

# ENFORCEMENT INFORMATION

# REGISTER SHEET

E/ 339.

APPEAL

yes

no

Plan's Ref N/83/0921

ADDRESS

THE OLD CHAPIN  
HAY LAND.  
WROUGHTON.

BREACH of CONTROL

Issuing Authority N.W.D.C.

Date Issued 31.3.83.

STOP NOTICES

Date Served

Requiring



Date(s) served

31.3.83.

Takes effect 9.5.83.

Compliance by 9.6.83.

Dates Extended by  
Secretary of State

Appeal dismissed  
21.11.83

Date withdrawn

RE

## Steps required to be taken

1. To submit to the Council for approval within one month on a 1:500 block plan detailed proposals for the screening of the southern boundary with a hedge of locally indigenous species within a 3'0" wide area from the boundary and a 3'0" high post and rail fence approximately 3'0" from the outer boundary.
2. After approval of the said proposals for screening referred to in paragraph 1 above by the Council to secure their implementation within one month of the first available planting season thereafter and maintain the same for a period of not less than five years.
3. To replace any tree or hedging plant which dies within five years from the planting of the same referred to in paragraph 2 above within one month of the first available planting season following the said plants demise and thereafter maintain the same for a further period of five years.

EX

A. The Condition which has not been complied with

Condition No. 2

"Before the change of use hereby permitted is carried out, a screen shall be provided along the southern boundary of the site, of such material and height as shall be agreed with the local planning authority."

B. Alleged Breach of Condition

Condition No. 2 set out above has not been complied with in that the change of use permitted by the said planning permission, namely, the change of use of the disused Chapel and land for the storage repair and maintenance of vehicles and machinery has been carried out without agreement being reached with the local planning authority as to the material and height of the screen to be constructed along the southern boundary.

NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1971 (as amended)

ENFORCEMENT NOTICE

The Old Chapel, Hay Lane, Wroughton

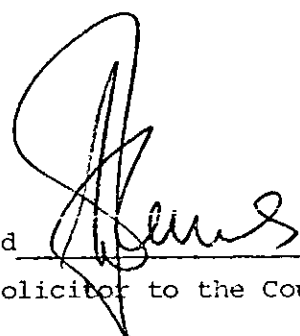
WHEREAS:

- (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 day 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 failure to comply with the condition set out in Schedule 2A below relating to the development of the land subject to which planning permission No. N/81/0490/F was granted on 30th October 1981 in the respect set out in Schedule 2B 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 specified in respect of each step in that Schedule.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act on 9th May, 1983.

Issued 31st March, 1983.

Signed 

Solicitor to the Council

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

PLANNING DEPARTMENT	FILED TO RB	FILED TO RB
10		
- 5 APR 1983		

### Schedule 1

#### Land or Premises to which this notice relates

The land situate at and known as the former Hay Lane Methodist Chapel Hay Lane, Wroughton in the County of Wiltshire which is more particularly delineated on the plan attached hereto and thereon edged red.

### Schedule 2

#### Alleged breach of planning control

##### A. The Condition which has not been complied with

###### Condition No. 2

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##### B. Alleged Breach of Condition

