

ENFORCEMENT REGISTER

INFORMATION SHEET

E/ 349.

APPEAL yes ☒

Plan's Ref N/83/1539/E

ADDRESS

THE Piggery.
WOOD LAND.
BRAYDON.

BREACH of CONTROL

Issuing Authority N.W.D.C.

Date Issued 30.6.83.

STOP NOTICES

Date Served

Requiring



Date(s) served

30.6.83.

Takes effect 27.8.83.

Compliance by 27.2.84

Dates Extended by
Secretary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

Steps required to be taken

- (i) To discontinue the use of the land for the purposes of providing residential accommodation.
- (ii) To secure the removal of the mobile home and touring caravan brought on to the land for the purpose of providing residential accommodation.
- (iii) To secure the removal of the small breeze block building constructed for purposes connected with the residential use of the site from the land together with every component part thereof.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

Appeal dismissed 26.3.84

Alleged breach of planning control

2(A) Description of the material change of use alleged to have been made.

By the making of a material change in the use of the land to a use for the stationing of a mobile home and touring caravan for the purposes of providing residential accommodation.

2(B) Description of the building operations carried out on the said land

The construction of a small breeze block building measuring approximately 8 ft. x 6 ft. for purposes connected with the residential use of the land.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

Land at "The Piggery". Wood Lane, Braydon

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 on the land or premises (hereinafter referred to as "the land") described in Schedule 1 below. The said breach of planning control appearing to have occurred after the end of 1963 in the case of the development described in Schedule 2A below and in the case of the development described in schedule 2B below within the period of four years before the day of issue of this notice.
- (2) The breach of planning control which appears to have taken place consists in
 - (a) the carrying out of development by the making of the material change in the use of the land described in Schedule 2(A) below, without the grant of planning permission required for that development.
 - (b) The carrying out of building, engineering, mining or other operations as described in Schedule 2(B) 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 six months from the date on which this notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 98(10) of the Act, on the 27th August, 1983.

Issued 30th June, 1983.

Signed



Solicitor to the Council.

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

SCHEDULE 1

Land or premises to which this notice relates

The land known as "The Piggery" adjoining No. 1 Webb's Wood, Wood Lane Braydon in the County of Wiltshire situate at Grid Reference SU 044 863 which is more particularly delineated on the plan attached hereto and thereon edged red.

SCHEDULE 2

Alleged breach of planning control

2(A) Description of the material change of use alleged to have been made.

By the making of a material change in the use of the land to a use for the stationing of a mobile home and touring caravan for the purposes of providing residential accommodation.

2(B) Description of the building operations carried out on the said land

The construction of a small breeze block building measuring approximately 8 ft. x 6 ft. for purposes connected with the residential use of the land.

SCHEDULE 3

Steps required to be taken

- (i) To discontinue the use of the land for the purposes of providing residential accommodation.
- (ii) To secure the removal of the mobile home and touring caravan brought on to the land for the purpose of providing residential accommodation.
- (iii) To secure the removal of the small breeze block building constructed for purposes connected with the residential use of the site from the land together with every component part thereof.

PLANAS	2	
NAFES		
7 JUL 1983		

THE ANNEX

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

STATEMENT OF REASONS

1. The development constitutes sporadic ribbon development within open countryside and is detrimental to the character of this area in particular and rural amenity in general. If allowed to continue the development would set a precedent for further similar undesirable development.
2. The development generates increased traffic movements turning into and out of the site at a point in the road where its alignment restricts visibility. The local planning authority is of the opinion this would be a source of danger to highway users.
3. The site lies outside the limits of any established settlement or its reasonable extension in an area of which it is the policy of the local planning authority that existing uses shall remain undisturbed and only development essential to agricultural need shall be approved.
4. The development is contrary to policies H19 and H24 of the North East Wiltshire Structure plan which provides:-
 - H19. New dwellings in the countryside unrelated to any established village will not normally be permitted unless justified in connection with the needs of agriculture or forestry.
 - H24. Mobile homes, including residential caravans, will be treated in the same manner as permanent housing, and, where they are environmentally acceptable, be subject to the same policies excluding policy H22.

