

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 219

APPEAL yes ☒

Plan's Ref N/82/0810/ENF.

ADDRESS

THE GARDENS,
HEDDINGTON,
CALNE

BREACH of CONTROL

Erection of prefabricated building on
land for purposes connected with the
business of a demolition contractor.

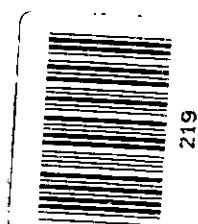
Issuing Authority N.W.D.C.

Date Issued 17-3-82

STOP NOTICES

Date Served

Requiring



Date(s) served

Takes effect 1-5-82

Compliance by 1-8-82

Dates Extended by
Secretary of State

Date withdrawn

Appeal dismissed 6/4/83

REQUIREMENTS of ENFORCEMENT

To remove or secure removal from the land the said
prefabricated building erected on the land without the
benefit of planning permission.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

Mr Waller

E219

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

PLAN		JH DA AW.	18/3
110			
18 MAR 1982			

Land at The Gardens, Heddington, Calne.

WHEREAS:

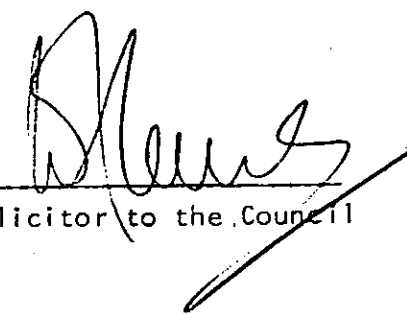
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of 4 years before the day of issue of this notice on the land or premises (hereinafter referred to as "the land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of the building, engineering, mining or other operations described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said Section 87 for the reasons set out in the annex to this notice

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken in order to remedy the breach within the period of three months from the date on which this notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88(10) of the Act, on 1st May, 1982.

Issued 17th March, 1982.

Signed


Solicitor to the Council

North Wiltshire District Council,
Monkton Park,
Chippenham,
Wilts.

Schedule 1

Land or premises to which this notice relates

The land situate at Grid Reference ST 9976 6645 and known as The Gardens, Heddington, Calne in the County of Wiltshire, which is more particularly delineated on the attached plan and thereon edged red.

Schedule 2

Alleged breach of planning control

The erection of a prefabricated building on the land for purposes connected with the business of a demolition contractor.

