

Sabre 20

NORTH WILTSHIRE DISTRICT COUNCIL

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 274 B.

APPEAL yes no

Plan's Ref

ADDRESS

LAND AT
22 SANDY LAND
CHIPPENHAM WILTS

BREACH of CONTROL

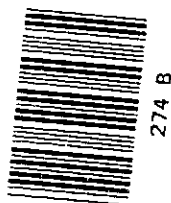
Issuing Authority NWDC

Date Issued 22.8.86

STOP NOTICES

Date Served

Requiring



Date(s) served

22.8.86

Takes effect 1.10.86

Compliance by 1.4.87

Dates Extended by
Secretary of State

Appeal Upheld -
Notice Quashed 14/8/87.
Details attached

Date withdrawn

REQUIRE

- (i) To cease the use of the land for the separate and independent use for the haulage of agricultural produce.
- (ii) To cease the use of the land for storage of agricultural produce not connected with the farm or smallholding.
- (iii) To cease the use of the land as an operating centre for vehicles and trailers not connected with the farm or smallholding.
- (iv) To remove from the land those vehicles and trailers not connected with the farm or smallholding.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

The making of a material change in the use of the land from use in connection with a farm or smallholding and an incidental use in connection with the haulage of agricultural produce to a use principally for the haulage of agricultural produce independent of the land including the use of the land as an operating centre within the meaning ascribed by Section 92(1) of the Transport Act, 1968 and a subsidiary use in connection with a farm or smallholding.

IMPORTANT -

THIS COMMUNICATION AFFECTS YOUR PROPERTY

District Secretary's Department,
G. C. Betteridge, LL.B., (Solicitor),
District Secretary



North Wiltshire District Council

Monkton Park,
Chippenham,
Wiltshire, SN15 1ER.
Tel. Chippenham (0249) 654188.
Ext. 132

Our ref **E** 274 b

Enquiries to Mr McDonald

Your ref

22nd August, 1986

Dear Sir/Madam,

NORTH WILTSHIRE DISTRICT COUNCIL TOWN AND COUNTRY PLANNING ACT 1971 (as amended) **ENFORCEMENT NOTICE**

Land at 22 Sandy Lane, Chippenham, Wilts.

The Council have issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice, in view of your interest in the land. Unless an appeal is made to the Secretary of State as described below, the Notice will take effect on the date shown in the box below and you must then ensure that the required steps for which you may be held responsible are taken within the period or periods specified in the Notice.

If you wish to appeal against the Notice, you should first read carefully the enclosed booklet entitled "Enforcement Notice Appeals - A Guide to Procedure". Then, you or your agent should complete the enclosed appeal form and send it, together with the extra copy of the Enforcement Notice enclosed herewith to the address on the appeal form. Your appeal **MUST BE RECEIVED** by the Department of the Environment **BEFORE THE NOTICE TAKES EFFECT**.

There is a requirement on the Council to specify the reasons why the local planning authority consider it expedient to issue the Notice and these reasons are set out in the ANNEX overleaf.

Yours faithfully,

G. C. Betteridge

DATE ON WHICH NOTICE TAKES EFFECT
AND BEFORE WHICH ANY APPEAL
MUST BE RECEIVED 1st October, 1986

District Secretary

To:

Edgar W. Satchell, 22 Sandy Lane, Chippenham 2PZ.
Adrian E. Satchell, 44 Malmesbury Road, Chippenham, SN15 1PW
T.W. Satchell, 22 Sandy Lane, Chippenham, Wilts. SN15 2PZ.
The Trustees, The Bowood Estates, Bowood Estate Office, Calne, Wilts. SN11 0LZ
The Secretary, Allied Gain (South), The Old Maltings, Union Road,
Chippenham, Wilts.

ANNEX - (This does not form part of the Enforcement Notice)

Reasons for issue:-

1. *The use of the land as operating centre for a haulage business or businesses is detrimental to residential amenity in the immediate locality and to the interests of the Conservation Area in which the land is situate.*
2. *The use of the land and its approaches for the manoeuvring of heavy goods vehicles represents an unacceptable risk to highway safety.*

NORTH WILTSHIRE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
ENFORCEMENT NOTICE

Land at 22 Sandy Lane, Chippenham, Wilts.

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 after the end of 1963 on the land or premises ("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 development by the making of the material change in the use of the land 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 six 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 October, 1986

ISSUED 22nd August, 1986.

Signed

G. C. Bettendge

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - Land or premises to which this notice relates.

