

ENFORCEMENT INFORMATION

REGISTER SHEET

E/ 309

APPEAL yes no

Plan's Ref 83 0389 6A

ADDRESS

ROYAL OAK PUBLIC HOUSES
COLSHAM.

BREACH of CONTROL

Issuing Authority N.W. D. C.

Date Issued 29.12.82.

STOP NOTICES

Date Served

Requiring



309

Date(s) served

Takes effect 18.2.83.

Compliance by 18.3.83.

Dates Extended by
Secretary of State

Date withdrawn

Appeal Dismissed

REQUIREMENTS of ENFORCEMENT

Steps required to be taken

To secure the limitation of the temporary use of the land as an Open Air Market to not more than fourteen occasions in any calendar year and secure the discontinuance of the use of the land as an open air market on any occasion in excess of such number.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

Alleged breach of planning control

The addition to the existing use of the land for the purposes of a public house of a temporary use as an Open Air Market in excess of the number of occasions permitted for such temporary uses in any year by virtue of Class 1V.2 of the Town and Country Planning General Development Order 1977.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

Land and premises at The Royal Oak Public House, Corsham.

WHEREAS:

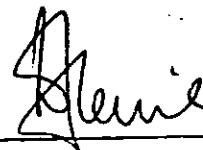
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises (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 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 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 18th February, 1983.

Issued 29th December, 1982.

Signed



Solicitor to the Council.

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

Schedule 1

Land and premises to which this notice relates

The land and premises situate at and known as The Royal Oak Public House, High Street, Corsham in the County of Wiltshire which is more particularly delineated on the attached plan and thereon edged red.

Schedule 2

Alleged breach of planning control

The addition to the existing use of the land for the purposes of a public house of a temporary use as an Open Air Market in excess of the number of occasions permitted for such temporary uses in any year by virtue of Class 1V.2 of the Town and Country Planning General Development Order 1977.

Schedule 3

Steps required to be taken

To secure the limitation of the temporary use of the land as an Open Air Market to not more than fourteen occasions in any calendar year and secure the discontinuance of the use of the land as an open air market on any occasion in excess of such number.

THE ANNEX

NOTE: This does not form part of the Enforcement Notice.

STATEMENT OF REASONS

1. The use generates an appreciable increase in vehicular traffic in High Street and a considerable need for additional car parking during peak shopping hours, and would be contrary to the interests of the safety and convenience of uses (especially pedestrians) of High Street and would tend to nullify the traffic management measures (one way flow and restricted access) which operate in High Street.
2. The use as operated is detrimental to the amenity of adjacent residential properties.





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

Council reference AD/DA/523 and 523A

R. & J. Consultants
8a Victoria Street,
Staple Hill
BRISTOL
BS16 5JS

Your reference

PNC/SR

Our reference

T/APP/5408/C/83/267/PE2

T/APP/5408/A/83/1781/PE2

Date

18 NOV 1983

Gentlemen

Appeal Dismissed

N/83/0389/E309

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88, SECTION 36 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEALS BY TRADEWELL MARKETS LTD
LAND AND BUILDINGS AT THE ROYAL OAK PUBLIC HOUSE, HIGH STREET, CORSHAM

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. These appeals are against an enforcement notice issued by the North Wiltshire District Council and against a refusal of planning permission by that Council, concerning the above-mentioned land and buildings. I have considered all the written representations made on behalf of your clients and of the planning authority and also those made by the Corsham Parish Council, the Corsham Chamber of Commerce and interested persons. I inspected the appeal site and its surroundings on Tuesday 12 July 1983.

2. a. The date of the notice is 29 December 1982.

b. The breach of planning control alleged in the notice is the making of a material change in the use of the land by the addition to the existing use of the land for the purpose of a public house of a temporary use as an Open Air Market in excess of the number of occasions permitted for such temporary uses in any year by virtue of Class IV.2 of the Town and Country Planning General Development Order 1977.

c. The requirements of the notice are to secure the limitation of the temporary use of the land as an Open Air Market to not more than 14 occasions in any calendar year and secure the discontinuance of the use of the land as an Open Air Market on any occasion in excess of such number.

d. The period for compliance with the notice is one month.

