with the notice is three months.

e. The appeal was made on grounds 88(2) (a) and (e).

SUMMARY OF DECISION

3. The appeal is dismissed but the period for compliance is extended to twelve months. The notice is corrected to reflect what is found to be the actual mixed use for (in brief) sale of caravans as such, manufacture etc of portable buildings and the like, plant hire, vehicle parking for haulage. It is found that there are established use rights for the manufacturing, plant hire and parking uses in respect of the northern and frontage part only of the site. Accordingly the requirements of the notice are varied so as not to conflict with those use rights, but to bear upon those uses on the remaining, southern part of the site (hatched and edged black on the annexed plan) and upon sale of caravans as such throughout the site. Permission is not granted on the deemed application.

SITE AND SURROUNDINGS

4. The appeal site lies on the south-eastern outskirts of the town of Calne fronting the south-western side of the radial highway of Wessington Avenue opposite Holy Trinity Primary School and backing onto an expanse of school playing fields. The site, almost rectangular in plan with a frontage of about 62 m and a depth of about 170 m and an area of about 1.1 ha includes sundry buildings interspersed with irregularly shaped areas of open land and hardstandings. Near the frontage of the site but backing onto its north-western side boundary is a single-storey office and workshop building about 14 m wide and nearly 30 m deep, adjoined to its south-east along the site frontage by an accessway about 15 m wide and an open yard about 35 m wide and about 30 m deep. At about the centre of that yard stand a small shed and 2 fuel pumps whilst along its frontage and south-eastern side stand ranks of caravans and wheeled mobile office and toilet trailers. At the time of inspection on one of the caravans were sales notices. At the rear of the yard a range of single-storey garage-like buildings extending about 32 m from the south-eastern boundary and about 6 m in depth appears to be used partly for vehicle repairs and partly for storage. By the western end of that building is a small crane whilst on open land to the rear are a number of portable cabins and several commercial vehicles, trailers and chassis. Along the northern boundary is a range of low, single-storey storage structures. At about the centre of the site 2 buildings stand together. The smaller is a nissen hut containing work benches and tools and several small, ornamented food dispensing trailers. The larger, about 14 m deep by about 28 m wide, is a portal framed workshop used for manufacturing portable cabins. To its east is an open storage area containing a number of concrete bollards. The rear of the site, about 65 m deep, is a gravelled yard containing articulated trailer units. No physical boundary defines the north-western side of this rear yard from the adjoining mainly backland property to the north on which is a transport depot operated by a local firm Symms Brothers and containing open parking and buildings.

5. On the Wessington Road frontage of that depot is a 2-storey building used by office stationers whilst between that building and the appeal site is a 2-storey house, Tudor House, fronting the road. Further north-west is a terrace of houses backing onto a neglected looking field of about 0.7 ha having access between the terrace and the stationers' building. The school opposite the appeal site and Holy Trinity Church to its north-west had a combined frontage of about 174 m beyond which are the main transport office and depot of Symms Brothers at No 134 with terraced houses beyond. To the south-east along the main road is predominantly residential development; a ribbon of small houses adjoining the appeal site backs onto a field of about 1.4 ha.

6. The site has a gated access, about 6 m wide and recessed about 3.7 m, located towards the north-western end of its frontage which is otherwise fenced with chain

link. Visibility from the access centre line is available, at 4.5 m back from the nearside edge of the main road up to about 69 m to the south-east and 37 m to the north-west along that carriageway edge, the distances increasing to about 180 m to the south-east and 137 m to the north-west from 2.1 m back. Wessington Avenue here is a principal traffic route having a carriageway about 8.5 m with a central hazard line and flanked by verges and footways, those fronting the appeal site totalling about 3.7 m in width. The road is subject to a 30 mph speed limit, has high intensity street lighting and past the appeal site is almost straight and on a slight south-eastwards fall.

UNDISPUTED FACTS

7. The following facts are not in dispute between the parties:-

- i. At date of issue of the notice all the uses alleged therein were extant on the appeal site and none had benefit of express planning permission.
- ii. The heavy haulage element of use was carried on at the date of the notice by a haulage contractor, Symms Brothers Transport (Calne) Ltd whose offices are located on other land at No 134 Wessington Avenue.
- iii. Symms Brothers first occupied land on the appeal site in 1978 and also occupy land they own (adjacent to the north-west boundary of the site) which had been occupied and owned by the appellant's firm until the 1960s.
- iv. Use for sale of caravans as such, with ancillary storage and associated minimal manufacturing and repair, was first begun on the appeal site in about 1978 by Westdown Caravans Ltd (a firm separate from the appellant's) without express planning permission and was being carried on there by the same firm without permission at the date of the notice.
- v. In 1884 the appellant's family firm was commenced by his grandfather as a builders with a yard in Shelburne Road, Calne.
- vi. In 1922 the family firm acquired and occupied at Wessington Road, Calne, land (as edged green on submitted plan B) which comprised part of the current appeal site and the adjacent land now owned and occupied by Symms Brothers as (ii) above.
- vii. The appellant's current company, Wessington Cabins Ltd, was formed during the late 1950s.
- viii. On 10 February 1964 permission was granted unconditionally for erection of stores, workshop and office building now on the north-western corner of the appeal site; the application No 536 dated 8 November 1963 described use of the land as "manufacture of concrete blocks and storage yard" and the nature of the proposed use of the building as "building contractor's stores etc".
- ix. On 12 June 1967 planning permission No 747 was granted, conditionally for "enlargement of builder's plant yard" into a physically separate field now the south-eastern part of the current appeal site as edged and hatched black on the plan annexed hereto; the condition was "the permission hereby granted is for the storing of plant and equipment and materials and no manufacturing processes shall be carried out without the prior approval of the local planning authority". The appellant's business use was subsequently progressively extended onto that land.

x. In 1968 the appellant's family civil engineering and building business of Blackford & Son ceased to trade but the appellant continued to trade in other businesses on the appeal site, currently as Wessington Cabins Ltd.

xi. On 9 April 1973 planning permission No 73/A/17 was granted unconditionally for "erection of portal frame building" (that now on the current appeal site), the associated application describing the development as "erection of single-storey building" and the purpose for which the land was used as "yard".

xii. There is conflict of evidence as to whether the manufacturing, sales, plant hire and haulage contracting activities referred to in the notice (other than sales of caravans as such) were begun before the beginning of 1964 and have so continued since the end of 1963.