Land at 22 Sandy Lane, Chippenham, Wiltshire shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control.

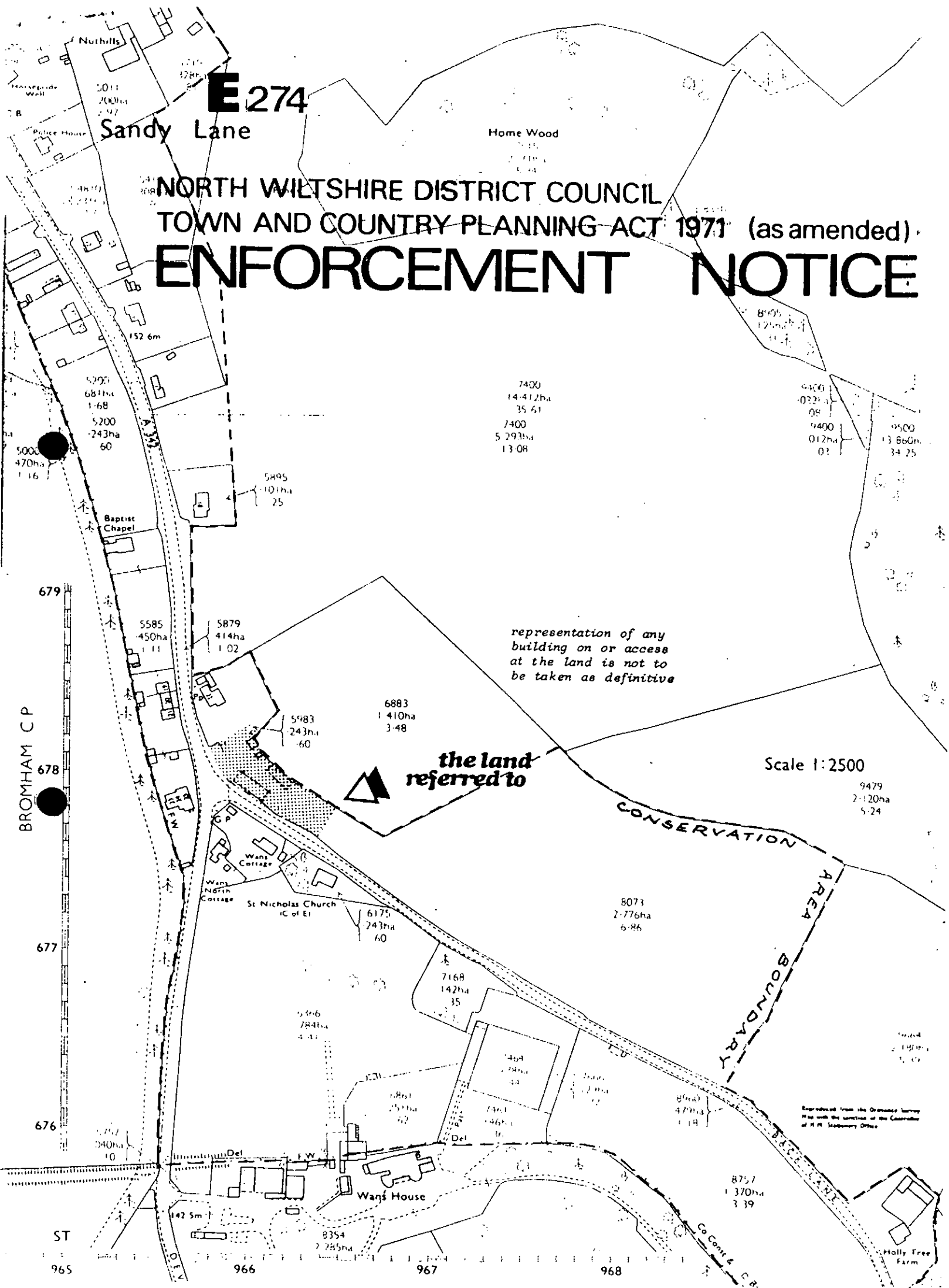
The making of a material change in the use of the land from use in connection with a farm or smallholding and an incidental use in connection with the haulage of agricultural produce to a use principally for the haulage of agricultural produce independent of the land including the use of the land as an operating centre within the meaning ascribed by Section 92(1) of the Transport Act, 1968 and a subsidiary use in connection with a farm or smallholding.

SCHEDULE 3 - Steps required to be taken.

