

# ENFORCEMENT REGISTER INFORMATION SHEET

E/ 290

APPEAL

yes

no

Plan's Ref N82/6808/ENF

## ADDRESS

PARCEL NO. 1451 ORDNANCE SURVEY  
SHEET SU 0877-0977,  
BROAD TOWN LANE,  
BROAD TOWN

## BREACH of CONTROL

Tipping of sub soil and other material on the  
land over an area and to a level in excess  
of that authorised by approved plans  
relative to planning permission N/79/0053/F

Issuing Authority N. W. D. C.

Date Issued 3-3-82

## STOP NOTICES

Date Served

Requiring

Date(s) served

Takes effect 26-4-82

Compliance by 26-5-82

Dates Extended by  
Secretary of State


Enforcement notice quashed  
- planning permission deemed  
- D.O.E. 8/12/82

Date withdrawn

1. To remove or secure the removal of the subsoil and tipped material deposited on the site in excess of that authorised by the said planning permission No. N/79/0053/F.
2. To expose or secure the exposure of the topsoil forming the original field surface on that part of the land surrounding the area edged green now covered by the tipped material.
3. To level and grade or secure levelling and grading of the area edged green in conformity with the configuration indicated by sections A-A, B-B, C-C, and D-D, upon the plans approved by the said planning permission No. N/79/0053/F
4. At the completion of the said levelling and grading in accordance with the said sections to secure the spreading of a layer of topsoil at least 4" in depth over the area edged green.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTYNORTH WILTSHIRE DISTRICT COUNCILTOWN AND COUNTRY PLANNING ACT 1971 (as amended)ENFORCEMENT NOTICE

Land at Broad Town Lane, Broad Town.  
Parcel No. 1451 Ordnance Survey Sheet SU 0877

 PLANNING DEPARTMENT NO	PASSED TO	DATE RECEIVED
	TH	8/3
- 5 MAR 1982		

## 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 date 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 one month 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 the 26th April, 1982.

Issued 3rd 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 field situate at Broad Town Lane, Broad Town, near Wootton Bassett in the County of Wiltshire being Parcel Number 1451 on Ordnance Survey Sheet SU 0877-0977 which is more particularly delineated on the attached plan and thereon edged red.

### Schedule 2

Alleged breach of planning control

The tipping of subsoil and other material (herein called "the tipped material") on the land over an area and to a level in excess of that authorised by the approved plans relative to planning permission N/79/0053/F which permitted the tipping of soil in the area edged green on the attached plan in connection with the restoration of a depression in the land to agricultural use.