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

3. The development for which planning permission was refused is expressed as "Open Air Market on Saturday 9 am to 4 pm".

SITES AND SURROUNDINGS

4. These appeals are concerned with land off the eastern side of High Street in the central area of the small Wiltshire town of Corsham. The Section 36 appeal site is irregularly shaped with a frontage of about 18 m to High Street and a maximum width of about 42 m at its rear boundary which is about 64 m back from the street. This

site includes the main building of the Royal Oak Public House, the gated access to its north side, its rear car park laid out for between 40 and 50 cars and an adjacent small rectangle of grassland, but excludes a small, separately fenced, private garden attached to the public house. The site of the Section 88 appeal is part only of the Section 36 appeal site, a rectangle some 18 m in frontage and about 64 m deep containing the main building of the public house, its access and about $\frac{2}{3}$ of its rear car park. The property is directly adjoined at the rear by an open space, on the north by dwellings including flats in an old 2-storey building, the Malt House, and to the south by several mainly commercial properties including a repair garage. The southern end of High Street is a pedestrian way and predominantly a shopping and business area. The northern end, in which the Royal Oak lies, is open to vehicular traffic running northbound as part of a one-way system with waiting restrictions and contains a larger proportion of dwellings but with a substantial number of commercial properties.

INSPECTOR'S CONCLUSIONS

5. From my inspection of the appeal site and surroundings and the written representations before me I am of the opinion that the principal issues in these appeals are whether the holding of Open Air Markets as enforced against and proposed would be likely to give rise to, firstly, undue traffic and parking problems and, secondly, damage to residential amenities. On the first issue, I note that the planning authority are proposing to construct in due course an additional off-street car park by the north end of the High Street in backland which appears to me to be currently not readily accessible. They contend that the proposed market at the Royal Oak is premature until extra car parking is provided. I accept that at present the central area of Corsham is generally congested and has insufficient car parking. It appears to me that few if any of the premises along High Street are as well provided with private off-street car parking as the Royal Oak, even though its access is rather narrow. Market use beyond "permitted development" limits of either of the appeals sites would reduce the parking supply and increase parking demand and traffic at least in this part of the central area. Loss of operational car parking for this public house appears to me to be seriously undesirable. Such market use of even the smaller, enforcement site would be likely to add noticeably to what, on the written representations before me, appears at present to be a most unsatisfactory situation of local congestion and traffic difficulty. On this issue I conclude that the proposals are open to material planning objections at least under current circumstances.

6. On the second issue, in my opinion an Open Air Market with its attendant noise, traffic and general commercial activity is inherently likely to disturb the occupiers of neighbouring dwellings. Although in this central part of Corsham occupiers of dwellings may not expect the peaceful seclusion of a quiet residential suburb, it is proper in considering planning proposals to strike a balance between the needs of commerce and the reasonable protection of residential amenities. The appeals sites being in backland, closely adjoined by dwellings, the occupiers of those dwellings are already subject to noticeable disturbance at times from the lawful use of the land in connection with the public house. On the written representations before me I see no reason to doubt that when an Open Air Market has been held here in the recent past it has given substantial cause for reasonable complaint of excessive additional disturbance to local residents, including from the early morning setting up of stalls well outside public house licensing hours. However I note the planning authority's statement that they would not wish to object to the use in

this respect provided the hours of operation were restricted as proposed in the Section 36 appeal application. On this issue I conclude that the potential loss of residential amenities likely to be associated with the developments might be much reduced by limiting the hours of operation but even so would add weight to the material planning objections mentioned above. Therefore the developments enforced against and proposed ought not to be permitted. I have taken into account all the other matters referred to in the written representations before me 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 these appeals.

7. Although the enforcement appeal is not made on grounds 88(2)(g) or (h), I have considered these aspects of the case. I find the requirements of the notice are not excessive and the specified period for compliance is not unreasonably short.

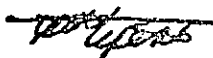
FORMAL DECISION

8. In exercise of the powers transferred to me and for the reasons given above I hereby dismiss both of these appeals, uphold the enforcement notice and, on the application deemed to have been made under Section 88B(3) of the 1971 Act as amended and on the Section 36 appeal application, hereby refuse to grant planning permission.

RIGHTS OF APPEAL AGAINST DECISIONS

9. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decisions to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant



L W TYERS ARICS
Inspector

ENC

309

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Signed



Solicitor to the Council.

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

TO	RECEIVED
PLANNING	10/1
RB.	
183	
- 6 JAN 1983	

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