- (i) To cease the use of the land for the separate and independent use for the haulage of agricultural produce.
- (ii) To cease the use of the land for storage of agricultural produce not connected with the farm or smallholding.
- (iii) To cease the use of the land as an operating centre for vehicles and trailers not connected with the farm or smallholding.
- (iv) To remove from the land those vehicles and trailers not connected with the farm or smallholding.

~~Sandy Lane~~

NORTH WILTSHIRE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
ENFORCEMENT NOTICE



LG



**Department of the Environment and
Department of Transport**

Common Services

Room 1410 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 938

Switchboard 0272-218811

GTN 2074

Council Refs: **E274A & E274B**

Messrs Forrester & Forrester

61 St Mary Street

CHIPPENHAM

Wiltshire

SN15 3JH

PLANNING DEPT.	
24 AUG 1987	
PASSED TO	DATE REC.

Your reference

JCG/AVH/Satchell

Our reference

T/APP/J3910/C/86/3637-3639/P6

Date

C/86/3641-3643/P6

14 AUG 87

*Appeal upheld
Notice quashed.*

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9

LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981

APPEALS BY MESSRS E W, T W AND A E SACHELL

LAND AT 22 SANDY LANE, CHIPPENHAM, WILTSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. These appeals are against two enforcement notices issued by the North Wiltshire District Council concerning the above-mentioned land. I held an inquiry into the appeals on 2 and 3 June 1987. I inspected the site on 3 June 1987.

NOTICE A

2. a. The date of the notice is 22 August 1986.

b. The breach of planning control alleged in the notice is the making of a material change in the use of the land from a mixed use of agriculture and of haulage of agricultural produce to a mixed use of agriculture and of haulage of agricultural produce which latter use is so intensified (as by such matters as the number of vehicles employed and incidental works carried out on the land) as to amount to a material change of use without the grant of planning permission.

c. The requirements of the notice are:-

i. to cease the use of the land for the separate and independent use for the haulage of agricultural produce;

ii. to cease the use of the land for storage of agricultural produce not connected with the farm or smallholding;

iii. to cease the use of the land as an operating centre for vehicles and trailers not connected with the farm or smallholding;

iv. to remove from the land those vehicles and trailers not connected with the farm or smallholding.

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

e. The appeal was made on the grounds set out in Section 88(2)(a), (c), (e) and (g) of the 1971 Act as amended but at the inquiry ground (h) was added.

NOTICE B

3. a. The date of the notice is 22 August 1986.
 - b. The breach of planning control alleged in the notice is the making of a material change in the use of the land from use in connection with a farm or smallholding and an incidental use in connection with the haulage of agricultural produce to a use principally for the haulage of agricultural produce independent of the land including the use of the land as an operating centre within the meaning ascribed by Section 92(1) of the Transport Act 1968 and a subsidiary use in connection with a farm or smallholding without the grant of planning permission.
 - c. The requirements of the notice are identical to those in respect of Notice A referred to at 2c above.
 - d. The period for compliance with the notice is six months.
 - e. The appeal was made on the grounds set out in Section 88(2) (a), (c), (e) and (g) of the 1971 Act as amended but at the inquiry ground (h) was added.
4. The evidence was taken on oath.

NOTICE B

The Appeal on Ground (c)

5. It seems to me that the fundamental point of the allegation in this notice is the alleged change in the relative scale, or importance, of the haulage element of the use of the site, from being an incidental use to being the principal use.
6. I recognise that the appeal site, being the base of operations for the surrounding smallholding, does not represent the agricultural use of the smallholding in its entirety. However the appeal site does contain fairly extensive agricultural buildings in active agricultural use. Moreover the current use of those buildings for the intensive production of some 400 pigs, 100 beef cattle and 100 domestic chickens represents a considerable enterprise in my view.
7. As to the haulage business use of the appeal site, this appears to constitute the use of part of the open area for the parking of 2 articulated tractor units and their trailers and the use of one building for routine maintenance and servicing of the lorries.
8. According to Mr E W Satchell the profit from the smallholding is considerably greater than that from the agricultural haulage business.
9. Having regard to the appeal site as a whole and to the scale and character of the agricultural and haulage elements of its use, I find as a matter of fact and degree that the haulage element is not the principal use of the appeal site. Further, the smallholding and haulage enterprises are, according to the evidence, separate and independent businesses, I therefore also find that the smallholding is not, as alleged in the notice, a subsidiary use of the site. Consequently my conclusion is that the alleged breach of planning control has not taken place. Your clients' appeal on ground (c) will therefore succeed and Notice B will be quashed.