### Schedule 3

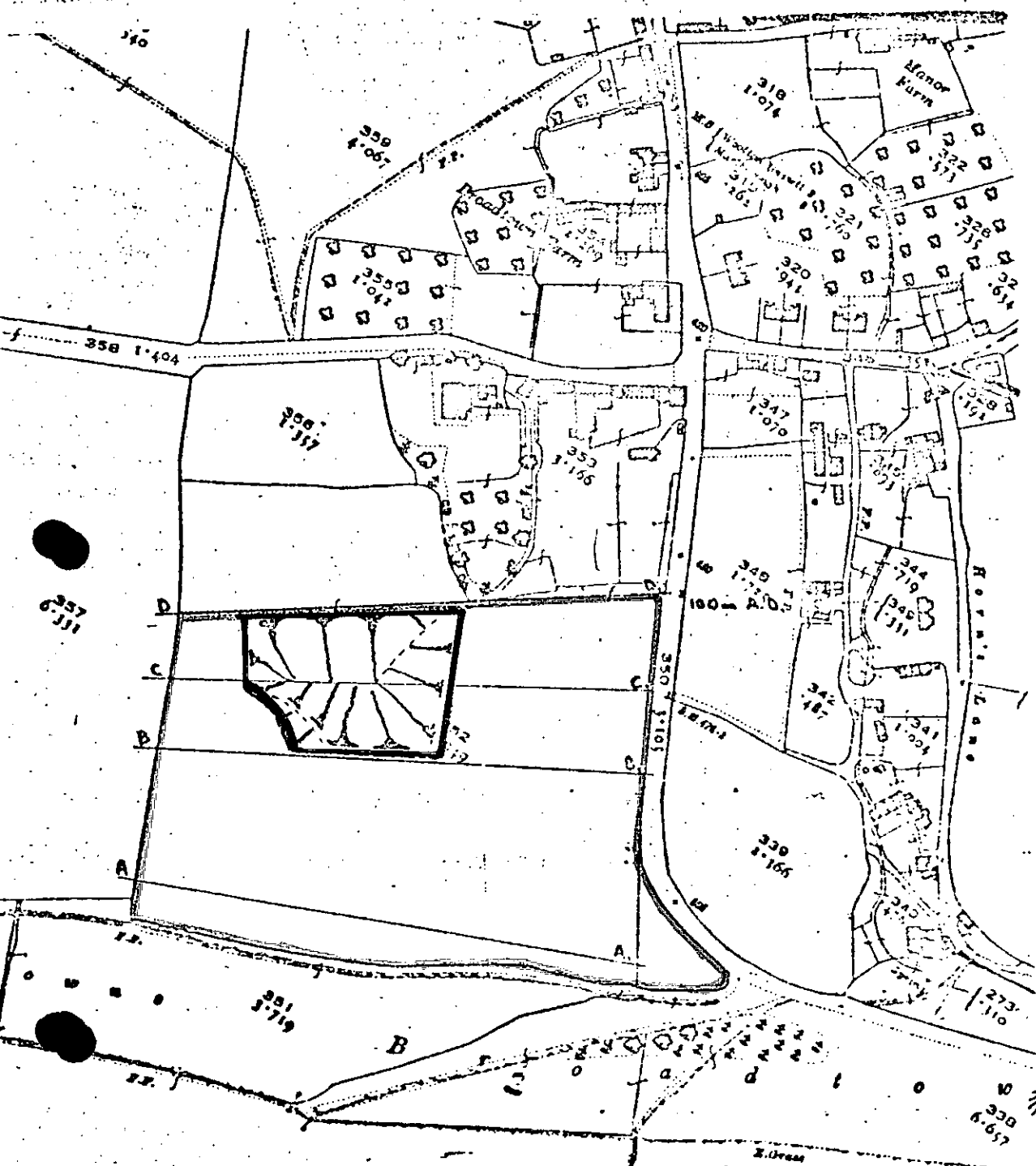
Steps required to be taken

1. To remove or secure the removal of the subsoil and tipped material deposited on the site in excess of that authorised by the said planning permission No. N/79/0053/F.
2. To expose or secure the exposure of the topsoil forming the original field surface on that part of the land surrounding the area edged green now covered by the tipped material.
3. To level and grade or secure levelling and grading of the area edged green in conformity with the configuration indicated by sections A-A, B-B, C-C, and D-D, upon the plans approved by the said planning permission No. N/79/0053/F.
4. At the completion of the said levelling and grading in accordance with the said sections to secure the spreading of a layer of topsoil at least 4" in depth over the area edged green.

THE ANNEX

Statement of Reasons

This enforcement notice is issued in the interests of visual amenity, agricultural productivity and in order to prevent the erosion and flooding of adjoining land.