Schedule 3

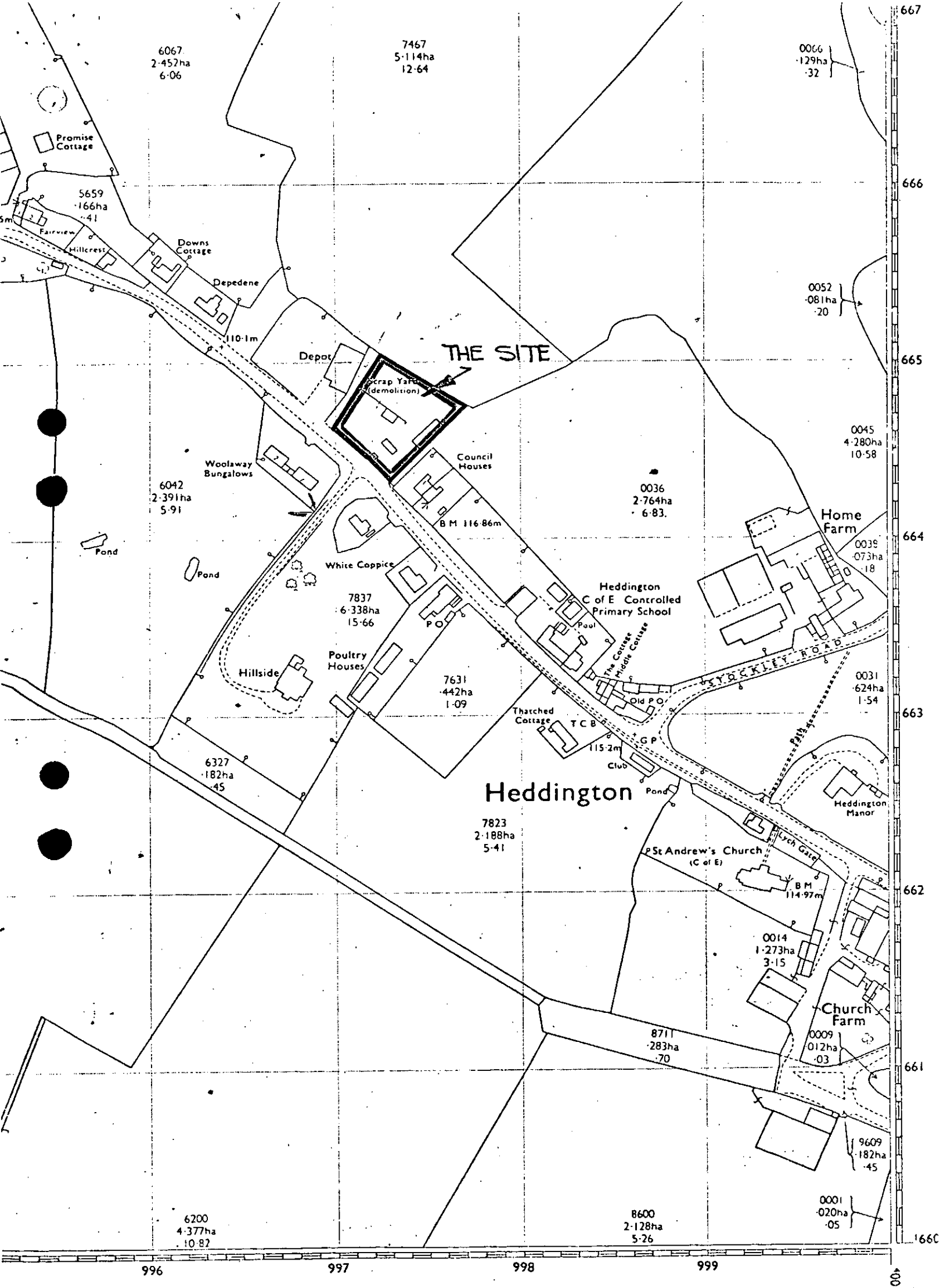
Steps required to be taken

To remove or secure removal from the land the said prefabricated building erected on the land without the benefit of planning permission.

THE ANNEX

Statement of Reasons

The erection of a prefabricated structure of a temporary nature in a prominent location adjacent to the public highway is seriously detrimental to the visual amenities of the locality and would set a precedent for the erection of further similar buildings of unsatisfactory design in this essentially rural area.





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

Mrs. J. Dorel

E 219
K/82/0810/ENF

Council reference E219 AD/DA/475

Your reference

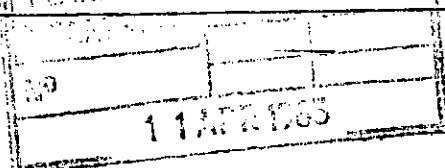
Our reference

T/APP/5408/C/82/1034/PE2

Date

6 APR 1983

Messrs Goughs
28 Church Street
CALNE
Wilts



Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY MR B E BARNES
LAND AND BUILDINGS AT THE GARDENS, HEDDINGTON, CALNE, WILTS

1. I refer to the appeal which I have been appointed to determine, against an enforcement notice issued by the North Wiltshire District Council concerning the above land and buildings. I held an inquiry into the appeal on 2 March 1983.
2.
 - a. The date of the notice is 17 March 1982.
 - b. The breach of the planning control alleged in the notice is the carrying out of building, engineering, mining or other operations, namely the erection of a prefabricated building for purposes connected with the business of a demolition contractor on land situated at Grid Reference ST 9976 6645 and known as The Gardens, Heddington, Calne, Wiltshire, (edged red on the enforcement notice plan) within the period of 4 years before the day of the issue of the notice and without planning permission.
 - c. The requirements of the notice are to remove or secure the removal of the said prefabricated building, which has been erected on the land without the benefit of planning permission.
 - d. The period of compliance with the notice is 3 months.
 - e. The appeal was made on grounds 88(2)(a) but at the inquiry ground 86(2)(h) was added.
3. This single storey prefabricated building is located towards the front of a demolition contractor's yard, between a newly built house and an older semi-detached house and fronting on to the village street. It is partly screened by a high garden wall, but it can still be seen from the street. The yard area also contains a 'nissan' hut and the area between the 2 main yard buildings and the north-eastern boundary of the site is used for the open storage of materials obtained from the appellant's demolition work.

The main points in your client's case are:-

4. This building was originally part of an office building erected by the Taunton Council. It was re-erected in Bath and then purchased and stored on the appeal site, before being re-erected in early 1979. The building was erected on the site of some old sheds, it was understood that planning permission was not required, and it was never intended to be permanently retained on the appeal site.