CASE FOR THE APPELLANT

Evidence of Mr D A Haigh

8. He has no personal knowledge of the appeal site prior to about 2 weeks before the inquiry. The firm Westdown Caravans has discontinued all activities on the land other than storage of its caravans. He considers the documentary evidence is overwhelmingly in favour of ground (e) of the appeal.

Evidence of Mr D G Blackford, the appellant in person

9. He submits a written statement of the history of the family firm and the appeal site, referring to a bundle of photographs and documents in his possession. (Submitted post inquiry by letter 6 July 1983). After 1918 his father expanded the business undertaking any work beyond the fringe of the normal building trade. Road haulage has been carried on with the firm's own vehicles, which were licensed for public haulage contracting, from 1919 continuously through to the present day. Symms Brother began using part of the appeal site about 4 or 5 years ago since when his own firm has used only its own trailers and relied on Symms Brothers for tractor units and lorries.

10. A substantial part of the firm's workforce has always been engaged in fabricating components, making sectional buildings, vehicle body construction, vehicle and plant repairs etc. In addition to haulage contracting, manufactured items were transported from the site during the same period. Prior to 1939 the firm manufactured timber huts, agricultural buildings and the like, some on skids, some on wheels including "living vans" used for such purposes as shepherds huts and site offices, the forerunners of the adaptable portable cabins now made on site. The products of the timber fabrication department of the firm were widely advertised throughout the 1950s and 1960s before and after 1963/1964 and to date. The firm has also always had its own blacksmiths and metal working facilities. Where the firm's office now is near the site access there was formerly a steam engine powering a stone crusher outside and joinery manufacturing in the rear building. Manufacturing was carried on both indoors and outside. A variety of timber and steel products have been made throughout the 1960s and to date, at any location on the firm's land. Sales of caravans as such began on site about 1978 by Westdown Caravans. Manufacturing and repair of caravans has been a minimal element of that firm's activities, caravans being mainly bought in and stored and prepared for sale on the site.

11. Plant including dumpers and concrete mixers was commonly hired out from the land, (formerly on a substantial scale) depending on demand. Recently the plant hire business has been much reduced but not ceased. Plant hire, haulage and manufacturing were always concurrent throughout the firm's land at all times since before 1964.

12. He has traded under several names over the years but the same basic activities have continued with some temporary reductions or suspension, depending upon market demand. Trading as 'Blackford & Son' before 1968 the firm carried out a wide variety of civil engineering and building works from its Wessington Avenue yard, employing up to 400 men mostly outside the yard. Since the closing of Blackford's civil engineering and building work in 1968 the firm's principal activity has been the manufacturing of portable cabins, site huts and the like products of Wessington Cabins Ltd, a company first formed in the late 1950s. However the firm is willing to carry out site works ancillary to the supply and erection of such cabins.

13. He believes that Westdown Caravans have ceased retail sales since the service of the notice and are now only storing caravans, conforming to his own instructions. His own firm's cabin products continue as formerly to be displayed for advertisement or sale, or stored, on the site frontage.

14. His firm has never sought an established use certificate because the long continuance of the various uses had been uncontested; the former Calne Borough Council certainly was well aware of the facts as some councillors worked on the site. Although called a builder's yard the land has always been the seat of activities beyond the limited scope of an ordinary civil engineering and building contractor. In 1963/1964 the firm was mainly a civil engineering and building contractor with about 60% of its turnover but also a manufacturer of timber and steel based products including cabins, huts and trailers, concrete blocks and other products, joinery for its contracting use and vehicle bodies in a small way; a road haulier carrying goods for others with upwards of a dozen vehicles of which about 9 had A or B licenses; a plant hirer. From 1968 onwards to date the major activity became manufacturing but with quite substantial elements of plant hire and of road haulage. The last powered haulage vehicle was sold 6 months before the inquiry but specialised vehicles are kept for transporting portable cabins using others lorries for towing.

Evidence of Mr J M Blackford

15. As the son of the appellant, borne at Tudor House adjacent to the appeal site and resident there until 1955, at school in Calne until 1968 and thereafter working in the family firm, he has known the appeal site well at least since 1960. Since before 1963 at the Wessington Avenue land (including the appeal site) the firm has manufactured a wide variety of portable buildings from the smallest up to large modular structures involving the working of wood and metal, welding, plumbing and other trades and has kept a fleet of portable cabins for hire. These products have always been displayed and stored on the site frontage and widely advertised. Cabins returned damaged have been refurbished on site and rehired or sold.

16. In 1968 he began work in the family firm on plant maintenance which was carried out on the forward part of the site. The firm then employed a sales manager under his father as sales director. Then and previously the firm had its own transport including articulated tractor/trailer units and also building contractor's plant and machinery, all available both for the firm's own use and for hire to others. Joinery was then manufactured in the building on the north-western front corner of the site and the other, main manufacturing work to its rear, latterly in the portal framed building.

17. About 1971 he took over management of the firm's 'plant' business including machinery and portable buildings. That side of the business has continued to date although the machinery element has recently reduced. Currently as sales director of the firm he supervises the manufacturing workforce and ranges for the sale, hire and transport of the portable cabins and like products. The firm retains its own specialised trailers but uses the tractor lorries hired from Symms Brothers.

Evidence of Mr D C Symms

18. Borne in 1936, he lives at 130 Wessington Avenue and is managing director of his family road haulage firm which has about 50 tractor units and 120 trailers with depots at No 134 Wessington Avenue and on land formerly owned by the appellant adjacent to the north side of the appeal site. In 1978/79 his firm extended its parking of articulated haulage trailers onto the rear end of the appeal site. At that time the appellant's firm usually parked 2 or 3 heavy haulage vehicles there. Currently up to about 20 or 30 of his firm's trailers commonly parked there at nights and weekends.

19. He agrees with the appellant's evidence that manufacturing as such has been carried on at the appeal site at least as far back as 20 years ago when he first came to live in Calne. He produces an oblique aerial photo of the situation on his land and the rear part of the appeal site when a portal framed building on the site was under construction in about 1972 or 1973. That building replaced some smaller buildings.