Department of the Environment and  
Department of Transport

Common Services

Room 14 11 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 914

Switchboard 0272-218811

N/82/0808/ENF

Council reference AD/DA/472

Messrs Townsends  
Solicitors  
42 Cricklade Street  
SWINDON  
Wilts  
SN1 3HD

Your reference

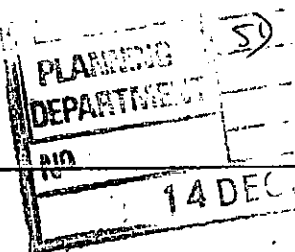
MJN/JAS

Our reference

T/APP/5408/C/82/932/G4

Date

- 8 DEC 1982



Gentlemen

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

APPEAL BY MRS M E BOURTON

LAND AT BROAD TOWN LANE, BROAD TOWN, PARCEL NO 1451 CS SU 0877-0977

1. I refer to the appeal, which I have been appointed to determine, against an enforcement notice by the North Wiltshire District Council concerning the above mentioned land. I have considered all the representations made by you and by the Council and also those made by interested persons and I inspected the site on 14 October 1982.
2.
  - a. The date of the notice is 3 March 1982.
  - b. The breach of planning control alleged in the notice is the carrying out of engineering mining or other operations namely the tipping of sub-soil and other material (herein called "the tipped material") on the land over an area and to a level in excess of that authorised by the approved plans relative to planning permission N/79/0053/F which permitted the tipping of soil in the area edged green on the attached plan in connection with the restoration of a depression in the land to agricultural use.
  - c. The requirements of the notice are:-
    - i. To remove or secure the removal of the sub-soil and tipped material deposited on the site in excess of that authorised by the said planning permission No N/79/0053/F.
    - ii. To expose or secure the exposure of the top soil forming the original field surface on that part of the land surrounding the area edged green now covered by the tipped material.
    - iii. To level and grade or secure levelling and grading of the area edged green in conformity with the configuration indicated by sections A-A1, B-B1, C-C1, D-D1, upon the plans approved by the said planning permission No N/79/0053/F.
    - iv. At the completion of the said levelling and grading in accordance with the said sections to secure the spreading of a layer of top soil at least 4 ins deep over the area edged green.
  - d. The period for compliance with the notice is one month.
  - e. The appeal was made on grounds 88(2)(a), (g) and (h) of the Town and Country Planning (Amendment) Act 1981.

3. The appeal site is an  $8\frac{1}{2}$  acre field on the west side of Wootton Bassett to Marlborough Road (B4041) at the southern end of the village of Broad Town. To the north is the village of Broad Town with open countryside on the other 3 sides. The site has a downward slope from south to north.

4. Tipping has taken place over approximately  $\frac{2}{3}$  of the site from the northern boundary extending southwards in semi-circular shape. The tipped material is mostly of a clay sub-soil type although there is an area of some 50 ft diameter towards the north-western corner which shows stone at surface level. Bricks are also visible in the exposed tip face along the northern boundary. At the lower end of the site ie the north the surface of the land is a glutinous mud but it becomes drier the higher one goes and a sparse vegetation exists on the higher slopes. Also along the northern boundary an open drainage ditch has been dug with a 4 in diameter plastic drainage pipe placed in the bottom of the ditch which has an outfall to a stream. The pipe was not discharging water at the time of inspection.

5. It is not now possible on a visual inspection to differentiate between the area of tipping for which planning permission exists and the remainder of the tipped area, albeit that it is apparent that the area tipped exceeds the area referred to in the planning permission.

6. Your client's appeal on ground 88(2)(a) is based on an opinion given by the Chief Planning Officer to the District Council in a letter to your client dated 11 September 1981. Presumably reliance is placed on that part of the letter which accepts that some additional tipping to grade the filled area into the remainder of the field could reasonably be regarded as being necessary to utilise the area for agricultural purposes. The letter does go on to say however that what has been done exceeds any reasonable likelihood that planning permission might be granted. Your client has taken expert advice and a scheme has been prepared which basically involves regrading of the material on site. The Council will consider the scheme after it has been advertised under Section 26 of the 1971 Act.

7. The Council do not argue any policy objection to the excess tipping but they do find objection to the fact that a steep embankment has been left at the northern end and they say that a spring line has affected land drainage in the area which has given rise to complaints of flooding over land to the north. There are letters from local residents complaining of flooding in the vicinity of their property.

8. My impression on seeing the site was that the present levels conform approximately with what might be expected in this area. The fall of the land remains fairly uniform and there is no resulting "mound" which might be aesthetically unacceptable in this area of outstanding Beauty and Great Landscape Value; and might also restrict the agricultural working of the field. I thus find no objection in principle to the tipping operation but the execution of the work has left a poorly drained area which requires regrading before the desired objective of bringing the land back into agricultural use will be achieved. I have taken into account the other matters raised by they are insufficient to outweigh the considerations leading to my decision.

#### FORMAL DECISION

9. For the above reasons and in exercise of the powers transferred to me I hereby direct that the enforcement notice be quashed and I grant planning permission on the deemed application for retention of the material which has been tipped on field OS 41 at Broad Town Lane, in excess of that which was permitted in accordance with the terms of planning permission No N/79/0053/F subject to the following conditions:-

1. A scheme for regrading and draining the land shall be submitted to the local planning authority for approval within one month from the date of this letter.

2. Work on the regrading and drainage shall be completed within 12 months of approval of the scheme.

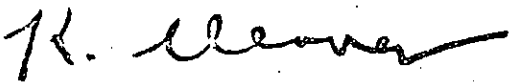
10. Attention is drawn to the fact that an appellant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the authority fail to give notice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

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

#### RIGHT OF APPEAL AGAINST THE DECISION

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

I am Gentlemen  
Your obedient Servant



K CLEAVER CEng MICE MIMunE AMCT  
Inspector

ENC