

**ENFORCEMENT  
INFORMATION****REGISTER  
SHEET****E/** 292.

APPEAL

yes

no

Plan's Ref

## ADDRESS

ANKINGTON BAR FARM  
CHIPPENHAM.

## BREACH of CONTROL

Issuing Authority *nwdc*Date Issued *11. 6. 84*

## STOP NOTICES

Date Served

Requiring



Date(s) served

*12. 6. 84*Takes effect *16. 7. 84*Compliance by *16. 11. 84*Dates Extended by  
Secretary of State

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

1. To cease the use of the land for retail sale of produce and other goods not derived from the agricultural holding of which the land forms part.
2. To remove from the land produce and other goods brought on to it for sale and not derived from the agricultural holding of which the land forms part.
3. To cease bringing on to the land produce and other goods for sale not derived from the agricultural holding of which the land forms part.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

SCHEDULE 2 - Alleged breach of planning control

The making of a material change in the use of the land from use as part of a farm to use for that purpose and, in addition, retail sale of produce and other goods not derived from the farm

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# IMPORTANT

THIS COMMUNICATION AFFECTS  
YOUR PROPERTY

District Secretary's Department  
D. F. Lewis  
Solicitor to the Council

PLANNING DEPARTMENT	RECEIVED TO 28	DATE RECEIVED 12/6
NO		
12 JUN 1984		



**North Wiltshire  
District Council**

Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654183.  
Ext. 132

Ourref **E** 292

Enquiries to Mr. McDonald

Dear Sir/Madam,

11th June, 1984

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

Allington Bar Farm, Chippenham

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 and the fee specified in the box below, 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,

*D. F. Lewis*

Solicitor

DATE ON WHICH NOTICE TAKES EFFECT and  
BEFORE WHICH ANY APPEAL MUST BE  
RECEIVED - 16th July, 1984

FEE WHICH MUST ACCOMPANY  
APPEAL - £47

To:

Mr. Paul Reynolds,  
Allington Bar Farm,  
Allington,  
Chippenham,  
Wilts.

Major M. Gibbs,  
Sheldon Manor,  
Chippenham,  
Wilts.

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

REASONS FOR ISSUE:-

1. The development introduces a commercial use into an area in which it is the policy of the Local Planning Authority that existing uses should remain for the most part undisturbed and only development essential to agriculture shall be approved.
2. The use results in a focus of activity including traffic of goods vehicles and cars alien to the area.
3. The use is likely to cause undue interference and danger to users of a busy Class I road (A420) by virtue of vehicles slowing, stopping and turning in a sub-standard junction.

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

PLANNING	LOGGED 10	DATE RECEIVED
2 JUL 1984		

Allington Bar Farm, Chippenham

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 FOUR 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 16th July, 1984

ISSUED 11th June 1984

Signed

*[Signature]*

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this Notice relates

Land at Allington Bar Farm, Allington, Chippenham, Wiltshire  
shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

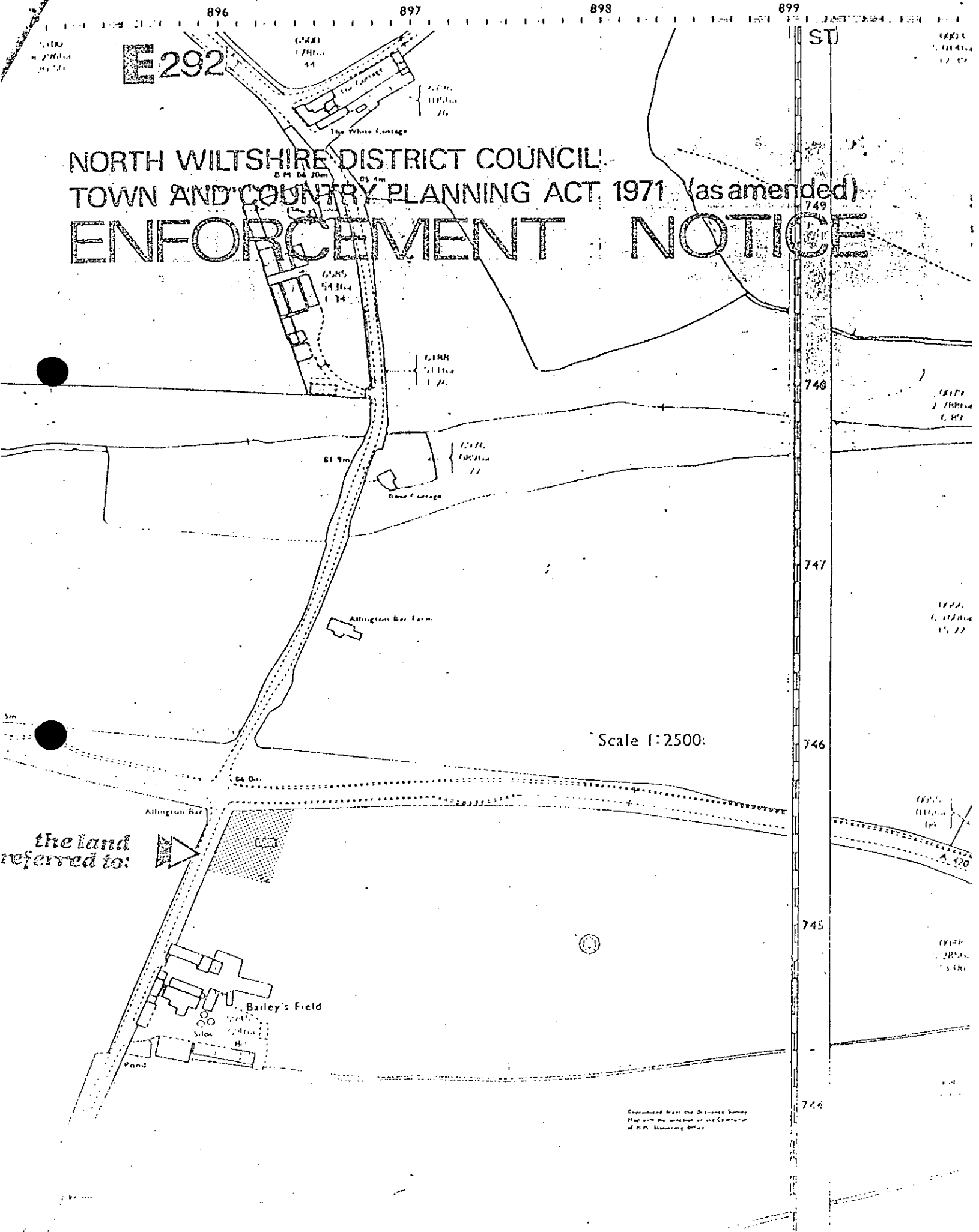
The making of a material change in the use of the land from use  
as part of a farm to use for that purpose and, in addition, retail  
sale of produce and other goods not derived from the farm