Evidence of Mr M A Jeary

20. On leaving school in 1960 he was employed by the appellant's firm Blackford & Son, as a labourer on a wide variety of work within and outside their Wessington Avenue yard for about 6 months until November 1960. From 1969 to 1979 he was a borough councillor. As a solicitor he has acted for the appellant. He has known the appeal site since well before 1964, passing it daily to and from work in recent years. From 1960 onwards the appellant's firm was engaged in civil engineering and building contracting; manufacturing cabins, sheds, poultry houses and the like for agricultural and other purposes as well as ancillary to the building side of the business; road haulage contracting; plant hire. The appellant's land, including that now occupied by Symms Brothers, was used generally for all these purposes although with some concentration of particular activities. What is now Symms Brothers land was used mainly for material storage. The building contracting and manufacturing activities were mainly towards the western side of the current appeal site in and outside buildings, the manufacturing mainly forward of the existing portal framed building. The civil engineering plant and haulage lorries were stored at the rear end of the site but maintained towards the frontage. The firm commonly used low-loader vehicles to haul large, awkward loads other than their own property. Access as at present was to Wessington Avenue. The large lorries and plant, being stored at the rear of the site, would not often be noticeable from Wessington Avenue.

21. In about 1968 the firm ceased its civil engineering and building contracting work as Blackford & Son and transferred its main emphasis to the manufacture of wooden buildings as 'Wessington Cabins Ltd'. The firm retained low-loader vehicles but these and the firm's civil engineering and building plant for hire ceased to be noticeable on the site frontage. The only other marked change in activities on the site to date has been the advent of new caravan sales on the site frontage about 4 or 5 years ago. In about 1978 occupation of land at the rear end of the appeal site, formerly used by the appellant's firm for parking and storing plant and haulage vehicles, was commenced by Symms Brothers for their haulage business which received permission to use the adjacent land to the north in 1970.

Evidence of Mr R Heath

22. He worked for Blackford & Son as a plant fitter from 1937 continuously (apart from war service) until 1968. At first he was employed at the Whitehorse Garage in Sherhill near Calne but as the work for the firm increased his main work place was transferred in 1958 to the Wessington Avenue yard. There he would repair and maintain the firm's vehicles and plant including welding. He would work in the yard or on the firm's building sites. He built a few chassis for cabins, trailers etc but left the firm quite soon after that side of the business began to expand in 1968. Since 1968 when the firm ceased to be building contractors he has observed, as a local resident in Wessington Avenue, considerable physical changes in the firm's boundaries and buildings but there has been a continuous use of the appeal site for manufacturing.

Evidence of Mr J T Neale

23. He was employed by the appellant's firm Blackford & Son from 1927 to 1928 as plasterer and from 1929 to 1966 as a chargehand mainly on building works, sometimes in the Wessington Avenue yard but more often on outside sites. Before 1960 the firm had produced joinery and the like for use in its building business. From 1960 onwards it began manufacturing of portable sheds, buildings, site offices and the like for sale. He used some of those sheds in the firm's building sites. In 1960 on the appeal site south of Tudor House were joinery and blacksmiths shops, store and yards. The land north of the appeal site (now Symms Brothers depot) contained hardstandings and store sheds.

Legal Submissions

24. Factual evidence for the appellant from witnesses directly involved with the appeal site, in some cases for most of their lives, shows clear recall of past activities on the land. For the planning authority it is conceded that there is no clear rebutting evidence.

25. The personal evidence and submitted documents (including photographs) show that in the early 1920s the appellant's family business, then predominantly in civil engineering and building contracting, transferred its base from elsewhere in Calne to Wessington Avenue. The business then occupied an area of land larger than but including the current appeal site. Subsequently the area of occupation changed by an eastwards extension and later by sale of land on the west to Symms Brothers. Four main elements of use existed, civil engineering and building contracting, manufacturing, haulage contracting and plant hire plus ancillary storage. After the civil engineering and building contracting element of the business ceased in 1968 the 3 other main elements of use continued. The appellant's family business has operated continuously but under different company names including Blackford & Son (Calne) Ltd, Wessington Plant Ltd and Wessington Cabins Ltd.

26. Manufacturing of portable cabins and the like has been shown to have been carried on as early as 1958 and have been continued ever since on the appeal site. Manufacture of other items constituting a general industrial use of class IV of the 1972 Use Classes Order has subsisted on site before 1958 and continued to date.

27. The haulage contracting element of the use commenced before 1960. The civil engineering and building contracting business involved hauling materials for constructional work to or from other sites and bringing in to the appeal site of materials for constructional work. Haulage contracting as such was carried on at the appeal site by the appellant's companies until recently but is now carried on mainly there and on the adjacent land by the separate firm of Symms Brothers.

28. Plant hire has been shown to have been an element of the use of the land, at first as another part of the civil engineering and building contracting enterprise, since well before 1960 and to have continued to date with variations according to demand.

29. Concerning the distinction made in the notice between portable cabins and caravans as such, the evidence shows that domestic caravans sold by Westdown Caravans Ltd have been bought in and that only storage and not sales of such caravans is now carried out on the site. The appellant's business has manufactured a variety of portable cabins, sheds and the like. The documentary evidence for the Council from the previous appeal (reference SW/APP/5408/A/81/1439) shows that the former planning officer accepted that manufacturing of wooden mobile units commenced about 1964 or 1965. Therefore the appellant needs show that only such manufacturing continued during 1963 and 1964.

30. It is conceded that the sale of caravans as such (including minimal elements of manufacturing and repair) is not an established use, having commenced on the land only in 1970s. Therefore the notice may properly be corrected to refer only to that use. Otherwise the evidence shows that the whole site had been used largely indiscriminately for manufacturing, plant hire and haulage since before the beginning of 1964 continuously to the date of the notice.

Ground (a) and the deemed application

31. Employment provided for 10 to 12 persons on the site will be lost if the notice is upheld. The site is within the limits of further development boundary on the draft Calne Local Plan (extracts submitted) within which Policy E4 allows intensification, expansion or redevelopment of existing premises in suitable cases. Any detrimental effect of the uses on nearby dwellings is less than the effect would have been of implementation of the permission the Council granted in 1979 under reference N78/1756/F for use of backland behind houses north of the appeal site for parking long distance haulage trailers. Although this conditional permission has not been implemented it is the intention of Messrs Symms Brothers to relocate there some of the haulage trailers they now keep on the appeal site. Adequate time would be required for this relocation. The appellant intends then to utilise the rear part of the appeal site as part of the portable building manufacturing use, mainly associated storage and the parking of vehicles. In view of the past history of the site this is a reasonable location for all the uses enforced against.