Policy H22 states -

On new housing estates in and adjacent to the Swindon Urban Area an overall net density of 20 to 50 dwellings per hectare (8 to 20 dwellings per acre) should normally be achieved. The higher end of the density range will be appropriate when:

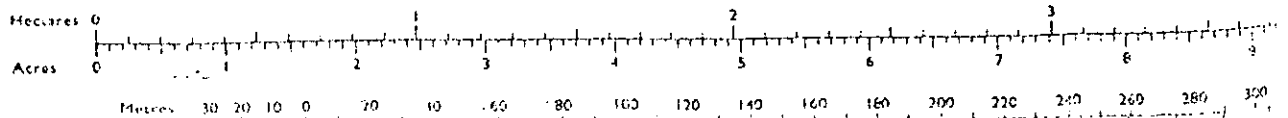
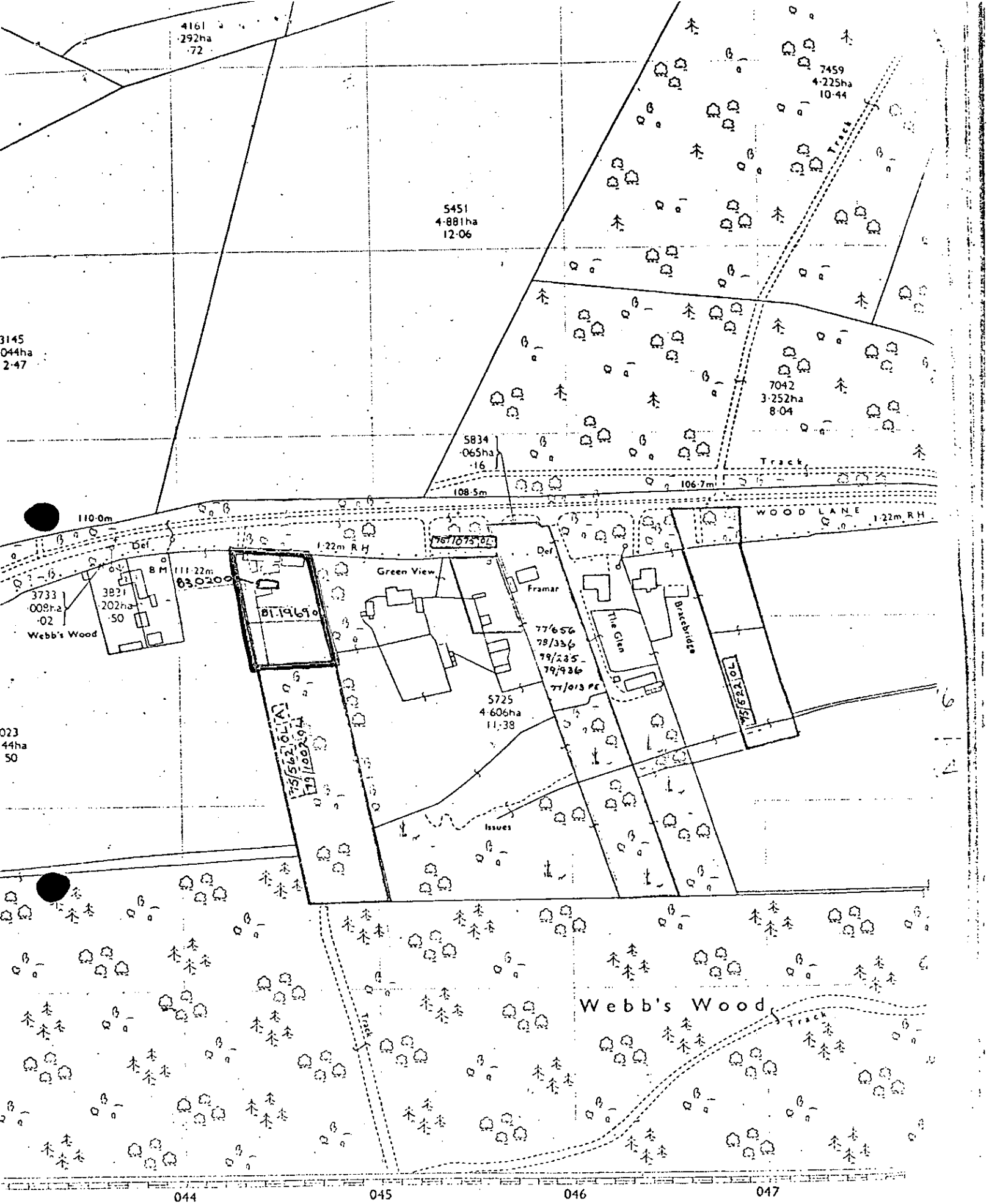
1. Development is primarily for lower cost housing or for the elderly, single and two person households.
2. Development is provided with an emphasis on centralised open space and facilities for the community as a whole.