NOTICE A

The Appeals on Grounds (c) and (e)

10. The appeal on ground (e) obviously hinges on the use history of the appeal site. In my opinion the appeal on ground (c) is also closely related to the use history of the site. I set down below my summary of the evidence led at the inquiry on this matter.

11. Mr E W Satchell testifies that he moved to the smallholding at 22 Sandy Lane in 1951 with his wife and children. Although it is said that in about 1948 Mr Victor Satchell (Mr E W Satchell's brother) first rented premises at 22 Sandy Lane for use as a smallholding and to operate a small haulage business in connection with agricultural produce, Mr E W Satchell did not acquire a lorry until 1954 and he then commenced agricultural haulage of hay and straw. From 1954 onwards the number of lorries operated by Mr E W Satchell fluctuated; increasing it is said to 2 in 1954/55, to 5 in 1960 and to a maximum of 6 in 1962. Not all the 6 vehicles in 1962 were roadworthy however. In 1975 Mr E W Satchell's operator's licence covered 5 motor vehicles and 3 trailers although it is said that at about that time the number of lorries actually using the site decreased to 4 and were changed to articulated lorries. In 1982/83 the number of articulated lorries using the site decreased to 3, it is said, and in 1985 the number of lorries decreased again to 2 articulated lorries and 3 trailers, which is the present number of lorries and trailers based at the appeal site.

12. Mr E W Satchell says that since 1954 he has hauled agricultural produce for others, besides himself.

13. In 1952 Mr E W Satchell entered into a tenancy agreement, in respect of the 14.4 acre smallholding at 22 Sandy Lane, with the landowner The Bowood Estates Company. In 1972 Mr Satchell says he entered into a further tenancy agreement with the same landowner for an additional area of adjacent land.

14. Mr A Gough and Mrs R Hurn live in Sandy Lane opposite the appeal site. In evidence Mr Gough says that in about 1954/55 he first saw a lorry going in and out of the appeal site loaded with straw and this haulage use has gone on ever since. Mr Gough's recollection of first seeing the lorry is linked to 1954/55 by, he says, reference to the Coronation and to the wedding of Mr Satchell's brother-in-law, Mr S Alexander, in 1954. Mr Gough also recalls that Mr Satchell's haulage operations began with a farm tractor and trailer which was later replaced by a lorry. Mrs Hurn made a signed written statement and her recollection of first seeing the lorry loaded with straw is similar to Mr Gough's.

15. Mr S Alexander recalls that he bought a car and Mr Satchell bought a lorry on a joint visit to Bristol in 1954/55. It was Mr Alexander's first car he says and he can fix the year because it was fairly soon after his marriage in August 1954. From 1954/55 and for a considerable period Mr Alexander says he assisted Mr Satchell in the evenings and at weekends to haul hay and straw, the main contract being to take hay and straw from a farm near Calne, but he says they also hauled from other farms and made deliveries all around Wiltshire. Mr Alexander never worked other than part-time for Mr Satchell and his work gradually reduced as Mr Satchell's sons grew up and obtained their own driving licences. Mr Alexander says he is in no doubt that the agricultural haulage business has continued to be operated from 22 Sandy Lane since not later than 1955. Mr Alexander recalls that there were one or two vehicles besides his own on the appeal site in 1960 and in that year Mr Satchell was operating the smallholding and haulage business basically on his own.

16. Mr P Noad until his retirement was a partner in the firm of J & J Noad, Cattle Food Merchants and Millers of Trowbridge. According to Mr Noad who says he has conferred with a former partner and 2 former employees of the firm, Mr Satchell first went to them in the summer of 1964 or 1965. Besides collecting cattle food from Noads for his own smallholding Mr Satchell also delivered Noads' goods, when they were extra busy, to other customers in the Calne area. Mr Satchell also took trips to Avonmouth occasionally. Mr Noad recalls that in May 1969, when Noads' main haulier took other work, Mr Satchell had to get another lorry, which was driven by Mr Satchell's son Peter, because they had other haulage to do besides Noads'. In 1969 Mr Satchell was doing 4 or 5 ten ton loads a week of compound cake for Noads, either from Avonmouth or Gloucester. In 1972 Mr Noad says he sold Mr Satchell one of their lorries and the bulk grain tank to go with it. At that time Mr Satchell was collecting grain locally and from Avonmouth and the Hampshire/Wiltshire border.