SCHEDULE 3 - Steps required to be taken

1. To cease the use of the land for retail sale of produce and other goods not derived from the agricultural holding of which the land forms part.
2. To remove from the land produce and other goods brought on to it for sale and not derived from the agricultural holding of which the land forms part.
3. To cease bringing on to the land produce and other goods for sale not derived from the agricultural holding of which the land forms part.

E292

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



Excerpted from the Ordnance Survey Map with the permission of the Controller of H.M. Stationery Office

# ENFORCEMENT INFORMATION

# REGISTER SHEET

E/ 292

APPEAL

yes

-118

Plan's Ref N/82/0617/ENF

## ADDRESS

ALLINGTON BAR FARM.  
ALLINGTON,  
CHIPPENHAM

## BREACH of CONTROL

Making a material change of use from a use solely in connection with retail sales of agricultural produce to a mixed use of the retail sale of agricultural, horticultural, manufactured and process produce

Issuing Authority N. W. D. C.

Date Issued 24.2.82

## STOP NOTICES

Date Served

Requiring

Date(s) served

Takes effect 1-4-82

Compliance by 1-7-82

Dates Extended by  
Secretary of State

appeal dismissed  
8/2/83.

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

- 1 Discontinue sale of agricultural, horticultural, manufactured and processed produce, other than sales of agricultural produce from the land.
- 2 To secure the removal of agricultural, horticultural, manufactured and processed produce deriving from land outside the agricultural unit.
- 3 To discontinue the importation of agricultural, horticultural, manufactured and process produce from outside the agricultural unit of which the land forms a part for the purposes of retail trade.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)



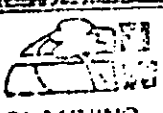
**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**NORTH WILTSHIRE DISTRICT COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1971 (as amended)**

**ENFORCEMENT NOTICE**

**Land at Allington Bar Farm, Allington, Chippenham**

 <b>PLANNING</b> <b>ENFORCEMENT</b> NO	PASSED 10	DATE RECEIVED
	25/2	25/2
<b>25 FEB 1982</b>		

**REAS:**

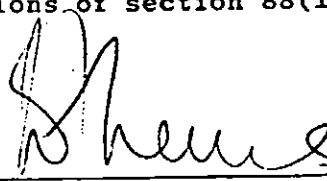
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises 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 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 consideration, 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 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 April, 1982.

**Issued 24th February, 1982**

**Signed:**



**Solicitor to the Council**

**North Wiltshire District Council,  
 Monkton Park,  
 Chippenham,  
 Wiltshire,  
 SN15 1ER**



# Department of the Environment and Department of Transport

Common Services

Room 1411 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

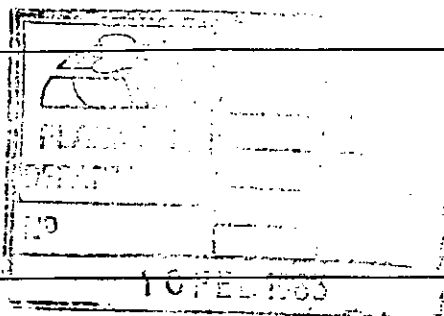
Direct line 0272-218 914

Switchboard 0272-218811



E 292.