32. Now that the caravan sales use of part of the appeal site is being discontinued, the number of vehicles using the site access to the main road is about 15 to 20 cars and about 5 to 7 lorries in a day. This modest volume of traffic would not present any significant traffic hazard.

Grounds (a), (g) and (h) generally

33. No representations are made concerning any conditions which might be imposed on a permission in this case or concerning relocation of the uses of the site by the occupiers of the land or concerning ground 88(g). On ground 88(h) it is conceded for the Council that the compliance period ought to be extended to twelve months.

CASE FOR THE PLANNING AUTHORITY

Factual Evidence of Mr R A Hill

34. There is little direct evidence available to the Council as to use of the appeal site since 1947. From Council records it appears that the site was originally a builder's yard. In application No 536 (on which permission was granted in 1963 for stores, workshop, office and toilet building) the proposed use of the building

was described as "building contractor's stores" and the existing use of the site (part of the current appeal site) was described as "manufacture of concrete blocks and storage yard". The application No 747 proposed "enlargement of builder's plant yard" and the associated permission of 12 June 1967 was conditional upon no manufacturing being carried on without prior approval. The earliest available aerial photograph of 1967 shows only a single building on the site with the rear part in agricultural use or as open storage.

35. In 1967 the appeal site was part of a larger site incorporating land to the north now separately occupied by Symms Brothers. The Symms' land, subject to a permission No 70/A/55 dated 8 February 1971, for improvement of access and provision of a lorry park, was vacant at the date of the application in 1970, its last use being described on the application as "offices, workshop, store sheds, building contractor's and civil engineering yard and plant hire depot". The submitted aerial photo of 1971 taken at about the same time as the appellant's oblique view, shows new buildings not on the 1967 photograph but no sign at the extreme rear end of the land of haulage activity. In the 1981 aerial photo the haulage trailers are obvious at the rear end of the site. In the application No 73/A/17 dated 9 April 1973 for erection of the portal framed building now on site the land was described merely as "yard".

36. A refusal of planning permission in 1980, on application No N/79/1970/F for manufacture, sale, hire and repair of caravans and mobile homes was upheld on appeal in June 1981, Departmental Reference SW/APP/5408/A/81/1439. Although in the Council's written representations on that appeal it was stated that "apparently during 1964/5 the business developed into the manufacture of wooden mobile units" the evidence available now to the Council does not clearly support that statement. Nor does the evidence show that the manufacturing has been continuous on the appeal site since 1963.

Legal Submissions on Ground (e)

37. For the appellant very full assertions are made on established use. Although the Council has no clear contrary evidence, that for the appellant is highly selective. The appellant himself was reticent on the civil engineering and building contracting use of the land. His own and other witnesses selective recollections do not conflict with the view that here was a yard of a civil engineer and builder with ancillary activities. Spare space became available, hence the entry of Westdown Caravans and Symms Brothers. The sophisticated cabins currently manufactured on site bear only limited relation to the site huts which the witness Mr Heath formerly received back at the firm's yard. 1968 was a critical period on the land. The activities enforced against date more from 1968 than from the earlier use as a civil engineer's and builder's yard. Therefore established use has not been proven in respect of either manufacturing or haulage uses referred to in the notice.

Ground (a) and the deemed application

38. The reasons given for issue of the notice summarised the heads of planning objection to the use enforced against; loss of amenity in this predominantly residential area, detrimental to highway safety and conflict between the uses on the appeal site. These are consistent with earlier planning decisions affecting this site. Further industrial development in Calne should be encouraged elsewhere; in the Porte Marsh where adequate land exists for foreseeable development needs. In the 1981 planning appeal decision similar objections were recognised in dismissal of the appeal against refusal of permission for manufacture, sale, hire and repair of caravans and mobile homes on the appeal site. There have been no material

changes of planning circumstances since that appeal to justify a different decision at this date.

39. Under the 1962 Act no Town Map was prepared for Calne and the approved Development Plan contains no specific provisions directly material to this appeal. The Western Wiltshire Structure Plan makes provision for some 15 to 20 ha of industrial or warehousing land in the town and states that sites should relate to the national, county or minor distributor road network but should avoid residential or shopping streets and take into account public transport services. The draft Local Plan, which has now been endorsed for the purposes of section 12(1) of the 1971 Act, allocates some 11.3 ha for industrial use at Porte Marsh (Oxford Road) and Station Road. The appeal site lies within the line limiting proposed development but it is not the subject of a specific proposal. The locality of the site is primarily residential in character although it also contains other uses. The residential development ought to be protected against loss of amenity from unneighbourly other uses particularly the established transport undertakings in the area bearing in mind the heavy traffic along Wessington Avenue as part of the main A4 Calne-Marlborough route.

40. The full legal limit of 30 mph may easily be maintained by traffic in both directions along this nearly straight and gently rising length of main road which has central hazard lines but no restriction on parking. The slowing, turning and stopping manoeuvres of drivers entering and leaving the appeal site and the distraction of displays of caravans for sale on its frontage are likely to interfere with the free and safe flow of traffic on this primary route. About 2,465 vehicles are currently using this road in a 16 hour day. Seven accidents are recorded in the last 3 years including 3 personal injury accidents on the 300 m length of the road north-west of the appeal site.

41. Need for relocation of current uses of the appeal site appears not to be a significant factor in view of the appellant's intention to redevelop for other purposes as shown by the 1982 application referred to above for light industry, warehousing and residential uses. Subject to the extension of the compliance period to 12 months there is no need to consider relocation. No condition imposed on a permission (whether limited period or otherwise restrictive) could make the use acceptable.

CASE FOR INTERESTED PERSONS

Factual Evidence of Mrs S A Whitehouse

42. Selling of caravans on site by Westdown Caravans has not ceased. On the day of the inquiry there were price tickets displayed on one of their caravans and one of their staff confirmed that sales are continuing and gave the submitted written quotation.