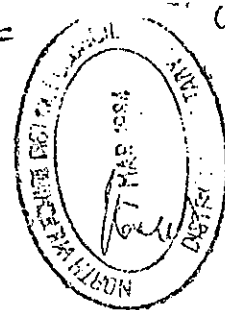
The lower end of the density range will be appropriate when:

Developments are generally on smaller sites catering for higher priced family size accommodation.

Variations will be considered where location or siting considerations make this desirable.

PLANNING		70	FEEDBACK
DEPARTMENT			
NO			
7 JUL 1983			





Department of the Environment and
Department of Transport

Common Services

Room 14/06 Folgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

Direct line 0272-218 938

Switchboard 0272-218811

Council's reference McD/KP

Mr L R Smith
The Piggery
Wood Lane
Braydon
SWINDON
Wilts SN5 OAJ

Your reference

Our reference
T/APP/5408/C/83/2371/PE2 and
T/APP/J3910/A/83/4736/PE2
Date

26 MAR 1984

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 88 AND 36 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND AND BUILDINGS AT THE PIGGERY, WOOD LANE, BRAYDON

1. I have been appointed by the Secretary of State for the Environment to determine your appeals. Your 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 by you and by the Council and also those made by the local group of the Council for the Protection of Rural England and by other interested persons and I inspected the site on Thursday 16 February 1984.

2. a. The date of the notice is 30 June 1983.

b. The breaches of planning control alleged in the notice are, firstly, the making of a material change in the use of the land to a use for the stationing of a mobile home and touring caravan for the purposes of providing residential accommodation and, secondly, the construction of a small breeze block building measuring approximately 8 ft x 6 ft for purposes connected with the residential use of the land; in each case without the grant of planning permission required for that development.

c. The requirements of the notice are (i) to discontinue the use of the land for the purposes of providing residential accommodation, (ii) to secure the removal of the mobile home and touring caravan brought onto the land for the purpose of providing residential accommodation, and (iii) to secure the removal of the small breeze block building constructed for purposes connected with the residential use of the site from the land together with every component part thereof.