5. On 21 January 1980, planning permission was given for the erection of an open-fronted timber store on the north-eastern boundary of the appeal site, subject to the demolition of the existing nissen hut. In about June 1982, work on that approved building was stopped when the district council said that permission under the Building Regulations had not been, but should be, obtained. At that time, Mr Barnes did not understand the position, since he assumed that all of the necessary applications had been made. Your firm will now arrange for the necessary application to be submitted.

6. There is a high fence in front of this site and many people drive past the site without seeing the building. A new demolition contract has been secured with the Department of the Environment (which would last for 12 months) and this building is needed to provide under-cover accommodation for dismantling work, for the cutting and storage of valuable timber and for other storage purposes. Your client's son (one of the 4 people in the partnership of B Barnes and Sons) has recently erected a house on land to the north-west and wants to remove the appeal building to improve the outlook from his new house, and with the erection of the new building on the north-eastern boundary, the whole of this front area of the site will have to be cleared to provide access to the new building.

7. It is therefore only a matter of time before the appeal building is demolished and all that is needed is a stay of execution for 12 months. During that time, the necessary Building Regulation permission will be secured. The new building must have a minimum height clearance of 10 ft 10 ins to enable your client's machinery to gain access to the building and the overall height of the partially erected structure would be 15 ft 10 ins to ridge level. Mr Barnes is now semi-retired and can therefore spend more time in the yard and ensure that there would be no difficulty in complying with the suggested time limit.

The main points in the council's case are:-

8. The development is not directly contrary to any Development Plan or Structure Plan policy, except in respect of Policy E13 which respects amenity objections in relation to the establishment or expansion of small-scale employment within or on the edge of certain villages. This is an unattractive prefabricated building which can be seen from the village road to the south east and north west and its prominent location is seriously detrimental to the visual amenities of this essentially rural locality. Furthermore, its retention would set an undesirable precedent for the erection of similar unsatisfactory structures in this rural area bordering the North Wessex Downs Area of Outstanding Natural Beauty.

9. Mr Barnes has been advised on a number of occasions over the past 3 years that planning permission is required for this building and planning permission has been granted for a new building which, if erected, would have resulted in an improvement to the appearance of the site. The council are not therefore being unreasonable in requiring its demolition.

10. In view of the submissions now made, however, the council would agree to an extension of the period for compliance beyond the 3 months already set, but the enforcement notice was issued in March 1982 and the building now in course of erection is very prominent from the north-east and appears to have an eaves height of 12 ft, instead of 10 ft 2 ins, and a different ridge height to that approved. The appropriate committee may consider that a further planning application should be made and as the period for compliance runs from when the appeal decision is made, that period should be no longer than 6 months. If, however, such a period were found to be insufficient, the council would not press the issue if there were some clear action and tidying up of the site.

Conclusions

11. It is not disputed that this building is of an unattractive appearance and although it is partly screened from the village street, it is seen by the general public and makes a significant contribution to the unsightly appearance of this demolition contractor's yard. It should therefore be removed and the main issue in this case is when that removal should take place.

12. There is no certainty that approval will be given for the new building under the Building Regulations or that planning permission will be given for any amendments made to the approved design and it is, in my experience, unusual for a building to be completed within 6 months of an application being made. The removal of the appeal building will improve the appearance of the yard, but the most effective improvement will occur when the nissen hut is also removed and this area cleared for access through to the new building.

13. The appeal building contributes towards the viability of a small business which provides local employment and that use should therefore be encouraged rather than hampered by a premature loss of its most important building. It has existed for almost 4 years and I cannot see any real practical advantage in paring down the requested 12 month period to 6 months. I therefore conclude that the appeal under ground (a) should fail and the appeal under ground (h) should be allowed to that extent.

14. The requirements of the Notice are reasonable. I have considered all other matters raised at the inquiry, but they are not sufficient to outweigh the above reasons which lead me to my decision.

FORMAL DECISIONS

15. In exercise of the powers transferred to me I hereby direct that the word "three" in the last line of the paragraph beginning "NOTICE IS HEREBY GIVEN" be replaced by the word "twelve". Subject thereto I dismiss the appeal, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under Section 88B(3) of the 1971 Act, as amended by the Act of 1981.

RIGHTS OF APPEAL AGAINST DECISIONS

16. 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 Gentlemen
Your obedient Servant

J. S. Cheer

J S CHEER FRIPPI
Inspector

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