17. Mr J B Linton, a local resident, recalls that when he moved into his house in Sandy Lane in 1968 the Satchell family operated an agricultural smallholding and transport business.

18. Mr T W Satchell, one of Mr E W Satchell's sons, was born on 23 February 1951. He says that as far back as he can remember there have been lorries on the appeal site. At the age of about 8 or 9 he recalls helping to change the engine oil of a lorry and when he was about 11 he can remember camping out in a van.

19. Mr A E Satchell, another son of Mr E W Satchell, was born at 22 Sandy Lane on 12 April 1954. He says that his first memory of Sandy Lane was when he started primary school in about 1957 or 1958. He can recall always seeing a broken down lorry in the yard when he was young. He also remembers the red Bedford flat bed lorry that was used in about 1959 or 1960. When he was at junior school boys used to ask him "where did you go with your dad over the weekend?". This question, Mr Satchell says, refers to his father's haulage business trips. Mr Satchell says there is no doubt in his mind that lorries operated from the appeal site at least from 1960.

20. Mr G Baker and Mrs E Baker are local residents and say they bought their cottage in Sandy Lane in 1962. Mrs Baker took up residence in Sandy Lane in 1962 but Mr Baker did not come to live in the village until 1965, when he retired. From 1962 to 1968 Mr and Mrs Baker say they saw no sign of a lorry on the appeal site. The only form of transport at that time on the smallholding was a farm tractor with trailer, say the Bakers, and this they saw frequently passing through the village. Mr and Mrs Baker say that it was in the spring of 1969, on their return from their first winter visit to Malta, that they noticed for the first time a light lorry being used at the appeal site. In evidence in chief Mr and Mrs Baker recall that it was in 1979, on their return from their last visit to Malta, that the 10 ft wide farm gate which was the previous access to the smallholding had been removed and a section of roadside hedge also removed to facilitate the entry and exit of larger vehicles. In cross-examination however Mr Baker said the gate could have been removed in 1968 or 1969. Mrs Baker thinks that the lorry business arrived on the site in the early 1970's.

21. An oblique aerial photograph of the appeal site is produced. The photograph shows a number of lorries on the appeal site. Although the back of the photograph bears the date September 1962 none of the appellants can assist as to the date the photograph was taken. Mr and Mrs Baker have a similar kind of photograph of their cottage, and, on the basis of the date on which they paid for it, it would appear their photograph was taken in 1967.

22. According to the evidence planning permission has never been granted for the use of the land as a depot for a haulier of agricultural produce.

23. The 1952 tenancy agreement between Mr E W Satchell and the landowner includes a clause in which the tenant agrees to use the farm for agricultural purposes only. According to Mr Satchell, subsequent to this tenancy agreement the premises were used continuously for rearing livestock and in connection with an agricultural contracting and later an agricultural haulage business. The agricultural haulage business began, Mr Satchell says, in 1954 when he acquired his first lorry and Mr Satchell says that he assumed that his ancillary use of the lorry for agricultural contracting and haulage was treated by the landowner as part and parcel of agricultural use. It appears to me that for a period from about 1951 to at least 1954 there was no agricultural haulage business which involved the use of a lorry, operating from 22 Sandy Lane. Further, it seems to me that on the balance of probability the early days of Mr Satchell's enterprise at 22 Sandy Lane included the operation of the agricultural smallholding, some agricultural contracting and some haulage of his own agricultural produce.

24. Mr Satchell says he believes it was in 1960 that he started doing agricultural haulage in a large way. It appears however that not all of Mr Satchell's lorries were always roadworthy and apart from one named former employee little evidence is led as to how the business, particularly with respect to the operation of the lorries, was carried on. Mr Alexander believes that in 1960 Mr Satchell was operating the smallholding and the haulage business basically on his own. The evidence of Mr Noad does not assist with regard to the operation of the haulage side of the business before 1 January 1964 and Mr and Mrs Bakers' evidence suggests that it was well after 1 January 1964 that the haulage business began to operate on a substantial scale.

25. Evidence gathered by the objectors on the carriers licences held by Mr Satchell although not absolutely conclusive, nevertheless does suggest to me that before 1 January 1964 there were no licences held by Mr Satchell that would permit him to carry goods for hire or reward. I accept however that lack of a licence to carry goods for hire or reward does not rule out unauthorised carriage of goods for hire or reward.

