

**ENFORCEMENT REGISTER  
INFORMATION SHEET****E/361**

APPEAL

yes

no

Plan's Ref 84.01594W6

## ADDRESS

SILKLEY GREEN  
NESTON  
CORSHAM

## BREACH of CONTROL

Issuing Authority NWDC.

Date Issued 7.10.83

## STOP NOTICES

Date Served

Requiring



Date(s) served

7.10.83

Takes effect 21.11.83.

Compliance by 21.12.83

Dates Extended by  
Secretary of StateEnforcement quashed.  
P.P. granted 18/7/84

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

TO TAKE DOWN THE SAID CONSERVATORY.

## EXTENT to WHICH NOTICE COMPLIED WITH (dates)

The construction and installation of a conservatory against the front wall of the house.

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# 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** 361

Enquiries to Mr McDonald

Dear Sir/Madam,

7th October, 1983

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

5 Elley Green, Neston, CORSHAM, Wiltshire

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 shown on the appeal form. Your appeal must be sent to 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  
SENT - 21st November, 1983

FEE WHICH MUST ACCOMPANY  
APPEAL - £22

To :

Mr. Peter Alan Arnall,  
5 Elley Green,  
Neston,  
CORSHAM,  
Wilts SN13 9TX

Please reply to "The Solicitor"

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

Reasons for issue :-

1. The development involves the siting of a structure of temporary materials not in keeping with the character of the main building in a prominent location where it is detrimental to the character and appearance of the building in particular and the area in general.
2. The development, forms an unfortunate precedent for further development of a similar nature to the collective detriment of the amenities of the area

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

5 Elley Green, Neston, CORSHAM, Wiltshire.

WHEREAS :

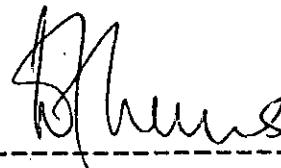
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 21st November, 1983

ISSUED 7th October, 1983

Signed



Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this Notice relates

The residential property 5 Elley Green, Neston, Corsham, Wiltshire shown edged red on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

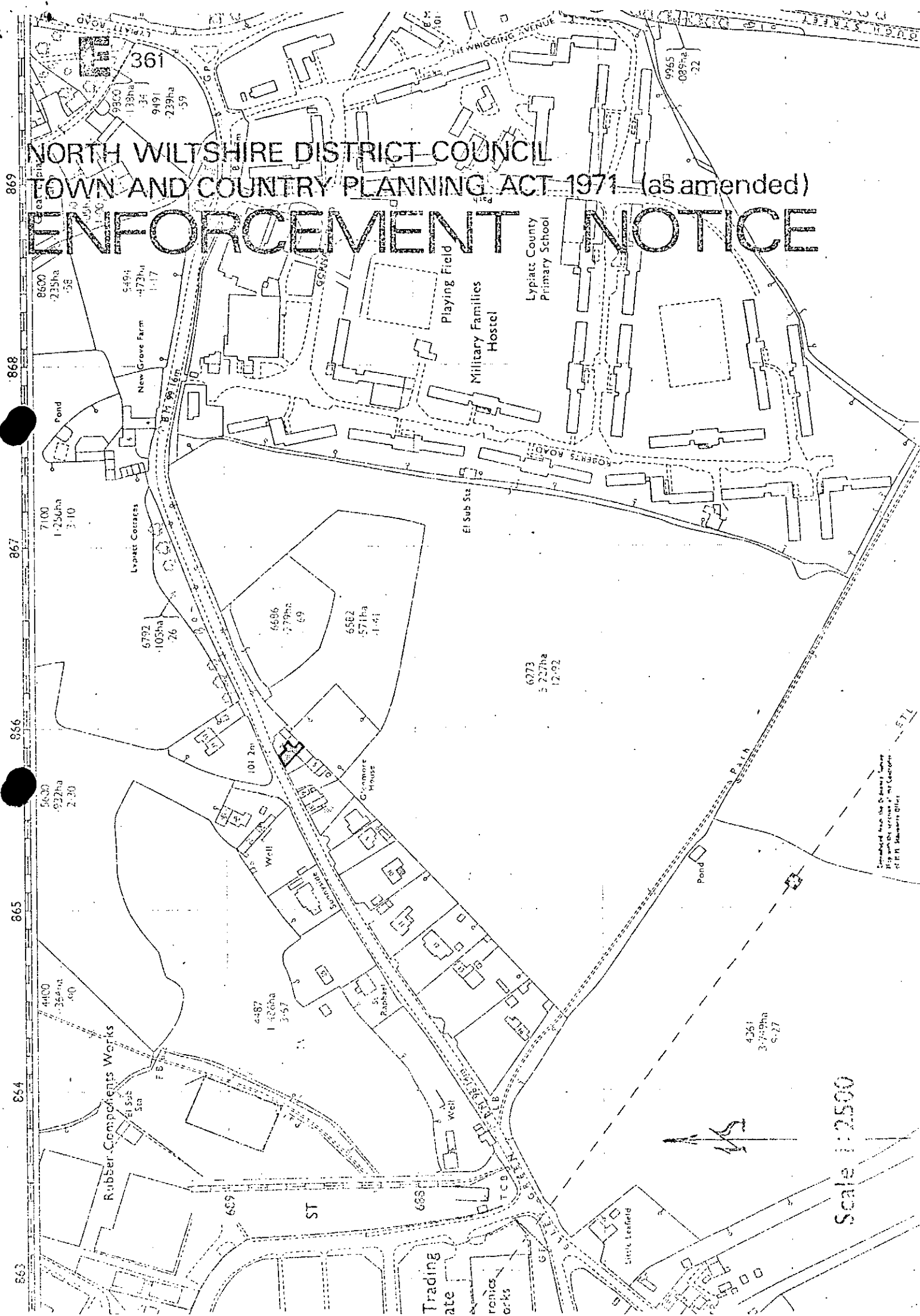
The construction and installation of a conservatory against the front wall of the house.