Mr E Drewe  
Planning Consultant  
Green Gables  
Lowden Hill  
CHIPPENHAM  
Wiltshire



Your reference 82/29  
Council Ref: AD/DA/467  
Our reference T/APP/5408/C/82/726/G4

Date

8 FEB 1983

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY MR P REYNOLDS  
LAND AND BUILDING AT ALLINGTON BAR FARM, ALLINGTON, CHIPPENHAM

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 building. I held an inquiry into the appeal on Tuesday 16 November 1982.

2. a. The date of the notice is 24 February 1982.

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 solely in connection with retail sales of agricultural produce, deriving from and wholly incidental to, the agricultural use of the agricultural unit of which the land forms a part, to a mixed use for the purposes of the retail sale of agricultural, horticultural, manufactured and processed produce deriving from land outside the agricultural unit of which the land forms a part, in addition to the retail sale of agricultural produce deriving from and incidental to the agricultural use of the said agricultural unit of which the land forms a part.

c. The requirements of the notice are:-

1. To discontinue the sale of agricultural, horticultural, manufactured and processed produce, other than sales comprising of agricultural produce deriving from and wholly incidental to the agricultural use of the agricultural unit of which the land forms a part.

2. To secure the removal of agricultural, horticultural, manufactured and processed produce deriving from land outside the agricultural unit of which the land forms a part and brought onto the land for the purposes of sale.

3. To discontinue the importation of agricultural, horticultural, manufactured and processed produce from outside the agricultural unit of which the land forms a part for the purposes of retail sale.

d. The period for compliance with the notice is 3 months.

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

3. The evidence was taken on oath other than on planning merits.

#### SUMMARY OF DECISION

4. The appeal is dismissed and permission is not granted on the deemed application.

#### SITE AND SURROUNDINGS

5. The appeal is concerned with a single storey building, about 10 m long x 5 m wide, now laid out for the sale of goods by retail. The building stands towards the north-western corner of what is otherwise mainly an agricultural field on the south-eastern corner of the crossroads junction of the C180 Allington/Corsham road with the A420 Bristol/Chippenham road about .5 km west of the present edge of the built-up area of Chippenham. The building is on the appellant's agricultural holding of approximately 89 ha at Allington Bar Farm, of which the farmhouse (and on my estimate, about a quarter of the land area) lies north of the A420 road. The C180 road roughly bisects the farm east west. Immediately adjoining the south and west sides of the appeal building is a hardstanding, partly gravelled, partly concreted, which has a 6 m wide gated access to the C180 road about 20 m south of the crossroads. A tunnel greenhouse about 21 m x 4 m adjoins the south side of the appeal building. About 70 m south of the appeal site, within the farm, is a large group of agricultural buildings, some modern others of considerable age, adjoining the eastern side of the C180 road at Baileys Field. These buildings incorporate milking parlours and dairy facilities now disused.

6. On the day of the inquiry there were goods displayed for sale both within the appeal building and on the adjoining open land. Goods displayed in the building included fresh vegetables, bananas, citrus and other fruits, jars of proprietary honey, jams and preserves, containers of soft drinks, packets of crisps, confectionery and torch batteries. Two small freezers stood in the rear store of the building. Goods displayed in the open included vegetables and bags of garden peat, compost and solid fuel. The hardstanding was also in use as car parking for the premises, capable of accommodating 5 or 6 cars. The only till visible was that within the appeal building.

7. The C180 road here has a single, 2-lane carriageway, about 6 m wide by the appeal site but narrowing further south and generally flanked by verges. Its junction with the A420 road has "give way" signs and is bell-mouthed. The A420 road here has a single, 2-lane carriageway about 7 m wide, flanked by footways (except westwards on the south side) and by wide verges. Its alignment is gently curving and the centre line is marked by a hazard line near the junction and, to east and west, by a double white line system restricting over-taking through the neighbouring bends. Neither of the roads is subject to local speed limits and both are almost level. Visibility from the site access, at 2 m back from the general line of the carriageway nearside edge, is not significantly obstructed along the C180 road. Visibility from the C180 road centre line, and up to 4.5 m back from the nearside carriageway edge of the A420 road, is clear over highway verges along that edge of the A420 road for about 180 m towards Chippenham and about 165 m towards Bristol, but beyond is restricted by roadside hedges (except where cut down) in conjunction with bends in the road. There are extensive vision splays on the opposite side of the junction which has advanced direction signs including to a local tourist attraction, Sheldon Manor. The appeal premises are advertised

as a farm shop by a double-sided sign in the A420 highway verge about 30 m east of the junction. At the time of my inspection other advertising signs lay disused on the ground by the access.