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### Schedule 3

#### Steps required to be taken

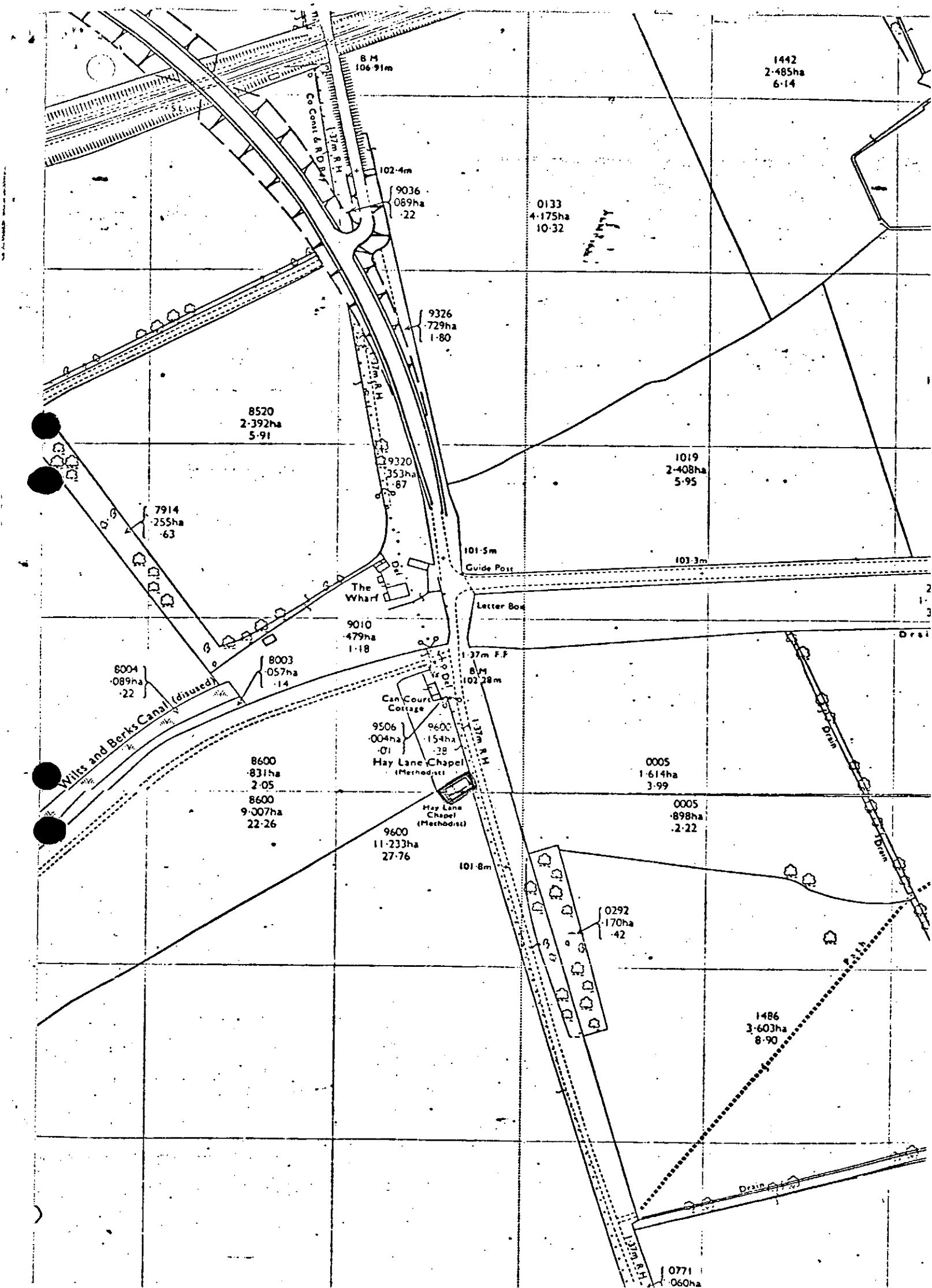
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THE ANNEX

(Note: This does not form part of the Enforcement Notice)

STATEMENT OF REASONS

Without a screen of a suitable appearance the activities visually intrude into the locality to an unacceptable extent given the exposed nature of the site.





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

E339

Council Ref: AD/DA/548/N/83/0921ENF

Mr E J Johns  
Elm Springs  
Basset Down  
SWINDON  
Wilts

Your reference

Our reference

T/APP/5408/C/83/1206/PE2

Date

21 NOV 1983

Sir

*Appeal Dismissed*

TOWN AND COUNTRY PLANNING ACT, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
LAND AND BUILDINGS AT THE CHAPEL, HAY LANE, WROUGHTON, WILTS

*N/83/0921/ENF**2*

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by the North Wiltshire District Council, concerning the above-mentioned land and buildings. 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 11 October 1983.