Representations on Ground (a) and the deemed application

43. Mr and Mrs Whitehouse and Mr and Mrs Ashcroft generally support the Council's amenity and traffic objections to the development enforced against. Mrs Ashcroft considers the noises from working of wood and metal and the running of vehicle refrigeration units at night and weekends particularly damaging to local residential amenities. Mr Ayers has been approached by a number of parents who share his main concern that the traffic associated with the uses enforced against is in dangerous conflict with the safety of the 210 children who attend Holy Trinity Primary School. The access to the appeal site is directly opposite that of the school on Wessington

Avenue and the situation is hazardous on this busy road. The peak periods of pedestrian and vehicular traffic associated with the school, including the 20 to 30 cars which may park along the road, is from 0830 hours to 0915 hours and from 1515 to 1530 hours, when a crossing patrol is available.

INSPECTOR'S CONCLUSIONS

Ground (e)

44. I have considered carefully the conflicting factual evidence before me on ground (e) of the appeal. In my opinion because the witness Mr Haigh has no personal knowledge of the site before 2 weeks prior to the inquiry his personal evidence is not significant.

45. That of the appellant himself indicates that he has detailed personal knowledge of activities on the site from well before the beginning of 1964 to date. His evidence to the effect that his family firm has used its land at Wessington Avenue (including the appeal site and formerly other land now separately owned) for all the activities referred to in the notice since before 1964 appeared to me to be confident and buttressed by detailed recollections which were no more than refreshed by the bundle of documents and photographs to which he referred. The supporting evidence of his son Mr J M Blackford, indicating personal knowledge of the land since 1960 also appeared to me confident and detailed. The supporting evidence of Mr Symms covers primarily the elements of manufacturing and haulage uses on the land from about 1963 and appeared firm. The supporting evidence of Mr Jeary is most detailed for his period of employment by the appellant's family in 1960 but in less detail also covers firmly the entire period since before 1964. That of Mr Heath as an employee of the firm until 1968 and thereafter as a local resident firmly supports that of the appellant on the manufacturing aspect. Mr Neale as a former employee also solidly supports the appellant on the manufacturing aspect up to 1966 when he left the firm. The personal evidence of the appellant and these succeeding 5 witnesses was largely unshaken in cross-examination and in my view carries substantial weight.

46. For the Council the evidence of Mr Hill is based on interpretation of documents (including aerial photographs) from the Council's records and there is no suggestion that either he or Mr Geering has other than quite recent personal knowledge of use of the appeal site.

47. As to documentary material, I have taken into account the bundle of copy photographs, brochures and the like produced and referred to by the appellant during his evidence but formally submitted by letter after the inquiry. I accept these documents as illustrating and supporting his personal recollections. The Council's written representations on the previous appeal concerning this site gives marginal support for the Council's case. As to the 3 dated aerial photographs submitted, I consider these provide very limited information, each at one moment in time. In the absence of specialist interpretation my view is that these do not conflict substantially with the evidence for the appellant. Taking all together I accept that, as conceded for the planning authority, the factual evidence for the appellant has not been substantially rebutted.

48. On all the available evidence it appears to me that the sequence of material events was as follows. From before the beginning of 1964 until 1967 the use of the northern and frontage part of the appeal site, excluding the southern rear part covered by permission No 747, was in a variety of uses; firstly for the sui generis

use as a civil engineering and building contractor's yard associated with about 60% of the firm's turnover; secondly for the manufacturing, sale, hire and repair of a variety of portable buildings, office and toilet accommodation and the like; thirdly for the hire (with ancillary storage, repair and maintenance) of civil engineering and building plant; fourthly for the parking and storage of the firm's vehicles used in part for carrying of goods for others on A or B licenses. Although the firm's vehicles were used for its own transport needs I accept that there was a substantial separable element of lorry parking for road haulage purposes as such. After the grant of permission No 747 in 1967 these uses appear to have extended progressively into the remainder of the appeal site covered by that permission. On my estimate permission 747 covers just over half the current 1.1 ha appeal site. In 1968 the civil engineering and building contractor's yard use ceased with the closure of the firm Blackford & Son and there is no suggestion that this use was intended to be resumed. From 1968 the other aspects of use continued throughout the appeal site, albeit with increasing emphasis on the manufacturing, sale, hire and repair of portable structures. In 1978 the appellant's fleet of powered haulage vehicles had fallen to 2 or 3 although some specialised haulage trailers were still kept on site and Messrs Symms Brothers extended their parking of haulage vehicles. Also in 1978, Westdown Caravans first occupied land on the appeal site, predominantly for the sale of caravans as such with associated minimal manufacturing and repair. It appears that although these different uses tended to be grouped in different areas of the site there was from time to time a good deal of indiscriminate physical overlap between them. It is not suggested, and I see no reason to conclude, that at least from 1978 onwards there was other than one planning unit comprising the whole current appeal site.

49. On a balance of probability I find as matters of fact and degree as follows.

a. That none of the uses enforced against has subsisted since before 1964 to date on that southern, rear part of the appeal site to which permission No 747 of 1967 refers as shown hatched black and edged with a broken black line on the plan annexed hereto.

b. That in 1968 on cessation of any former element of use as a civil engineering and builder's yard there took place a material change in the use of the whole of the appeal site to a mixture of uses for the manufacture, sale, hire and repair of portable buildings, office and toilet accommodation, for the hire of civil engineering and builder's plant and for the parking of lorries and trailers for the purposes of road haulage.

c. That those uses subsisting after that change of use in 1968 have subsisted from before 1964 continuously to date on that part of the appeal site which excludes the area of permission of No 747 referred to in (b) above.

d. That in 1978 there took place a further material change in the mixed use of the whole of the appeal site by the addition thereto of a use predominantly for the sale of caravans as such.

50. Taking into account the legal implications of the facts, undisputed and found as above, I conclude as follows. The northern and frontage part only of the appeal site (excluding the southern rear area of permission 747 as shown edged and hatched black on the plan annexed hereto) has the benefit of established use rights for the manufacturing, sale, hire and repair of portable buildings, office and toilet accommodation, for the hire of civil engineering and builder's plant and for the parking of lorries and trailers for the purposes of road haulage. Therefore these uses are immune from enforcement action on that part only of the site. I interpret the conditional permission No 747 of 1967 as not giving permission for any of these

established uses. There is no suggestion that these uses have otherwise been permitted there. I conclude that those uses are not lawful on the land edged and hatched black on the annexed plan.

