

**ENFORCEMENT  
INFORMATION****REGISTER  
SHEET****E/ 353**

APPEAL

yes

~~no~~

Plan's Ref N 83/1282

ENF

**ADDRESS**124 HUNGERDOWN LANE  
CHIPPENHAM.**BREACH of CONTROL**

Issuing Authority N.W.D.C.

Date Issued 27.6.83

**STOP NOTICES**

Date Served

Requiring



353

Date withdrawn

Date(s) served

29.6.83

Takes effect 27.8.83.

Compliance by 27.11.83

Dates Extended by  
Secretary of StateAppeal dismissed  
18.1.84.

RE

Steps required to be taken

- (i) To secure the discontinuance of the use of the said land in connection with the operation of a taxi business
- (ii) To secure the discontinuance of the use of the said land for the parking storage and maintenance of motor vehicles used in connection with the operation of a taxi business which uses are unconnected with the use of the said land as a private dwellinghouse.
- (iii) To secure the removal of all motor vehicles brought on to the said land for purposes unconnected with the use of the said land as a private dwellinghouse

E

30 JUN 1983

The making of a material change in the use of the said land from a use solely as a private dwellinghouse by the addition to the existing residential use of uses connected with the operation of a taxi business together with the parking storage and maintenance of the motor vehicles associated therewith which uses are unconnected with the use of the said land as a private dwellinghouse.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTYNORTH WILTSHIRE DISTRICT COUNCILTOWN AND COUNTRY PLANNING ACT (as amended)ENFORCEMENT NOTICE124 Hungerdown Lane, Chippenham, Wilts

## WHEREAS:

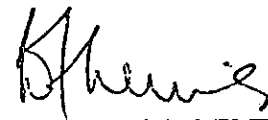
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises (hereinafter called "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 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 the 27th August, 1983.

Issued 27th 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 situate at and known as 124 Hungerdown Lane, Chippenham 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 making of a material change in the use of the said land from a use solely as a private dwellinghouse by the addition to the existing residential use of uses connected with the operation of a taxi business together with the parking storage and maintenance of the motor vehicles associated therewith which uses are unconnected with the use of the said land as a private dwellinghouse.

### Schedule 3

#### Steps required to be taken

- (i) To secure the discontinuance of the use of the said land in connection with the operation of a taxi business
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- (iii) To secure the removal of all motor vehicles brought on to the said land for purposes unconnected with the use of the said land as a private dwellinghouse