#### UNDISPUTED FACTS

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

- a. Allington Bar Farm is a registered agricultural holding, about 89 ha in area, of land owned or held on tenancy by the appellant, classified as Grade 1 overall by the Ministry of Agriculture, Fisheries and Food, plus a further 20 to 24 ha of rented grass keep.
- b. It was formerly primarily a dairy farm with some arable cropping, but from 1980 onwards dairying was abandoned and the enterprise has been changing to the growing of vegetables, some fruit and garden plants, cereals, grass for hay, some Christmas poultry, wreaths and holly, sweet-corn and soft fruit for "pick your own" sale, the business of agricultural contracting and the sale of goods by retail in the appeal building.
- c. The appeal building, formerly an agricultural building, was adapted in 1980 for use for the sale of goods by retail.
- d. During the first full year of the present form of enterprise the trading turnover has, on the appellant's own estimates (no accounts are available) been about £120,000 in total of which about £50,000 has been by retail sales from the appeal building and about £70,000 from the remainder of the enterprise.
- e. Sales in the appeal building include both the produce of the land of Allington Bar Farm and also bought in goods the produce of other farms and manufactured and processed goods.
- f. Bought in goods currently represent about half the total volume of goods displayed for sale at the appeal site and account for (on the appellant's own estimate) from 5% to 10% of the total retail turnover of the enterprise; the percentages vary from time to time.
- g. Such bought in goods have included eggs, fruit and vegetables, seeds, garden peat and compost, solid fuels, metal buckets, honey, jam and preserves, ice-cream, confectionery, crisps, soft drinks and batteries.
- h. The produce of the farm is also taken to market, generally in Bristol, where it is sold or is bartered for the produce of other land.
- i. The produce of the farm and bought in goods are also sold to hotels, an art college and shops to which deliveries are made by the appellant's lorry.
- j. All money for retail sales at the farm is paid in through the till in the appeal building.
- k. The retailing aspect of the enterprise currently gives employment to 3 persons full-time and 4 persons part-time with seasonal variations of part-time employment.

l. The appeal building is open to the public for retail sales for 9 hours a day on 7 days a week throughout the year.

m. The produce of about 8 ha (about 9%) of the land is sold by retail through the appeal building and the produce of the remainder of the farm is sold in other ways.

n. No planning permission has been granted for the mixed use referred to in the enforcement notice.

#### INSPECTOR'S FINDINGS OF FACT

9. In respect of goods bought in I consider that both turnover and the range of such goods offered for sale are material factors in this case. As a matter of fact and degree I find that retailing of bought in goods is a substantial minority of the whole retailing activity carried on at the appeal building.

#### CASE FOR THE APPELLANT

##### Ground 88(2)(b) - Legal Submissions

10. The bone of contention between the parties is whether the amount of goods sold has a significant effect on the farm shop which results in that shop requiring planning permission. The agricultural industry has some exceptions to the normal prohibitions against development in the countryside. Farming is not a short term job and time of at least 2 growing seasons is needed to develop a viable enterprise of horticultural production and sales. A full complement of greengrocery must be offered, therefore imported goods are needed to secure and retain customers for the produce of the land. It is not disputed that some goods have been imported (eg citrus fruit) and that some of these goods have been delivered for sale to hotels and elsewhere. The evidence shows that, in the total sales turnover of the enterprise, the proportion of bought in goods to the produce of the land has varied from day to day and seasonally but has been de minimis. Therefore use of the appeal building has remained ancillary to the predominant agricultural use of the farm on which it stands, does not require planning permission and is not in breach of planning controls.

##### The deemed application and planning merits

11. The appellant took over the tenancy of Allington Bar Farm from his father about 12 years ago and himself bought some of the present 89 ha holding. Several years ago the old farm cottage was demolished to facilitate improvement of the C180/A420 road junction and was replaced by the modern farmhouse north-east of the crossroads. The division of the holding into 4 by the C180 and A420 roads proved a serious problem for the dairy farming enterprise for which the farm was then used. Traffic being busy on both roads, particularly in the evenings, cattle crossing them for milking or change of pasture were at risk; in one year 12 beasts were killed. In 1960 the appellant, deciding to turn the menace of the road traffic into an advantage, abandoned dairying and started growing a much higher proportion of horticultural crops, mainly for retail sale in a farm shop accessibly located near the main road. The land, graded 1 overall on the Ministry of Agriculture classification, is of mixed quality and only in part fit for horticultural use. The Ministry have suggested cereal growing as a viable alternative to dairying. The appeal building, formerly a small poultry-house, was converted to its present layout as a farm shop. The

appellant's cowman/tractor-driver, formerly his sole employee, was re-employed in a new agricultural contracting aspect of the enterprise and in addition 3 full-time and 4 part-time employees were taken on to staff the farm shop plus mainly seasonal field workers. Thus a significant amount of employment has been created by the enterprise.

