

**ENFORCEMENT  
INFORMATION****REGISTER  
SHEET****E/ 296**

APPEAL

yes

no

Plan's Ref N/82/0809/DNF

**ADDRESS**CHURCH FARM YARD,  
SEAGRY ROAD,  
SUTTON BINGER**BREACH of CONTROL***Making a material change in the use of land  
to a use for the stationing of a caravan for  
the purpose of the provision of residential  
accommodation and the use and occupation  
of the caravan for residential purposes.*

Issuing Authority N.W.D.C.

Date Issued 25-2-82

**STOP NOTICES**

Date Served

Requiring



Date(s) served

Takes effect 19-4-82

Compliance by 19-6-82

Dates Extended by  
Secretary of State1 year 30/9/83  
until →

Date withdrawn

**REQUIREMENTS of ENFORCEMENT**

- 1 To discontinue the use and occupation of the caravan for residential purposes.
- 2 To secure the removal of the caravan brought on to the land for the purpose of providing residential accommodation on the land.
- 3 To discontinue the provision of residential accommodation on the land by the stationing of a caravan.

**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 Church Farm Yard, Seagry Road, Sutton Benger

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 (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 a 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 two 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 19th April, 1982

Issued 25th February, 1982

Signed: 

Solicitor to the Council

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



Department of the Environment and  
Department of Transport

Common Services

Room 411 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 914  
Switchboard 0272-218811

N/82/0809/ENF

Council's Ref: AD/DA/471

Mr K R Jeffries  
Mobile Home  
Church Farm Yard  
Seagry Road  
SUTTON BINGER  
Wilts

PLANNING DEPARTMENT	TO

26 OCT 1982

Your reference

Our reference

T/APP/5408/C/82/352/G4  
Date

15 OCT 1982

Sir

E296

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LAND AT CHURCH FARM YARD, SEAGRY ROAD, SUTTON BINGER

1. I refer to your appeal, which I have been appointed to determine, against an enforcement notice served 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 an interested person and I inspected the site on 9 September 1982.

2. a. The date of the notice is 25 February 1982.

b. The breach of planning control alleged in the notice is the making of a material change of use of the land to a use for the stationing of a caravan for the purpose of the provision of residential accommodation and the use and occupation of the said caravan for residential purposes.

c. The requirements of the notice are:-

i. To discontinue the use and occupation of the caravan for residential purposes.

ii. To secure the removal of the caravan.

iii. To discontinue the provision of residential accommodation on the land by the stationing of a caravan.

d. The period for compliance with the notice is 2 months.

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

3. It appears that there has been a change in circumstances since the decision to take enforcement action was made by the Council. At that time planning permission had been obtained for the conversion of a barn on adjoining land at Church Farm to residential use. You had had difficulty in obtaining approval under Building Regulations and therefore you were unable to proceed with the work of conversion. However, approval has now been obtained and building operations are now being undertaken by you.

4. Although you have not raised this issue, I have considered whether the use of the land as a caravan site is development requiring planning permission. The caravan is

occupied by yourself and your wife and your daughter and son-in-law but only you are engaged in the work of conversion. No evidence has been submitted that you are engaged in this work on a full-time basis. Therefore I do not consider that the development is permitted development under the Town and Country General Development Order 1977 as amended, Class XXII or Schedule 1.

5. From my inspection of the site and its surroundings and the representations made, I find that the main issue on planning merit is whether there are exceptional circumstances in this case which would justify permitting the use of the site for stationing a residential caravan.

6. The appeal site lies outside the boundary of Sutton Benger as defined in the draft District Plan for this area but in my view the limits of the settlement are not clearly defined on the ground in the immediate vicinity of the site. The farmhouse and barn are included within the village boundary; the farm buildings and farm yard immediately to the north are excluded. The appeal site forms part of this farm yard and the caravan is sited adjoining farm buildings on the edge of the village. The caravan does not appear to me to be obtrusive in the landscape and I consider that the description of the siting as sporadic is inappropriate, particularly as it is apparently required for a limited period related to the development of adjoining land.

7. In my opinion there are exceptional circumstances in this case which would justify permitting the stationing of the residential caravan to facilitate the work of conversion of the barn to a dwelling house. You have not submitted any estimate of the time required for completion of the work but I think that a period of one year would be reasonable.

#### FORMAL DECISION

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your appeal, direct that the enforcement notice be quashed and grant planning permission for the stationing of a caravan for residential purposes on land at Church Farm Yard, Seagry Road, Sutton Benger, subject to the following conditions:-

1. the use hereby permitted shall cease before 30 September 1983 or on the occupation of the converted barn as a dwelling house if this takes place before that date;
2. the caravan shall be removed from the site on the cessation of the use of the land as a caravan site.

9. This decision does not convey any approval or consent required under any enactment, by-law, order or regulations other than Section 23 of the Town and Country Planning Act 1971.

#### RIGHT OF APPEAL AGAINST DECISION

10. This letter is treated 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

*Arnold Gale*

DESS A & CHARLES MC MURRAY  
Thrapston

# ENFORCEMENT REGISTER INFORMATION SHEET

E/ 296

APPEAL

yes

no

Plan's Ref

## ADDRESS

CHURCH FARM YARD.  
SUTTON BANGER.

## BREACH of CONTROL

## Issuing Authority

Date Issued 13. 7. 84

## STOP NOTICES

Date Served

Requiring

Date(s) served

13. 7. 84.

Takes effect 17. 8. 84.

Compliance by 17. 2. 85

Dates Extended by  
Secretary of State

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

SCHEDULE 3 - Steps required to be taken.

- i) To cease use of the land for the stationing and occupation of a residential caravan or mobile home.
- ii) To remove from the land the residential caravan or mobile home.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

SCHEDULE 2 - Alleged breach of planning control.