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

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

3. The development for which planning permission was refused is the siting of a residential caravan.

SITE AND SURROUNDINGS

4. The appeals are concerned with a plot of land fronting about 40 m of the south side of Wood Lane, a Class III road without local speed limit, about 2 km north-east of its junction with the B4042 road through the settlement of Brinkworth, in the Wiltshire countryside about midway between Swindon and Malmesbury. The entire plot in your ownership here is a strip about 190 m deep, mostly covered with thin woodland having, at the northern, roadside end, a grassy area on which are a group of small, dilapidated farm buildings with yards, and on the day of inspection, one 'mobile home' type caravan and one, small concrete block building. The site has a vehicular access about 3 m wide on to Wood Lane via a gateway located towards the western end of its front boundary hedge and a track about 6 m long across the roadside verge which is somewhat overgrown with trees and scrub. Visibility at a point 2.5 m back along the access centre line from the nearside edge of the Wood Lane carriageway is limited westwards along that carriageway edge by roadside vegetation in conjunction with a kerb in the road to, on my estimate, about 60-70 m. The site backs onto the extensive Webbs Wood. It is adjoined on the west by a strip of arable land about 30 m in frontage forming part of a large field into which is inset, to the west of that strip, a pair of dwellings, Nos 1 and 2 Webbs Wood (No 1 much extended) on a combined road frontage of about 40 m. To the east of the appeal site along the south side of Wood Lane is a detached bungalow, Green View, with a garage and outbuilding in large grounds and having a frontage of about 100 m, and then 3 detached bungalows, Framers, The Glen and Bracebridge (the latter with a large outbuilding) on plots having a combined frontage of about 100 m. There is farm land beyond. Along the north side of Wood Lane in this vicinity are open fields and woodland, part of a pleasant rural landscape in which development outside settlements is mainly thinly scattered.

INSPECTOR'S CONCLUSIONS

Ground 88(2)(b)

5. It appears to me that you have not stated material facts in support of Ground 88(2)(b) of your appeal. Although only one caravan was on the land at the time of my inspection the facts are not in dispute that, at the date of the notice, the 2 caravans referred to in the notice were sited there, having been brought onto the land since the beginning of 1964, that the concrete block building referred to in the notice was on the land having been erected within a period of 4 years immediately prior to the date of the notice and that no planning permission has been granted either for use of the land as a caravan site for human habitation or for erection of the building. I find that each of the matters alleged in the notice constitutes development which required planning permission and, as no such planning permission has been granted, is in breach of planning control. Therefore on ground 88(2)(b), the appeal fails.

Ground 88(2)(a) and the deemed application

6. From my inspection of the appeal site and its surroundings and the written representations before me I am of the opinion that the principal issues on the planning merits of these appeals are, firstly whether the development enforced against and proposed are open to material planning objections as being undesirable additions to sporadic development in the countryside and, if so, secondly, whether there are any special circumstances in this case sufficient to outweigh such planning objections.

7. On the first issue, in my opinion the half dozen permanent dwellings along about 300 m of Wood Lane immediately neighbouring the appeal site may fairly be described as sporadic residential development in the open countryside well outside any substantial settlement and where, under established current local and planning national policies, residential development is not normally to be permitted unless required for agriculture, forestry or other purposes appropriate to a rural area. I accept that the caravan now on the land is only locally visible, partly screened by the adjoining buildings on the site and by trees and bushes which in summer no doubt do provide more screening. However, good design or screening of otherwise unjustified development here is of negligible weight against the fundamental policy objection referred to above. The existing large caravan and recently built shed on the land add to and consolidate this existing scatter of development so as to have a damaging impact on the rural appearance and character of the area. I have no doubt that a second caravan would further add to this undesirable impact. Taking into account the gap of about 60 m between the neighbouring dwellings Green View and No 1 Webbs Wood, I do not consider that residential development on this site, whether in mobile or fixed form, could properly be accepted as 'infilling' in the normally accepted sense of filling a small gap in an otherwise built-up frontage. On this issue I conclude that the developments enforced against and proposed are open to material planning objections.

8. On the second issue, I have considered carefully the written representations before me concerning need for living accommodation on this land for agricultural and family reasons. It appears to me that this land has not been actively used for any substantial agricultural enterprise for some time. Nothing in my own observations or in the written representations before me convinces me that there is any firm and early prospect of such an enterprise being established here so as to require living accommodation to be provided for an agricultural worker. As to your family circumstances, whilst I have sympathy with the problems to which you refer, it appears to me that on your own statements these problems should now be mainly resolved. In particular, I note that we are now well past the extended completion date of November 1983 for the new family bungalow on land elsewhere to which you refer. On this issue, I am not convinced that there are at this time any such special circumstances in this case as might justify overriding the material planning objections mentioned above. I conclude that planning permission should not be granted.