12. It is the policy of the National Farmers Union and of National Government that food should be marketed from our farms as freshly as possible and for this the best route is recognised as being direct from the farm to the housewife. A direct sales business is now operational on this farm but 2 growing seasons had been needed to develop it to a viable level. It had been found necessary to offer a steady supply of a full range of greengrocery and fruit (including some foreign produce such as citrus fruits) in order to attract and retain customers. Customers demand "one stop" shopping where they can satisfy various needs from a full range of goods on offer. Therefore, in view of the unavoidable seasonal and other variations in production from one farm, it is essential that some produce should be bought in, mainly from the Bristol market but also from neighbouring farms. Though turnover in such bought in produce is only about 5% to 10% of the total, it is of much greater significance to the success of the enterprise.

13. Were the enforcement notice to be upheld, the consequent lack of bought in produce would reduce overall retail custom very substantially, perhaps by half. The shop would cease to be viable in its present form, staff must be fewer and days of opening must be reduced, perhaps mainly to week-ends. The locational advantages of the site for selling farm produce would remain but the viability of the whole enterprise would be endangered. The expert evidence of the appellant and his 2 farming witnesses is that on this farm dairying has become impracticable and production of cereals or beef would be substantially less profitable than the current enterprise. The appellant's evidence is that beef and/or cereal production would at present not give him a profit substantially in excess of an agricultural worker's wage and therefore would not enable him to pay his way with existing commitments including the mortgage on the farmhouse.

14. A strong local custom has been built up, shown by the submitted petition to be about 90% from within 3 km of the farm, mainly from the 4 neighbouring villages of Allington, Castle Combe, Ford and Yatton Keynell and from the Bumpers Farm industrial estate on the nearby edge of Chippenham. The appellant also re-sells to Allington villagers small lots of goods he buys from a cash and carry warehouse and delivers produce by his own lorry to the Avon County Art College. The need for service to the local community is increased by the inadequacies of Chippenham as a shopping centre, where through traffic and congestion and the setting up of temporary markets occupied mainly by itinerant traders has damaged the ability of the permanent centre to serve the public. The use on the appeal site has the support of the Parish Council and of numerous customers who signed the submitted petition.

15. The C180/A420 road junction has been improved in recent years and now provides good visibility as shown by the submitted photographs. There is no evidence of any accidents caused by traffic associated with the use enforced against, and this part of the A420 is conceded in evidence for the Local Planning Authority to be reasonably safe with traffic volume only about half its design capacity of 12,000 vehicles per day. Other and more remote traffic generators are responsible for most of the traffic at the junction, including work trips to and from the Bumpers Farm estate at Chippenham and tourist traffic attracted by Sheldon Manor which is publicly sign-posted at the junction. The site access has existed in its present form, other than the gate, for many years and provides for unrestricted movement with good visibility.

It is conceded for the Planning Authority that the car park serving the shop is adequate. No significant traffic problems have been shown to result from the use enforced against.

#### CASE FOR THE PLANNING AUTHORITY

##### Ground 88(2)(b) - Legal Submissions

16. The appellant sells goods which are not the produce of the land in one of 2 respects, either farm goods produced elsewhere or non-farm goods such as manufactured products. The appellant's case on this ground rests on the submission that such sales are de minimis. That submission is founded on the evidence at the inquiry that such goods represent 5% to 10% of such turnover, the percentage varying from time to time. No exact figure defines what is de minimis. There is no evidence for the appellant as to the percentage of bought in goods, if any, which may be sold in other farm shops such as those in Worcestershire and at Bromham in Wiltshire. However a distinction should be drawn between such other farm shops and that on the appeal site. A farm shop is an exception; planning law recognises that a farmer is able to sell the produce of his farm direct to the public as an activity ancillary to agriculture. An exception should be viewed differently from the normal.

17. On the appellant's own evidence his farm shop appears to have become the principal enterprise of his agricultural holding. He has become largely a shop-keeper who produces a significant proportion of what he sells but also brings in a substantial proportion by purchase or barter. He has abandoned his former dairying enterprise and (not accepting the undisputed advice of the Ministry of Agriculture to grow cereals) has preferred to become a retailer. The service his retailing gives to local people is commendable. However in this connection the appeal premises are more like a village stores, selling a high percentage of local produce, than a true farm shop. The present character of use is as alleged in the notice and is clearly not now purely ancillary to agriculture.

##### The deemed application and planning merits

18. The advertisement board for the shop on the A420 road is white with the following words painted in red; Farm Shop, Potatoes, Eggs, Fresh Fruit and Vegetables, Seeds and Compost, Car Park. Of 2 further signs by the sides of the access one is a mobile-cream sign and the other a hand-made direction sign. In front of the shop there are goods on display in the open. On a recent visit on 20 May 1982 these included metal buckets and bags of peat as well as plants in beds. On the same day on display within the shop were proprietary brands of sweets and crisps, bottles of fizzy pop, batteries, racks of packets of seeds, citrus fruits, ice-cream, imported jars of jam and honey, eggs, other fruit (including a wide range of apples) and vegetables.