The failure to comply with conditions subject to which planning permission - on Appeal (ref: APP/5408/C/82/852) - for the stationing of a caravan for residential purposes was granted on 15th October, 1982 to wit :-

1. The use hereby permitted shall cease before 30 September 1983 or on the occupation of the converted barn as a dwelling house if this takes place before that date.
2. The caravan shall be removed from the site on the cessation of the use of the land as a caravan site.

**IMPORTANT**

**THIS COMMUNICATION AFFECTS  
YOUR PROPERTY**

District 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. 132

Our ref **E** 296 Enquiries to Mr. McDonald

Dear Sir/Madam,

13th July, 1984

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

Church Farm Yard, SUTTON BENDER

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 - 17th August, 1984

FEE WHICH MUST ACCOMPANY  
APPEAL -

NIL

To:

Kenneth R. Jefferies,  
Church Farm Yard,  
Seagry Road,  
Sutton Benger,  
Chippenham, Wilts.  
SN15 4RY

Frances M. Jefferies,  
Church Farm Yard,  
Seagry Road,  
Sutton Benger,  
Chippenham, Wilts.  
SN15 4RY

Clifford S. Berryman,  
Church Farm Yard,  
Seagry Road,  
Sutton Benger,  
Chippenham, Wilts  
SN15 4RY

Judith S. Berryman,  
Church Farm Yard,  
Seagry Road,  
Sutton Benger,  
Chippenham, Wilts.  
SN15 4RY

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

REASONS FOR ISSUE :-

1. The site lies outside the limits of Sutton Benger and the uses therefore contravene the approved Structure Plan for Western Wiltshire, which seeks to restrict development to existing Settlements. Outside settlements, new dwellings are not normally permitted unless justified in connection with the needs of agriculture or forestry.
2. The site lies within a rural area and the use conflicts with established planning principles which recognise that the cumulative effect of the sporadic siting of caravans in the countryside is detrimental to rural amenity.

13 JUL 1974



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

Church Farm Yard, SUTTON BENDER

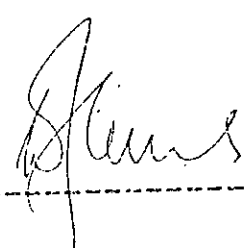
WHEREAS :

- (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 four years before the date of issue of this Notice 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 failure to comply with conditions or limitations subject to which planning permission was granted, that permission and the relevant condition being more fully described in Schedule 2 below.
- (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 17th August, 1984

ISSUED 13th July, 1984

Signed 

Monkton Park,  
Chippenham SN15 1ER

/SCHEDULE 1: . . . . .

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

Church Farm Yard, Seagry Road, Sutton Benger, Wiltshire shown stippled on the attached plan.

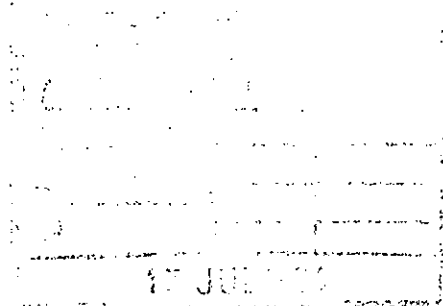
SCHEDULE 2 - Alleged breach of planning control.

The failure to comply with conditions subject to which planning permission - on Appeal (ref: APP/5406/C/82/852) - for the stationing of a caravan for residential purposes was granted on 15th October, 1982 to wit :-

1. The use hereby permitted shall cease before 30 September 1983 or on the occupation of the converted barn as a dwelling house if this takes place before that date.
2. The caravan shall be removed from the site on the cessation of the use of the land as a caravan site.

SCHEDULE 3 - Steps required to be taken.

- i) To cease use of the land for the stationing and occupation of a residential caravan or mobile home.
- ii) To remove from the land the residential caravan or mobile home.





**IMPORTANT -**  
**THIS COMMUNICATION AFFECTS**  
**YOUR PROPERTY**

RAY BURTON



296

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

**North Wiltshire  
District Council**  
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Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 132

Our ref **E** 296 Enquiries to Mr. McDonald

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13th July, 1984

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NIL

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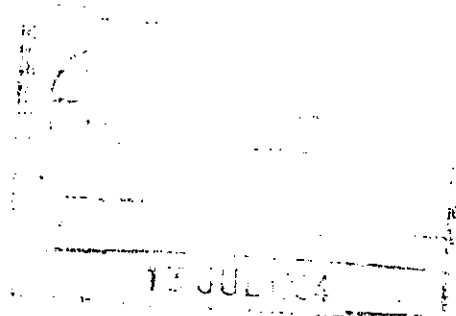
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NORTH WILTSHIRE DISTRICT COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1971 (as amended)  
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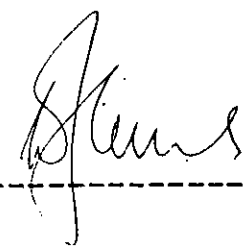
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- (3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said Section 87, for the reasons 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 17th August, 1984

ISSUED 13th July, 1984

Signed 

Monkton Park,  
Chippenham SN15 1ER

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

Church Farm Yard, Seagry Road, Sutton Benger, Wiltshire shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control.

The failure to comply with conditions subject to which planning permission - on Appeal (ref: APP/5408/C/82/852) - for the stationing of a caravan for residential purposes was granted on 15th October, 1982 to wit :-

1. The use hereby permitted shall cease before 30 September 1983 or on the occupation of the converted barn as a dwelling house if this takes place before that date.
2. The caravan shall be removed from the site on the cessation of the use of the land as a caravan site.

SCHEDULE 3 - Steps required to be taken.

- i) To cease use of the land for the stationing and occupation of a residential caravan or mobile home.
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