51. The portal framed building on site appears to me to lie partly within the "builder's plant yard" extension area of permission No 747 and partly within the other, northern part of the site. I have considered what may be the lawful use of this building. The terms of the application and permission No 73/A/17 of 1977 for its erection appear to me not to define its intended use with any clarity. From my own inspection I formed the opinion that this building is adaptable for a wide range of potential uses (including storage and agriculture) rather than being designed for any specific purpose or purposes. I consider that the information before me does not warrant a conclusion that this building was designed or permitted specifically for any one or more of the uses which I have found above to be established on the northern and frontage part of the site. I think it possible that the then planning authority granted permission in 1977 in the belief (mistakenly in my view) that the site of this building was a "builder's plant yard" but I do not feel justified in determining lawful use of this building on the information before me.

52. I consider that the change of use in 1978 which resulted from the addition of the caravans sales use to the immediately pre-existing mixed uses amounted to development requiring planning permission for which no permission was granted. The wording of the allegation in the notice does not make clear what I consider to be a proper distinction between this added caravan sales use and the immediately pre-existing uses. However I consider that the notice may be corrected, without injustice to your client or to the local planning authority, to reflect that distinction and the actual mixed use from 1978 up to the date of the notice. I intend to vary the notice accordingly under the powers of Section 88A(3) of the 1971 Act as amended. On this basis and as conceded in effect for your client at the inquiry, in respect of this particular caravan sales element of use of the site as a whole the appeal on ground (e) must fail.

Ground (a) and the deemed application

53. On the planning merits of the appeal, in my opinion the principal issues are, firstly, whether continuation of the uses enforced against is open to material planning objections as likely to adversely affect local amenities and the free and safe flow of traffic along Wessington Avenue and, if so, secondly, whether there are any special factors off-setting such planning objections. I note that in the draft Local Plan now at an advanced preparatory stage the appeal site together with land to the north-west and south-east lies within the proposed limit of development but is not the subject of specific proposals.

54. On the first issue, I accept that the locality of the appeal site is one of mixed uses including industry, commerce, a school and a church, but I consider that dwellings predominate. I consider it important in planning such areas that a proper balance should be maintained between the needs of different lawful interests with due concern for the protection of residential amenities. Each of the uses enforced against appears inherently likely to cause conflict with the amenities of any dwellings nearby. There is likely to be noise from the manufacturing processes and from movement of vehicles and plant, particularly heavy goods lorries. I note that complaints have been made by local residents specifically of the noise of continuously running mobile refrigeration units at night and weekends. Road haulage not uncommonly involves the working of unsocial hours. The sale and hire of domestic caravans here is likely to increase the flow of traffic to and from this site causing disturbance to nearby dwellings along Wessington Avenue. The appearance of

stocks of caravans and other mobile structures stored on the land and of heavy lorries parked there is unsightly and, even though the buildings on the site afford some screening, generally noticeable from neighbouring development and the highway. Although the site access to Wessington Avenue has reasonably good layout and visibility the increase in traffic associated particularly with the caravan sales use, with potential customers tending to stop on the main road, would lead to increases in slowing, turning and accelerating movements on the highway and on-street parking. Thus the free flow of traffic would be obstructed, at times hazardously, on what remains an important traffic route. For these reasons I conclude on this issue that the development is open to material planning objections.

55. On the second issue, in my opinion the provisions of the approved Western Wiltshire Structure Plan and of the current draft Local Plan for Calne do not favour the development enforced against rather than any other and appropriate forms of development on this land. On the available evidence I am not convinced that the appeal proposals would, as claimed for your client, necessarily have less of an impact on amenities and traffic than would implementation of the 1979 conditional permission for haulage trailers to be parked on backland beyond Messrs Symms Brothers adjacent haulage depot north of the appeal site; however even if it were so that would not appear to me to add positive merits to the appeal proposal. In practice recent haulage use of the appeal site has been a source of substantial complaints from local residents. Nor are the above-mentioned amenity and traffic objections to the proposal lessened by any immunity from enforcement action acquired by certain long-standing business activities within the site. On the evidence such past activities here appear to have been outside the sort of limited "builder's yard" use which may be found acceptable in a residential area. I accept that the loss of the dozen or so jobs dependent upon continuation of the uses enforced against on the appeal site would not be unimportant but find this factor only partly off-sets the planning objections mentioned above. Moreover your client's recent proposal to redevelop the land for quite different uses suggests some uncertainties in the future of those existing jobs. On this issue I am not convinced that factors favourable to the appeal are sufficient to outweigh the material planning objections mentioned above. I conclude that permission ought not to be granted for the development enforced against. I have considered carefully all the other matters referred to in all the representations before me but find in all these nothing to alter materially the balance of considerations that led me to my decision on the planning merits of the appeal. The appeal therefore fails on ground (a)

Grounds (g) and (h)

56. Although the appeal is not made on either of these grounds I have considered these aspects of the appeal taking into account the representations made for the parties at my specific request. On ground (g) it appears to me that the requirements of the notice ought, as indicated above, to be varied to reflect what I have found to be the immunity from enforcement action of certain uses on part of the site. I consider such variation may be made without injustice to the appellant or to the local planning authority and within the powers of Section 88A(2) and I intend to vary them accordingly. The requirements, varied as indicated above, will not require cessation of certain activities on almost half of the total site area of which a substantial part on the frontage should be cleared of the domestic caravans now placed there. Subject to the variation indicated above I consider the requirements are not excessive. As to ground (h), I accept that, as conceded for the local planning authority, the specified period for compliance with the requirements varied as indicated above is unduly short and ought to be increased to twelve months.