26. On the balance of probability I consider that the character of the haulage element of the use of the appeal site has been altered, this change represented, to my mind, by a haulage use ancillary or subsidiary to the main agricultural use of the smallholding becoming a use which is independent of the smallholding and which is one of the main uses of the site and comparable in importance to the smallholding. The notice cites the number of vehicles employed and incidental works carried out on the land as indications of the intensification. The subject incidental works were said by the council at the inquiry to include the creation or widening (not necessarily by the appellants) of the southern access to Back Lane and the hardening of parking and turning areas within the site. I share the view that the 2 articulated tractor units and 3 trailers currently employed on the site represents an increase in the number of vehicles employed and I also consider that the size and carrying capacity of the vehicles also represents an intensification, which in total effect gives rise to a change in the nature or character of the mixed use.

27. The reference date for consideration of whether or not an intensification has taken place is the turn of 1963/64 and I am not satisfied that the appellants have discharged the onus which rests on them to prove that the alleged material change of use by intensification occurred before the beginning of 1964. I find as a matter of fact and degree that the haulage use carried on on the appeal site before the beginning of 1964 was so insubstantial that it did not amount to development at that time. Your clients' appeals on grounds (c) and (e) will therefore fail.

The Appeal on Ground (a) and the Deemed Planning Application

28. From my inspection of the appeal site and its surroundings and from the representations made at the inquiry, and in writing, I consider the main issues with respect to planning merit to be:-

- a. whether or not the development alleged in the notice is seriously harmful to the amenity of this part of Sandy Lane; and
- b. whether or not the alleged development is contrary to the interests of highway safety and convenience.

29. Sandy Lane, from my observations, is a very attractive small village which is characterised by the charming stone built cottages, many of which have thatched roofs, which flank the main road which passes through it. The appeal site is located near the southern extremity of the built-up area of the village, at the junction of the main road (A342) and a country lane known as Back Lane. Sandy Lane was designated a conservation area in 1975 and the village, and the countryside to the east of the village, is designated in the Western Wiltshire Structure Plan as Special Landscape Area.

30. The local planning policy framework germane to this appeal is contained in the approved Western Wiltshire Structure Plan and the draft Calne Local Plan. It seems to me that local planning policy allows for employment development at Sandy Lane, whether the village is considered to be a village or countryside in policy terms, provided that, among other things, the activities proposed would not detract from the amenities of the locality.

31. According to the council, and some local residents and visitors to the village, the alleged development harms amenity by noise and disturbance and by adverse visual effects.

32. Complaints are made that the 2 articulated lorries leave the appeal site very early in the morning (5.30 am-6.30 am). The effort of the lorry engines as they slowly accelerate away from the site, and the associated changing of gears, causes noise, and vibration of windows at one house, which gives rise to serious disturbance. Other vehicles travelling at speed on the main road, even of similar size to the appeal lorries, do not, it is said, have the same noise effect or take so long to pass. Not all the residents who live close to the appeal site complain of noise however and Mr Heal who lives at Wans Cottage, opposite the appeal site across Back Lane, says he has not encountered any noise problems in relation to the use of the articulated lorries and goes on to say that there is far more of a problem with noise from through traffic on the main road.

33. The sound produced by the engines of the appellants' lorries as they slowly accelerate away from the appeal site would it seems to me give rise to a louder and more sustained noise than would normal through traffic over the same period of time. Sandy Lane does however lie on a busy main road and the occupiers of the cottages that closely flank it may therefore expect to hear traffic noise. Although the appellants' lorries leave the site early in the morning they are but 2 in number and I do not consider that the noise and disturbance they cause, which is of short duration, is sufficient to amount to a serious detraction from the amenity of the locality.

34. As to visual amenity, objections are made that the haulage operation is an eyesore which mars the village and also the setting of the unique Church of St Nicholas in Back Lane. The lorries when parked on the site in their usual position at the south-west corner are visible from Back Lane, and from the church

path, and present, some say, a very untidy view. The use of Back Lane by the appellants' lorries is also said to have caused serious damage, by rutting, to the grass verge of Back Lane. This verge is used as a footway by people attending the church, but on occasions, it is said, they have had to walk through mud churned up by the appellants' lorries.