2. a. The date of the notice is 31 March 1983.

b. The breach of planning control alleged in the notice is failure to comply with Condition No 2 subject to which planning permission was granted on 30 October 1981, in that,

"Before the change of use hereby permitted is carried out, a screen shall be provided along the southern boundary of the site, of such material and height as shall be agreed with the local planning authority."

c. The condition which is alleged not to have been complied with is Condition No 2 set out above, in that the change of use permitted by the said planning permission, namely, the change of use of the disused chapel and land for the storage repair and maintenance of vehicles and machinery has been carried out without agreement being reached with the local planning authority as to the material and height of the screen to be constructed along the southern boundary.

d. The requirements of the notice are:

i. To submit to the Council for approval within one month on a 1:500 block plan detailed proposals for the screening of the southern boundary with a hedge of locally indigenous species within a 3 ft wide area from the boundary and a 3 ft high post and rail fence approximately 3 ft from the outer boundary.

ii. After approval of the said proposals for screening referred to in paragraph 1 above by the Council to secure their implementation within one month of the first available planting season thereafter and maintain the same for a period of not less than five years.

11. 1.

iii. To replace any tree or hedging plant which dies within five years from the planting of the same referred to in paragraph 2 above within one month of the first available planting season following the said plants demise and thereafter maintain the same for a further period of five years.

e. The appeal was made on grounds 88(2), (b), (c) and (g).

3. Dealing first with your appeal on grounds (b) and (c): Condition No 2 of the permission granted on appeal on 30 October 1981 required the provision of a screen along the southern boundary of the site ..... as shall be agreed with the local planning authority". After carefully studying the evidence before me, it is clear that despite some exchange of correspondence, none of your proposals were agreed by the Council. Indeed, Appendices 3 to 5 of the Council's statement indicate your rejection of the plan. The permission has been implemented without agreement being reached as required by the Condition.

4. At the site inspection you pointed out certain planting that you had carried out. This was of such a scant nature that I do not consider that it represents now or in the future an adequate or acceptable form of screening. However, the essence of the matter is that you have not submitted a scheme of planting which has been approved by the Council. In the circumstances the only conclusion I can reach is that the condition has not been complied with. The implementation of the planning permission without such agreement constitutes a breach of planning control; your appeal on ground (b) fails. For the same reason, your appeal on ground (c) also fails.

5. Although you have not appealed on ground (a), there is a deemed application to consider. In deciding to grant permission for the use of the Old Chapel, the Inspector at paragraph 6 of the decision letter, accepted that the activity would be likely to present an untidy appearance to the south. It was further considered that the effect could be mitigated by suitable screening. I find no reason to disagree with this view. In my opinion therefore, the condition fulfills a proper planning purpose and is appropriate to the permission. It will not be discharged and the deemed application fails.

6. As regards your appeal on ground (g), it seems to me that the requirements of the notice tell you exactly what you must do. In view of the past difficulties in securing agreement as to what was required, I find these requirements reasonable, precise and necessary to remedy the breach of planning control. They are not excessive and your appeal on ground (g) fails. The periods for compliance are reasonable and I see no reason to extend them.

7. Although you have drawn my attention to other untidy uses and gypsy parking in the vicinity, it appears to me that these are matters to be dealt with by the local planning authority. I have also noted your reference to the motivations of certain interested persons; these matters do not bear on the appeal before me.

8. I have considered all the other matters raised at my site inspection and in the representations, but none are of sufficient weight to override those considerations which led to my decision.

9. I note that you ask for a "Refund of Costs". A separate letter will be sent to you on this matter.

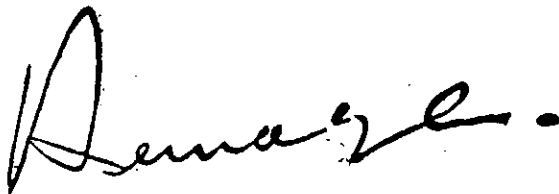
#### FORMAL DECISION

10. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss your appeal, uphold the notice and refuse to discharge the condition to which it relates.



11. 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

A handwritten signature in cursive script, appearing to read 'T A K Savage', followed by a period.

T A K SAVAGE MBE FCIT FCI Arb  
Inspector

ENC

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTYL339NORTH WILTSHIRE DISTRICT COUNCILTOWN AND COUNTRY PLANNING ACT, 1971 (as amended)ENFORCEMENT NOTICEThe Old Chapel, Hay Lane, Wroughton

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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.

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Issued 31st March, 1983.

Signed

Solicitor to the Council

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Monkton Park,  
Chippenham,  
Wiltshire.

SEARCHED	INDEXED
SERIALIZED	FILED
APR 1 1983	
- 5 APR 1983	

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