FORMAL DECISION

57. In exercise of the powers transferred to me and for the reasons given above I hereby direct that the notice be corrected by the deletion from schedule 2 thereof of all words following the words "in the use of the land to a" and the substitution therefor of the words "mixed use for the sale of caravans and for the manufacture, sale, hire and repair of portable buildings, offices and toilet accommodation, the hire of civil engineering and building plant and the parking of motor vehicles (including tractor and trailer units) in connection with the business of heavy road haulage". I also hereby direct that the period for compliance be varied by the deletion of the words "three months" and the substitution therefor of the words "twelve months" and, in schedule 3 thereof, by deletion of all words after the heading "steps required to be taken" and the substitution therefor of the words "to cease the mixed use of the land for the sale of caravans and for the manufacture, sale, hire and repair of portable buildings, office and toilet accommodation and the hire of civil engineering and building plant and the parking of motor vehicles (including tractor and trailer units) in connection with the business of heavy road haulage, by

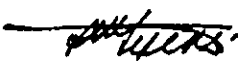
1. Ceasing any use of the land for the sale of caravans.
2. Ceasing any use of the southern, rear part of the land which is more particularly delineated on the plan annexed hereto and thereon hatched black and edged with a broken black line, for the manufacture, sale, hire and repair of portable buildings, offices and toilet accommodation, the hire of civil engineering and building plant and the parking of motor vehicles (including tractor and trailer units) in connection with the business of heavy haulage.

Subject thereto I hereby dismiss the appeal, uphold the notice as corrected and varied and, on the application deemed to have been made under Section 88B(3) of the 1971 Act as amended by the Act of 1981, hereby refuse to grant planning permission.

RIGHT OF APPEAL AGAINST DECISION

58. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir
Your obedient Servant


L W TYERS ARICS
Inspector

ENC

APPEARANCES

FOR THE APPELLANTS

Mr E Drewe

- Planning Consultant of Green Gables, Lowden Hill, Chippenham, Wiltshire.

He called:

Mr D A Haigh MRTPI MBIM

- Planning Consultant of Highlands, Beechen, Cliff Road, Bath, Avon, BA2 4QS.

Mr D G Blackford

- The appellant in person of The Manor House, 7 The Street, Cherhill, Calne, Wiltshire.

Mr J M Blackford

- Son of the appellant and Sales Director of the family firm, The Manor House, 7 The Street, Cheshill, Calne, Wiltshire.

Mr D C Symms

- Managing Director of Messrs Symms Brothers Transport (Calne) Ltd.

Mr M A Jeary

- Solicitor, partner in Messrs Gaughs, Solicitors, Church Street, Calne, Wiltshire.

Mr R Heath

- Of 3 Wessington Avenue, Calne, Wiltshire.

Mr J T Neale

- Of 1 Wessington Avenue, Calne, Wiltshire.

FOR THE PLANNING AUTHORITY

Mr J F McDonald

- Principal Administrative Officer, North Wiltshire District Council.

He called:

Mr R A Hill BA(Hons) MRTPI

- Chief Planning Officer of North Wiltshire District Council.

Mr T Geering

- Assistant Engineer of Wiltshire County Council.

INTERESTED PERSONS

Mrs C A Ashcroft

- On behalf of herself and her husband Mr J Ashcroft, local resident of Cherry Orchard, 16 Wessington Avenue, Calne, Wiltshire.

INTERESTED PERSONS (CONTD)

Mrs S A Whitehouse

- On behalf of herself and her husband Mr J Whitehouse, local resident of 16 Back Road, Calne, Wiltshire.

Mr J Ayers

- Headmaster of Holy Trinity School, Quemerford, Calne, Wiltshire.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

Document 2 - Planning authority's notice of the inquiry.

The following for the Appellant

Document 3 - Extract from Calne Local Plan draft written statement.

Document 4 - The appellant's written statement of the history of his family firm.

Document 5 - Copy notice of planning permission reference 70/A/55 dated 8 February 1971 for improvements to access and provision of a lorry park on land adjacent to northern boundary of current appeal site. See Plan B.

Document 6 - Letter dated 1 July 1983 from Mr P R Gough now of 77 Ridge Nether Moor near Swindon.

The following for the Planning Authority

Document 7 - Copy planning application No 536 dated 8 November 1963 for erection of building on land forming part of the current appeal site. See Plan B.

Document 8 - Copy notice of planning permission and associated application reference No 73/A/17 dated 9 April 1973 for erection of a portal framed building on land forming part of the current appeal site. See Plan F.

Document 9 - Copy notice of planning permission and associated application reference No 747 dated 12 June 1967 for enlargement of builder's plant yard (then extending west of its present boundary) eastwards into what is now the south-east part of the current appeal site. See Plan G.

Document 10 - Copy planning application reference No N79/1970/F dated 20 December 1979 for the manufacture, sale, hire and repair of domestic caravans and mobile homes on the current appeal site. See Plan H.

Document 11 - Copy letter dated 30 June 1981 of decision on appeal reference SW/APP/5408/A/81/01439 against refusal of permission on application at Document 10. See Plan H and Document 13.

DOCUMENTS (CONTD)

Document 12 - Copy planning application No N82/1210/OL for use for residential and light industrial/warehousing purposes of land comprising (1) a major part of the current appeal site and (2) land to its south-east. Permission refused 23 November 1982. See Plan I.

Document 13 - Copy letter dated 20 February 1981 and enclosed Local Planning Authority's written representations on previous planning appeal (as Document 11) reference SW/APP/5408/A/81/01439. Incorporates Plans J and K. See Plan L.

Document 14 - Calne Local Plan Draft Written Statement of March 1983. See Plan M.

The following for Interested Person, Mrs S A Whitehouse

Document 15 - Manuscript quotation for caravan offered for sale at appeal site on day of inquiry.

Note: See also appellant's bundle of documents and photographs submitted post inquiry by letter dated 6 July 1983.

PLANS

Plan A - Plan attached to the enforcement notice, tagged on file.

The following for the appellant

Plan B - Scale 1/2500. Appeal site edged red and areas and buildings within marked and numbered as permissions Nos 536 (Document 7), 747 (Document 9) and 73/A/17 (Document 8). Land formerly occupied by appellant's firm before extension (area 747) and later sale of part to Symms Brothers Transport (Calne) Ltd edged green. Part of green edged area outside appeal site sold to Symms Brothers and subject of permission (as Document 5) marked "Symms 70/A/55". Part of appeal site and area of land to south-east the subject of past residential use application as Document 11 marked "N82/1210/OL" and edged blue. Land north-west of appeal site to which permission No N78/1756/F applies edged yellow.

Plan C - Application No 70/A/55 plan as Document 5.

The following for the Planning Authority

Plan D - Scale 1/2500. Appeal site and land uses in surrounding area.

Plan E - Application No 536 plan as Document 7.