35. Although the 2 lorries, when parked in their normal position at the southern end of the appeal site, are visible from the main road, it is but a glimpse past the farm buildings and the lorries are unobtrusive from this quarter in my opinion. From certain points in Back Lane, and from the churchyard path of St Nicholas' Church, the parked lorries are clearly visible and they present an uncharacteristic appearance in this rural village. Screening of the lorries by additional planting of the hedge to the south of the southerly access, while not totally obscuring the lorries, could in my view ameliorate their adverse effect on Back Lane to an acceptable level. As to complaints that the appeal site is an eyesore, it seems to me that planning control cannot enforce tidiness and the smallholding use, from the evidence of my site inspection, is as likely to present an occasionally unsightly appearance as the haulage use. The rutting of the grass verge in Back Lane would seem likely, according to the evidence, to have been caused by the appellants' lorries. This damage is unfortunate in my view but I do not think it is unavoidable. As to whether the haulage use is so harmfully out of character in a village, designated as a conservation area, that it should be rejected in principle, my opinion is that the history of the haulage use by the Satchell family, undisputedly of at least 16 or 17 years in duration, is a compellingly significant factor. The facts that the 2 appellants involved with the haulage use do not live in the village, that the haulage business has no material relationship with the smallholding other than they share the use of the same farmyard, and that the produce hauled has little if any connection with the locality, do not detract substantially from the compelling significance of the operation as a family concern. Moreover I am conscious of the Government's desire to encourage small businesses. My conclusion is that the adverse visual effect of the haulage use is not so serious to warrant its rejection having regard to all the material considerations.

36. Turning to the highways issue, the appeal site has 2 entrances but according to the evidence the northern one, which is effectively directly off the main road (A342), is the one most used by the haulage business. In the vicinity of the appeal site the A342 is winding with a series of reverse bends and there is no speed limit apart from the national speed limit for single carriageway roads of 60 mph. From my observations the average speed of traffic travelling through Sandy Lane appears quite high having regard to the tortuous alignment of the main road. Standard sightline measurements taken by the highway authority at the northern entrance indicate that the rightward visibility for an emerging vehicle is substantially less than that recommended in official guidance. The visibility from the cab of an articulated lorry waiting to emerge at the carriageway edge is, however, not nearly as restricted as standard visibility. It is still less than that recommended however. Nine accidents have been reported to the police in the last 3 years in a half mile length of the A342 which includes the locality of the appeal site. There is no evidence of the appellants' vehicles having been involved in any of these 9 accidents and the evidence suggests that the appellants' vehicles have never been involved in any accidents while entering or leaving the appeal site.

37. It seems to me that the winding alignment of the main road, the quite high through traffic speeds and the restricted visibility at the main site entrance are factors which dictate that vehicles, especially slow moving articulated lorries, emerging from the access, do so at some risk. However the present operation of the haulage business basically only involves 2 articulated lorry movements out in the early morning and 2 articulated lorry movements in in the evening. This level of traffic movement does not in my opinion represent an unacceptable hazard and my

conclusion is the alleged development is not seriously contrary to the interests of highway safety and convenience.

38. Having regard to my conclusions on the amenity and highway issues I propose to allow your clients' appeal on ground (a) and grant planning permission on the deemed planning application. To the grant of planning permission I propose to attach certain necessary conditions. The first will limit the exercise of the planning permission to the 2 members of the Satchell family who currently operate the haulage business. This condition is necessary in my view because the granting of planning permission for a haulage operation in this village would, in principle, be most unlikely except for the family history of the present use and the reasonable way I consider the Satchell brothers conduct their business. The second condition will restrict the number of lorries and trailers in the interests of both of amenity, noise and visual, and of highway safety. Finally the third condition will call for the implementation of a landscaping scheme that will improve the present screening afforded to the parked lorries by the hedge along Back Lane.

39. As the appeal is to succeed on ground (a) the appeal on grounds (g) and (h) does not fall to be considered.

40. I have taken account of all the other matters raised but in my judgement none of them is sufficient to outweigh the considerations which have led to my decision.

FORMAL DECISION

NOTICE A

41. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your clients' appeal, direct that the notice be quashed and grant a personal planning permission for a limited period for the change of use of the land from a mixed use of agriculture and of haulage of agricultural produce to a mixed use of agriculture and of haulage of agricultural produce which latter use is so intensified (as by such matters as the number of vehicles employed and incidental works carried out on the land) as to amount to a material change of use on the application deemed to have been made under Section 88B(3) of the Act subject to the following conditions:-

1. The haulage use hereby permitted shall be carried on only by Mr Thomas William Satchell and Mr Adrian Ernest Satchell and shall be for a limited period being the period during which the haulage business is owned and controlled by Mr Thomas William Satchell and Mr Adrian Ernest Satchell.
2. When the haulage business ceases to be owned and controlled by Mr Thomas William Satchell and Mr Adrian Ernest Satchell, the haulage use hereby permitted shall cease.
3. No more than 2 articulated tractor units and 3 trailers shall be stored or operated from the site in connection with the haulage use hereby permitted.
4. Within 3 months of the date of this letter a landscaping scheme showing the proposed treatment of the hedgerow boundary to the south of the more southerly access shall be submitted to the local planning authority. Once approved the scheme shall be implemented in the first planting season. following approval; and any trees or plants which within a period of 5 years from the date of approval of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.