19. The site is clearly outside the limits of Chippenham in an area when any development is normally restricted to that essential to agriculture. A new shop in this location would therefore be contrary to the accepted policies for the control of development. These policies are not intended to restrict normal sales of produce arising from and ancillary to a farm holding. The range of products and scale of operations at the appeal site, however, clearly do not fall within this category. The volume and value of sales of imported goods is not insignificant. It is conceded for the appellant that the volume and value of imported goods on display is at least 50% of the total. Even if the volume and value were at the 5 to 10% level

the development would be no longer ancillary to the farm and would have become a separate use for which planning permission is required. Because of the amount of goods and advertisements displayed outside the premises in a prominent location in open countryside the development is detrimental to visual amenity of this rural area.

20. The A420 road is the Chippenham to Bristol Class 1 road and between 2 and 9 June 1982 a traffic count near the site indicated an average flow of 5,448 vehicles per 16-hour day for a 5-day period. Only the national speed limit of 60 mph applies and speeds are generally high. Visibility from the C180 road along the A420 at 4.5 m back from the main road is 183 m to the right and 165 m to the left over highway land, although because the hedge is low in this direction better visibility exists at present. The Department of Transport advises that for 60 mph the visibility distance at the junction should be 210 m. The signs which advertise the premises have too much information to be easily assimilated, distract drivers and may lead to sudden slowing and turning manoeuvres which may be dangerous on this busy, fast stretch of road. Furthermore the increase in the use of the junction as a result of the shop causes interference to the free flow of traffic and is therefore a source of potential danger.

21. The service benefits to local residents, the additional employment created by the use enforced against and the reduction of visual intrusion that would result if the existing advertising signs were removed do not suffice to outweigh the planning objections to the development. The appeal should be dismissed and planning permission should not be granted on the deemed application.

#### INSPECTOR'S CONCLUSIONS

##### Ground 88(2)(b)

22. The current use of the building at the appeal site includes the retailing of produce, including manufactured and processed goods, not being produce of the land of the agricultural unit of which the appeal site forms part, on a scale which is significant and more than minimal both as a proportion of total retail turnover and of goods displayed for sale. The use is a mixed one which may properly be described as in the allegation of the notice and is not purely ancillary and subservient to the agricultural use of the farm. The retailing of bought in goods might properly also be described as use as a shop within Class 1 of the Town and Country Planning (Use Classes) Order 1972. Commencement of that existing mixed use constituted a material change in the use of the land and building referred to in the notice, for which planning permission was required but has not been granted. Therefore the existing use is in breach of planning control and on ground (b) the appeal fails.

##### The deemed application and planning merits

23. On the planning merits of the application deemed to have been made under section 88B(3) of the 1971 Act as amended, from my inspection of the appeal site and surroundings and the representations made at the inquiry and in a letter from the Chippenham Without Parish Council I consider that the principal issues are whether continuation of the use enforced against is open to material planning objections as being detrimental to the rural appearance and character of the area and likely to result in traffic hazards and, if so, secondly, whether need or other special circumstances are such as to outweigh such planning objections.



24. On the first issue, in my opinion the building with which the appeal is concerned is in the open countryside and somewhat detached from Allington village and well outside any substantial settlement. The fact that selling the produce of the farm to the public might be carried on as an activity ancillary to agriculture, without involving development requiring planning permission, does not make general retailing in a shop appropriate here. Under established local and national planning policies for such rural areas, development here is not generally acceptable other than in connection with agriculture or other purposes appropriate to the countryside. A shop as such here is open to particular objections because it would normally be a focus of activity, including traffic of goods vehicles and cars, for purposes alien to the area. In this prominent location such activities and the shop building and associated facilities for goods handling, parking and the like are likely to be especially noticeable. In consequence the mixed use enforced against, which in effect includes a shop of Use Class 1, is likely to damage the rural appearance and character of the locality. The development is thereby open to material planning objections.

25. I note the undisputed evidence for your client to the effect that only about 10% of the turnover is from passing trade, the majority being from local customers particularly from the 4 neighbouring villages. In my view as the site is somewhat detached from Allington, several kilometres from the other 3 villages and well outside Chippenham, most of its customers are likely to travel by car. No estimates have been submitted of the existing or prospective traffic generation of the use enforced against. However I accept that the use is a substantial one and is likely at times to result in material increases in the volume of traffic and the number of turning and slowing movements at the neighbouring crossroads junction. I also accept that the site access is undesirably close to the crossroads and that visibility from the G180 road along the A420 road is somewhat less than the national standard requirements. However the evidence before me indicates there is a good deal of turning movement at this junction other than to or from the appeal site and does not show that the junction has proved significantly hazardous in use since it was improved a few years ago. I conclude that the development enforced against in the building as it stands is likely to increase traffic hazards in the vicinity of the adjoining crossroads to an extent which has not been shown to warrant a refusal of planning permission in itself but adds significant weight to the material planning objections mentioned above.