9. Concerning the highway objections raised to the developments enforced against and proposed, in my opinion the site access has rather less good visibility than is wholly desirable, but as Wood Lane appears to carry little traffic these developments would be likely to have only marginal impact on highway conditions. I have taken into account the representations made concerning residential caravans on other properties nearby and concerning earlier planning appeal decisions affecting the current appeal site and another neighbouring site. I have also taken into account all the other matters referred to in all the written representations before me. However I 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 appeals. Thus on ground (a) the appeal fails and planning permission will not be granted on the Section 36 appeal.

Ground 23(2)(g)

10. Although the appeal is not made on this ground, it appears to me that this aspect of the appeal should be considered in relation to the wording of requirement (1) of Schedule 3 of the notice. In my opinion that wording fails fully to reflect the allegation in Schedule 2 of the notice, in that it does not refer specifically to "use for the stationing of a mobile home and touring

caravan" and is thereby open to more than one interpretation and unduly wide in its potential effect. In other respects I consider the requirements are not excessive. For the avoidance of doubt and difficulty I find that the requirement should be varied to reflect the allegation. I consider this variation may be made without injustice to yourself as appellant or to the local planning authority and within the powers of Section 88A(2) of the 1971 Act as amended by the Act of 1981 and I intend to vary the notice accordingly.

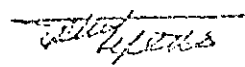
FORMAL DECISION

11. In exercise of the powers transferred to me and for the reasons given above I hereby direct that the notice be varied in Item 1 of Schedule 3 (Steps required to be taken) by the insertion between the words "land" and "for" of the words "for the stationing of a mobile home and touring caravan". Subject thereto I hereby dismiss the section 88 appeal, uphold the notice as varied 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). I also dismiss the section 36 appeal.

RIGHT OF APPEAL AGAINST DECISION

12. 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 Sir
Your obedient Servant


L. W. TYERS ARICS
Inspector

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NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

Land at "The Piggery". Wood Lane, Braydon

WHEREAS:

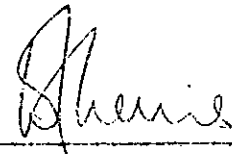
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control on the land or premises (hereinafter referred to as "the land") described in Schedule 1 below. The said breach of planning control appearing to have occurred after the end of 1963 in the case of the development described in Schedule 2A below and in the case of the development described in schedule 2B below within the period of four years before the day of issue of this notice.
- (2) The breach of planning control which appears to have taken place consists in
 - (a) the carrying out of development by the making of the material change in the use of the land described in Schedule 2(A) below, without the grant of planning permission required for that development.
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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 the 27th August, 1983.

Issued 30th June, 1983.

Signed



Solicitor to the Council.

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

SCHEDULE 1

Land or premises to which this notice relates

The land known as "The Piggery" adjoining No. 1 Webb's Wood, Wood Lane Braydon in the County of Wiltshire situate at Grid Reference SU 044 863 which is more particularly delineated on the plan attached hereto and thereon edged red.

SCHEDULE 2

Alleged breach of planning control

2(A) Description of the material change of use alleged to have been made.

By the making of a material change in the use of the land to a use for the stationing of a mobile home and touring caravan for the purposes of providing residential accommodation.

2(B) Description of the building operations carried out on the said land

The construction of a small breeze block building measuring approximately 8 ft. x 6 ft. for purposes connected with the residential use of the land.

SCHEDULE 3

Steps required to be taken

- (i) To discontinue the use of the land for the purposes of providing residential accommodation. *FOR THE STATIONING OF A MOBILE HOME AND TOURING CARAVAN*
- (ii) To secure the removal of the mobile home and touring caravan brought on to the land for the purpose of providing residential accommodation.
- (iii) To secure the removal of the small breeze block building constructed for purposes connected with the residential use of the site from the land together with every component part thereof.

THE ANNEX

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

STATEMENT OF REASONS

1. The development constitutes sporadic ribbon development within open countryside and is detrimental to the character of this area in particular and rural amenity in general. If allowed to continue the development would set a precedent for further similar undesirable development.
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