NOTICE B

42. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your clients' appeal and direct that the notice be quashed.

43. This decision does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

44. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

45. Attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

RIGHT OF APPEAL AGAINST DECISION

46. This letter is issued as the determination of the appeals 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

Robert H Town.

R H TOWN CEng MStructE MIHT
Inspector

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APPEARANCES

FOR THE APPELLANTS

Mr David Spens

- Of Counsel, instructed by Messrs Forrester & Forrester, Solicitors, Chippenham.

He called:

Mr A Gough

- 20 Sandy Lane.

Mr P Noad

Mr J B Linton

- Nuthills Farm, Sandy Lane.

Mr M D Heal

- Wans Cottage, Sandy Lane.

Mr S R Alexander

- White Coppice, Heddington, Calne.

Mr E W Satchell

- 22 Sandy Lane.

Mr T W Satchell

- 94 Langley Road, Chippenham.

Mr A E Satchell

- 44 Malmesbury Road, Chippenham.

FOR THE PLANNING AUTHORITY

Mr J F McDonald

- Principal Administrative Officer with North Wiltshire District Council.

He called:

Mr D J Auld MA DipTP MRTPI

- Assistant Chief Planning Officer with North Wiltshire District Council.

Mr T P Geering

- Assistant Engineer with the Wiltshire County Council Highways and Transportation Department.

INTERESTED PERSONS

Mr P B Stanbury

- Of Messrs Bevis, Solicitors, 36 Regent Circus, Swindon, representing Elizabeth Small, Mr and Mrs C A S Grose, Mr W W Waite, Mr and Mrs E G Baker, Mr P J Harrison, Mrs Elaine Jones and Lady Charnley.

He called:

Ms B Suddock

- Anchorage, Alaska, USA.

APPEARANCES (CONT'D)

INTERESTED PERSONS (CONT'D)

Lady Charnley	- 13 Sandy Lane.
Mrs E Baker	- 12 Sandy Lane.
Mr G Baker	- 12 Sandy Lane.
Mr W Waite	- 23 Sandy Lane.
Mr V Satchell	- 4 Garston Road, Chippenham.

DOCUMENTS

- Document 1 - Lists of persons present at the inquiry.
- Document 2 - Notification of the inquiry dated 30 April 1987 with distribution list.
- Document 3 - Operators licence issued on 10 July 1975 (copy).
- Document 4 - Agreement dated 29 April 1952 between the Bowood Estates Company and William Edgar Satchell (copy).
- Document 5 - Written statement of Mrs Rose Hurn.
- Document 6 - Two letters to NWDC dated 22 December 1980 and 30 March 1981 from Noad & Son and Tilley and Noad respectively and a statement dated 22 December 1980 written by S R Alexander.
- Document 7 - Enforcement Officer's report dated 1 July 1981.
- Document 8 - Letter from NWDC to the County Surveyor, Wiltshire CC, dated 30 November 1986.
- Document 9 - Letter dated 27 May 1987 from Peter McCaffrey to Mr W Waite.
- Document 10 - Suggested modification to step (ii) required by the enforcement notices.
- Document 11 - Planning conditions suggested by the council.
- Document 12 - Extract from the Road Traffic Act 1960.
- Document 13 - Extract from Transport Act 1968.
- Document 14 - File of documents, photographs, letters from local residents, and comments of visitors to Sandy Lane submitted by Mr P B Stanbury on behalf of the local residents he represents.
- Document 15 - A guide to goods vehicle operators licensing published by the Department of Transport.

PLANS

Plan A - The plan attached to Notice A (on file).

Plan B - The plan attached to Notice B (on file).

Plan C - Plan of Sandy Lane submitted for the appellants indicating the addresses of supporters of the appeal, objectors, and residents who are neutral in the matter.

PHOTOGRAPHS

Photo 1 - Photostat copy of an oblique aerial view of the house and agricultural buildings at 22 Sandy Lane.