26. On the second issue, in my opinion the evidence before me indicates that in 1980 your client had sound agricultural reasons for abandoning dairying at Allington Bar Farm and turning instead to arable farming. However the undisputed fact that local Ministry of Agriculture advice was to grow cereals on the land suggests that his present mixed enterprise was not then the only potentially viable choice open to him. That choice has led to a situation in which, on the available evidence, nearly 40% of the turnover of the whole enterprise is derived from sales of the produce of less than 10% of the land of this Grade 1 farm, and involving mainly a local market plus about 10% of passing trade.

27. Thus horticultural cropping of the land, allied to direct farm sales to a mainly local public, seems to have been a remarkably successful aspect of the enterprise. I can appreciate your client's concern to safeguard such success. The contention for your client that bought in goods have been an essential factor at the sales stage, in order to attract and retain retail customers, was not substantially rebutted at the inquiry. However the available evidence appears to me to provide little factual support for this contention. Moreover this evidence relates only to an initial 18 months experience of the enterprise and includes neither current

accounts nor projections of future business. The superior attractions for the customer of fresh farm produce were stressed (no doubt rightly) in evidence for your client. There appears to me a reasonable possibility that the horticultural production and allied sales from this farm could be expanded profitably. On the available evidence I am unable to accept that any substantial element of bought in goods is essential to the continued and longer term agricultural viability of Allington Bar Farm. The argument for your client that customers demand "one stop" shopping appears to me rightly applicable to general retailing in shops of Use Class 1, particularly in shopping centres and major enterprises where a wide and comprehensive range of goods is to be expected to be on offer. However I consider this argument is of very limited application to "farm shops" ancillary to agriculture and does not justify in this case the change of use enforced against.

28. As to local need for shopping facilities, on the evidence before me I see no reason to doubt that your client's retail services are valued by local residents. However in my opinion this is not a remote area but has reasonable accessibility to a good range of shopping in nearby Chippenham as well as to the more distant major centres at Swindon, Bristol and Bath. I conclude that there has not been shown to be such special circumstances in this case as might outweigh the material planning objections mentioned above to the development. I have taken into account all the other matters referred to at the inquiry and in a letter from the Chippenham Without Parish Council but find in all these matters nothing to alter materially the balance of considerations that led me to my decision on the planning merits of the appeal.

29. Although the appeal is not made on grounds 88(2)(g) or (h), I have considered these aspects of the case. In my opinion the requirements of the notice do not exceed what is necessary to remedy the breach enforced against and the period of 3 months specified in the notice is not unreasonably short for compliance with the requirements.


#### FORMAL DECISION

30. In exercise of the powers transferred to me and for the reasons given above I hereby dismiss the appeal 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.

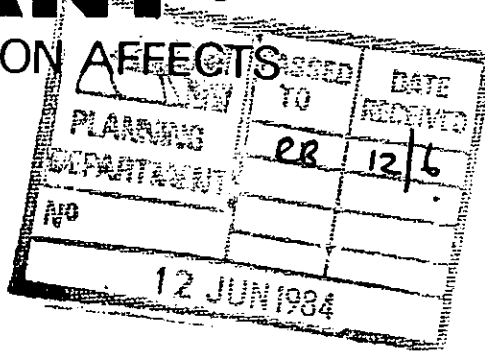
#### RIGHTS OF APPEAL AGAINST DECISION

31. 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

**IMPORTANT**THIS COMMUNICATION AFFECTS  
YOUR PROPERTYDistrict Secretary's Department  
D. F. Lewis  
Solicitor to the Council**North Wiltshire  
District Council**Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 132292Our ref **E** 292

Enquiries to Mr. McDonald

Dear Sir/Madam,

11th June, 1984

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

Allington Bar Farm, Chippenham

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 and the fee specified in the box below, 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,

Solicitor

DATE ON WHICH NOTICE TAKES EFFECT and  
BEFORE WHICH ANY APPEAL MUST BE  
RECEIVED - 16th July, 1984

FEE WHICH MUST ACCOMPANY  
APPEAL - £47

To:

Mr. Paul Reynolds,  
Allington Bar Farm,  
Allington,  
Chippenham,  
Wilts.Major M. Gibbs,  
Sheldon Manor,  
Chippenham,  
Wilts.

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

REASONS FOR ISSUE:-

1. The development introduces a commercial use into an area in which it is the policy of the Local Planning Authority that existing uses should remain for the most part undisturbed and only development essential to agriculture shall be approved.
2. The use results in a focus of activity including traffic of goods vehicles and cars alien to the area.
3. The use is likely to cause undue interference and danger to users of a busy Class I road (A420) by virtue of vehicles slowing, stopping and turning in a sub-standard junction.