THE ANNEX

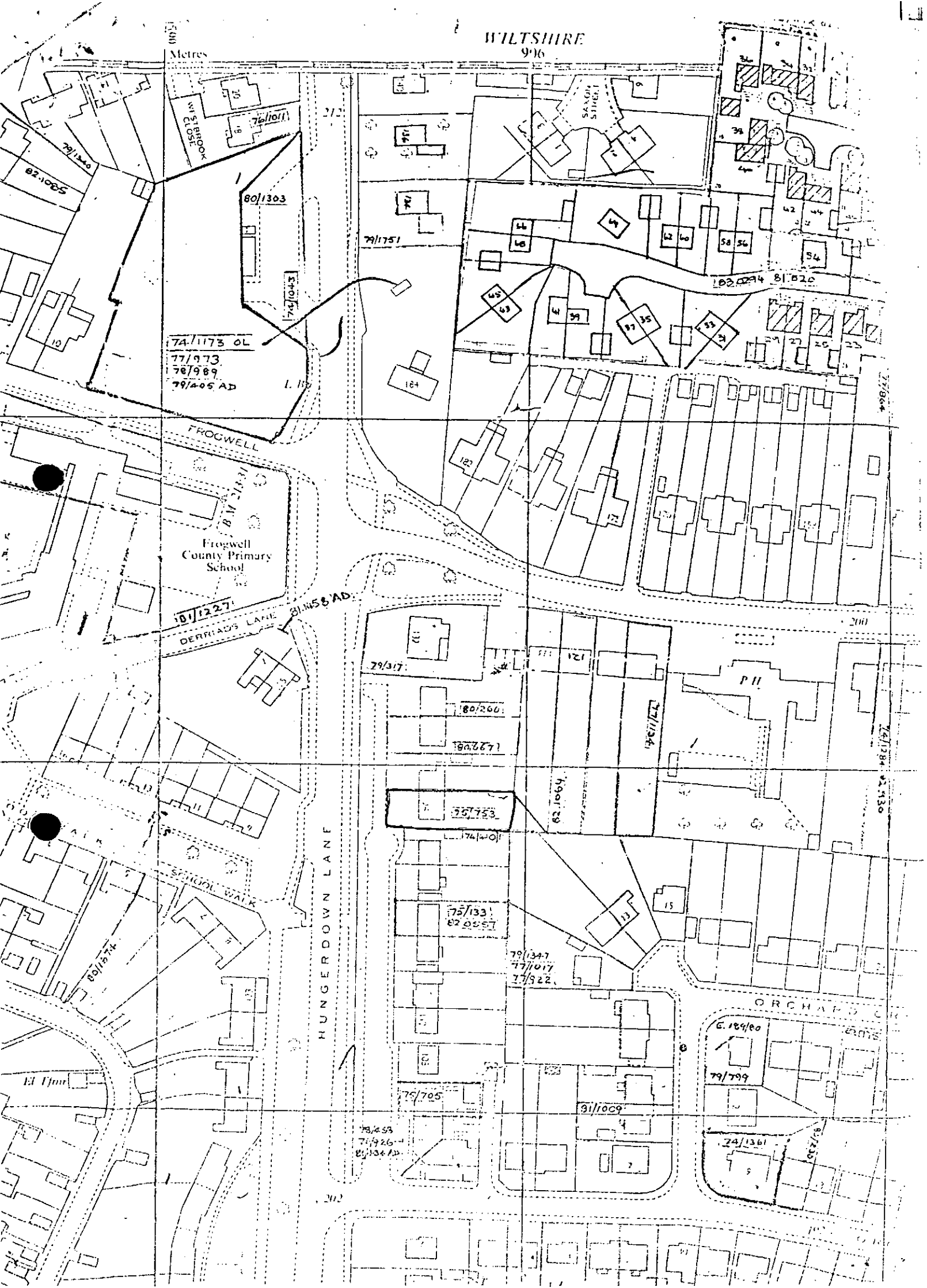
(NOTE: THIS DOES NOT FORM PART OF THE ENFORCEMENT NOTICE)

STATEMENT OF REASONS

The permanent introduction of the use would result in the encroachment of an unacceptable commercial use into a predominantly residential area, a loss of amenity to adjoining dwellings and the creation of a precedent for similarly undesirable proposals.

9.16

## Meters





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

~~MRS. S. DAREH~~

N/83/1282/ENF

Council's Ref: AD/DA/558

Messrs Forrester and Forrester  
61 St Mary Street  
CHIPPENHAM  
Wilts  
SN15 3JH

Your reference  
JCG/RE  
Our reference  
T/APP/5408/C/83/1958/PE3  
Date

18 JAN 1984

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY MR H FERGUSON  
LAND AND BUILDINGS AT 124 HUNGERDOWN LANE, CHIPPENHAM

E 353  
Dismissed  
N/83/1282/ENF

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal. The appeal is against an enforcement notice issued by the North Wiltshire District Council concerning the above-mentioned land and buildings. I have considered the written representations made by you and by the Council and also those made by interested persons and I inspected the site on 13 December 1983.
2.
  - a. The date of the notice is 27 June 1983.
  - b. The breach of planning control alleged in the notice is the making of a material change in the use of the land from a use solely as a private dwelling-house by the addition to the existing residential use of uses connected with the operation of a taxi business together with the parking, storage and maintenance of the motor vehicles associated therewith which uses are unconnected with the use of the said land as a private dwellinghouse.
  - c. The requirements of the notice are:
    1. To secure the discontinuance of the use of the said land in connection with the operation of a taxi business.
    2. To secure the discontinuance of the use of the said land for the parking, storage and maintenance of motor vehicles used in connection with a taxi business which uses are unconnected with the use of the said land as a private dwellinghouse.
    3. To secure the removal of all motor vehicles brought on to the said land for purposes unconnected with the use of the said land as a private dwellinghouse.
  - d. The period for compliance with the notice is 3 months.
  - e. The appeal was made on ground 88(2)(a) and (g).