Plan F - Application No 73/A/17 plan as Document 8.

Plan G - Application No 747 plan as Document 9.

Plan H - Application No N79/1970/F plan as Document 10.

Plan I - Application No N82/1210/OL plan as Document 12.

PLANS (CONTD)

Plan J&K - Site location plans incorporated in Document 13.

Plan L - Scale 1/2500. Previous appeal site and locality, as submitted with written representations (Document 13).

Plan M - Local Plan Proposals Map accompanying Document 14.

PHOTOGRAPHS

Photo 1 - For appellant. Oblique aerial view of part of appeal site and adjoining transport depot.

Photo 2 - For Council. Vertical aerial view of appeal site and surroundings in 1967.

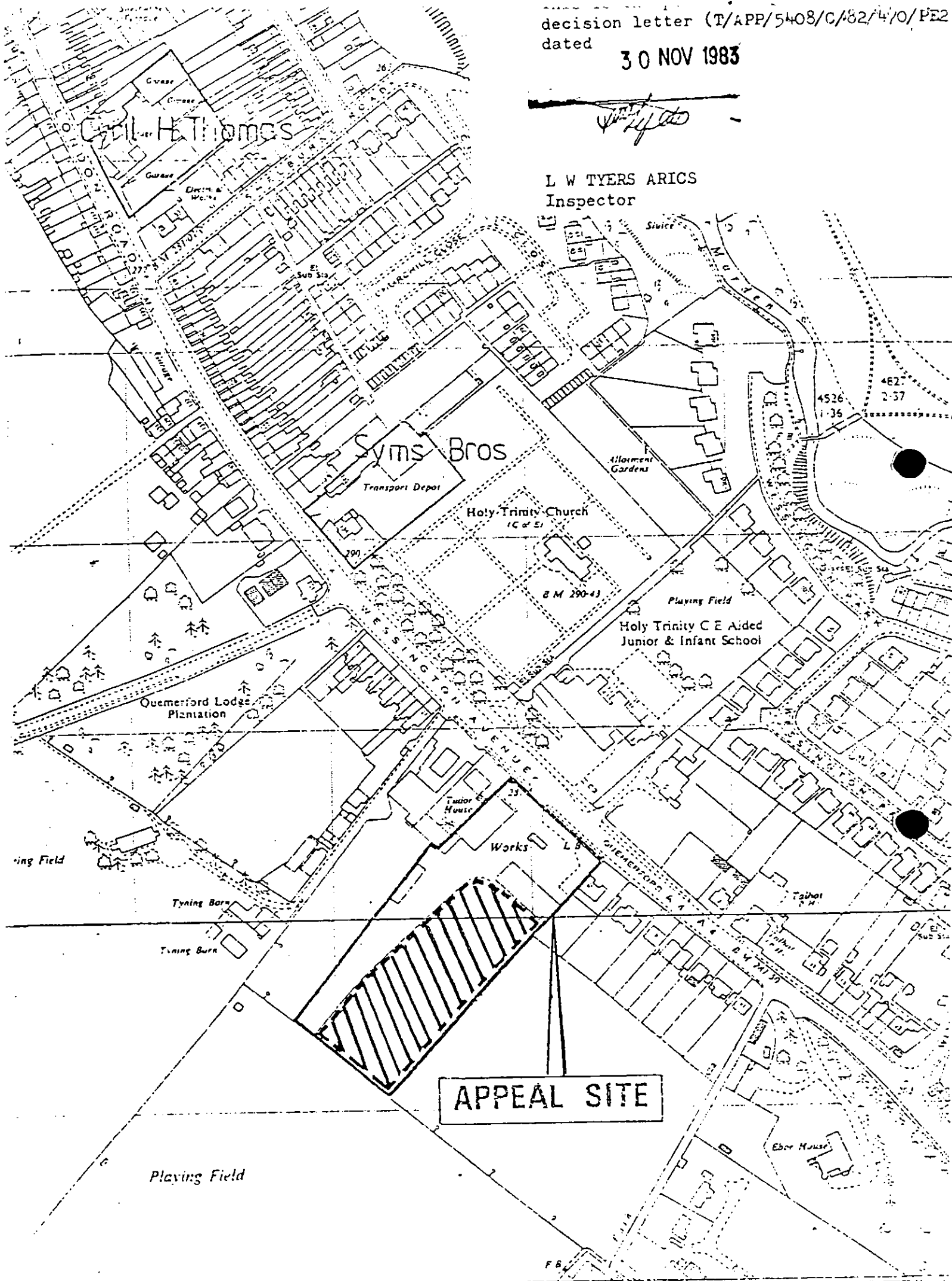
Photo 3 - As 2 but 1971.

Photo 4 - As 2 but 1981.

Note: See also appellant's bundle of photographs and documents submitted post inquiry by letter dated 6 July 1983.

30 NOV 1983

L W TYERS ARICS
Inspector



Mrs. J. Dard

ENFORCEMENT NOTICE - Land and buildings at
Wessington Avenue, CALNE E 202
as altered by Appeal Decision
APP/5408/C/82/470 of 30 Nov 1983

d Lodge
ition
701

N.W.D.C.

This is an
informative, not
authoritative
document.

Tin
House

Works

QUEENSFORD A

No planning permission
results from the appeal
and the Enforcement Notice was
confirmed, but only to the extent
indicated below.

Breach of Planning Control

The making of a material change in the use of the land to a mixed use for the sale of caravans and for the manufacture, sale, hire and repair of portable buildings, offices and toilet accommodation, the hire of civil engineering and building plant and the parking of motor vehicles (including tractor and trailer units) in connection with the business of heavy road haulage.

Steps required to be taken (within twelve months of 30th November 1983)

To cease the mixed use of the land for the sale of caravans and for the manufacture, sale, hire and repair of portable buildings, office and toilet accommodation and the hire of civil engineering and building plant and the parking of motor vehicles (including tractor and trailer units) in connection with the business of heavy road haulage, by

1. Ceasing any use of the land for the sale of caravans.
2. Ceasing any use of the southern, rear part of the land (the hatched land hereon) for the manufacture, sale, hire and repair of portable buildings, offices and toilet accommodation, the hire of civil engineering and building plant and the parking of motor vehicles (including tractor and trailer units) in connection with the business of heavy haulage.