PLANNING DEPARTMENT NO	AMENDED TO	DATE RECEIVED
		2 JUN 1984

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

Allington Bar Farm, Chippenham

WHEREAS :

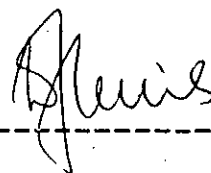
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 FOUR 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 16th July, 1984

ISSUED 11th June 1984

Signed



Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this Notice relates

Land at Allington Bar Farm, Allington, 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  
as part of a farm to use for that purpose and, in addition, retail  
sale of produce and other goods not derived from the farm

SCHEDULE 3 - Steps required to be taken

1. To cease the use of the land for retail sale of produce and  
other goods not derived from the agricultural holding of which  
the land forms part.
2. To remove from the land produce and other goods brought on to  
it for sale and not derived from the agricultural holding of  
which the land forms part.
3. To cease bringing on to the land produce and other goods for sale  
not derived from the agricultural holding of which the land forms part.

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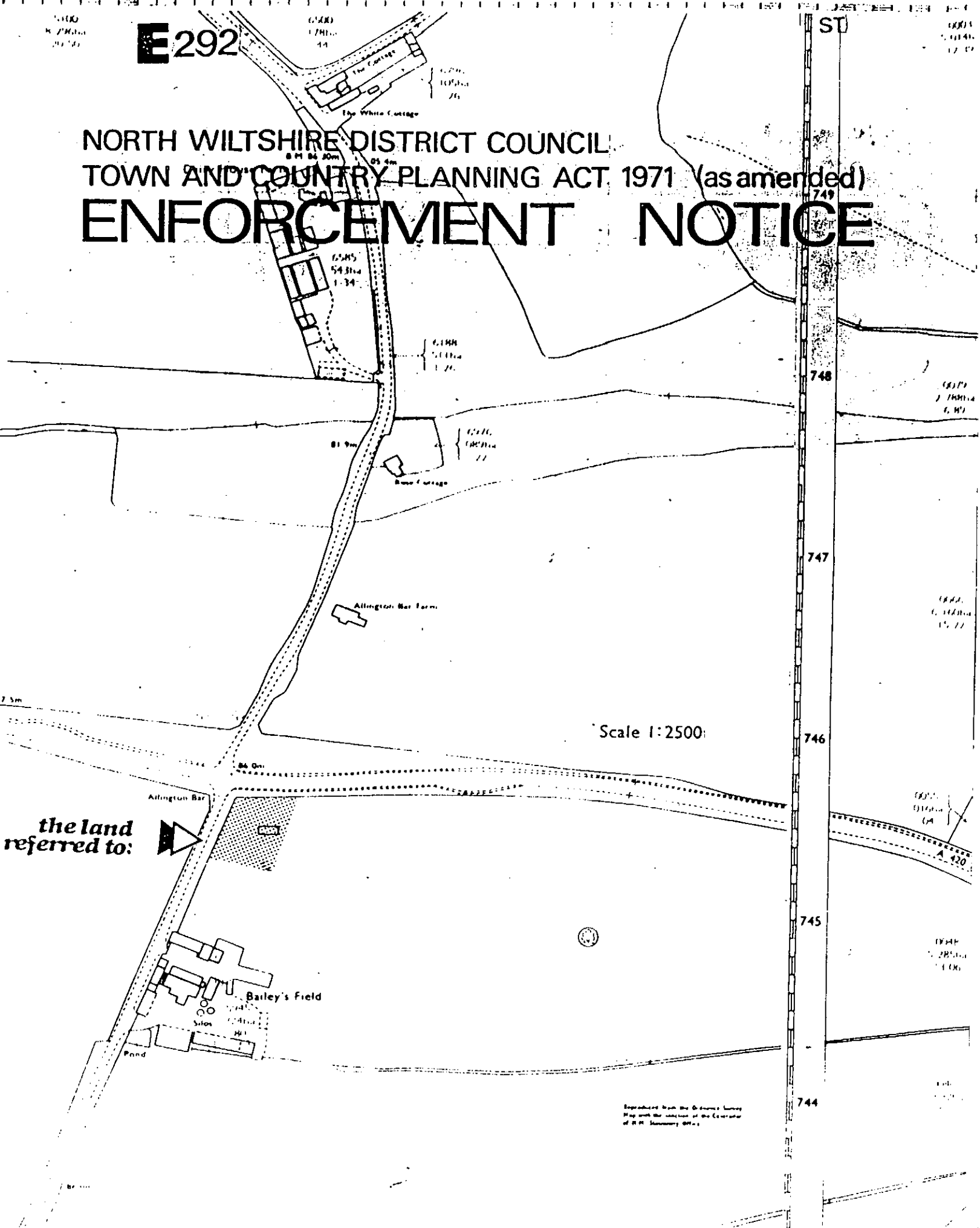
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**E292**

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



Scale 1:2500

the land  
referred to:



Reproduced from the Ordnance Survey  
Map with the sanction of the Controller  
of H.M. Stationery Office