3. The site is one of a pair of semi-detached houses on the east side of Hungerdown Lane (A350), at the north end of a cul-de-sac about 5.5 m wide running parallel to the Lane. At the southern end the cul-de-sac joins Orchard Road running west to the A350. It has a footway on the east side, and on the west a grass strip planted with trees and bushes and a wire mesh fence separate it from the Class A road. The cul-de-sac extends 100 m from Orchard Road to a turning circle immediately south of the site frontage, and a private road about 3 m wide serves the appeal site and 3 other dwellings to the north. No 124 has a long garage on the south side sufficient for 2 cars one behind the other and a hard surfaced forecourt between it and the adjoining front room and the private drive. The front room is a dining room with kitchen but part is occupied by a desk and a filing cabinet, and at my inspection a 2-way radio was being operated. From the appeal site 6 semi-detached houses and one detached house extend south to 2 shops at the corner with Orchard Road.

4. From my inspection of the site and surroundings, and the representations made, I am of the opinion that the main considerations in this appeal are, whether the taxi business detracts or is likely to detract materially from the living conditions of nearby residents and the character of the residential area, and whether there are any other special considerations to be taken into account.

5. I appreciate that your client's 2 taxis are only housed at these premises at night though in the absence of other definite information I assume from representations by residents that they are available at most hours. In any moderately successful taxi business there are bound to be occasions when vehicles arrive and depart at early or late hours. This causes disturbance to immediate neighbours by noisy car engines and slamming of doors beyond what one might expect in a residential area, particularly at weekends, and seems to be the case at the appeal site. I observe also from letters of interested persons that the additional cars which visit the site belonging to employees cause congestion in the turning circle of the cul-de-sac, to the inconvenience of other residents whose drives are used by visitors and shoppers for turning instead. The situation is aggravated because of the narrow highway and still narrower private drive. In this sense the business affects the residential area generally for the worse. I have considered whether a temporary permission for a further trial period would be appropriate, but find that this would not be so, since complaints have already been made.

6. I note what has been said about the operational methods of other taxi businesses, but this in itself is not an overriding consideration since each appeal is dealt with on its own merits. I note also that the upholding of the notice could mean loss of employment, but in view of the planning objections on account of noise I do not think this factor either can affect my decision, as a special circumstance.

7. For the above reasons I consider planning permission ought not to be granted, and the appeal fails on ground (a). Under ground (g) I have considered whether the requirements of the notice are excessive in relation to the alleged breach of control, but they seem to me in the circumstances to be appropriate and the minimum necessary to remedy the breach. Your client did not appeal under ground (h) but I have considered whether the period for compliance with the notice is sufficient. Three months in my opinion is enough to complete what is required to be done, and I therefore see no reason to extend the period. I have taken all the other matters raised in the representations into account, but they are not such as to cause me to come to any different decision.

#### FORMAL DECISION

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss the appeal, uphold the notice, and refuse to grant planning permission on the application deemed to have been made under Section 88B(3) of the Act.



RIGHT OF APPEAL

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

I am Gentlemen  
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'A H T Clayton', with a stylized flourish at the end.

A H T CLAYTON, MA (Oxon)  
Inspector

ENC

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

6353

NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT (as amended)

ENFORCEMENT NOTICE

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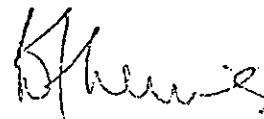
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