SCHEDULE 3 - Steps required to be taken

To take down the said conservatory.

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

# ENFORCEMENT NOTICE



Scale 1:2500

Downloaded from the Planning Portal  
on 12/01/2019 at 10:00 AM  
by Mr. M. M. M. M. M.



Department of the Environment and  
Department of Transport

Common Services

Room 1405 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218938

Switchboard 0272-218811-

Council Ref AD/DA/593

Your reference

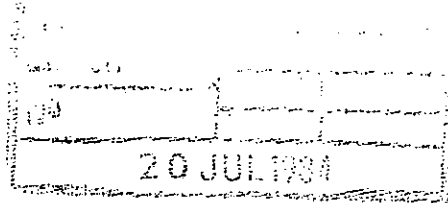
Our reference

T/APP/5408/C/83/3525/P6

Date

18 JUL 84

P A Arnall Esq  
5 Elley Green  
Neston Corsham  
Wiltshire  
SN13 9TX



Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
LAND AND BUILDINGS AT 5 ELLEY GREEN, NESTON, CORSHAM, WILTSHIRE

*Enforcement  
Notice  
quashed*

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your appeal. Your 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 Corsham Parish Council and other interested persons. I inspected the site on 29 May 1984.

2. a. The date of the notice is 7 October 1963.
- b. The breach of planning control alleged in the notice is the construction and installation of a conservatory against the front wall of the house.
- c. The requirements of the notice are to take down the said conservatory.
- d. The period for compliance with the notice is one month.
- e. The appeal was made on grounds 68(2)(a), (b) and (g).

3. The appeal site, which fronts the south-eastern side of the C4 Corsham to Hawthorn Road, is one of a group of 5 terraced stone-built cottages which stands in the residential ribbon development known as Elley Green.

4. The Council draws attention to Policy H4 of the draft Corsham District Plan which states that in the villages of Coleerne, Neston, Biddlestone Box, Gasward/Chapel Knapp, and Rudloe housing development will normally be permitted within the limit of further development for each village, provided that there is no adverse effect on the local character of the environment.

Ground (b)

5. Class 1, Schedule 1 of the Town and Country Planning General Development Order 1977, as amended, classifies as permitted development the enlargement, improvement or other alteration of a terraced dwellinghouse so long as the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cu m or 10%, whichever is the greater, subject to a maximum of 115 cu m; provided that no part of the dwelling as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts the highway.



6. There is no dispute that the lean-to glass and steel framed conservatory erected by you extends 6 ins in front of the forwardmost part of the front elevation of your house. Its erection is thus excluded from the provisions of Class 1 of the General Development Order and therefore represents development for which planning permission is required: since none was obtained there has been a breach of planning control and your appeal on ground (b) will in consequence fail.

#### Ground (a) and the Deemed Application

7. From my inspection of the site and surroundings, and having considered the representations made, it seems to me that the main issue in this case is whether the conservatory, as it now stands, is so intrusive as to detract unacceptably from the character of the building or of the area in general.

8. The Council takes the view that your extension, being of glass and brown-coated steel, is not in keeping with the cottage character of the main building, and I find myself in some sympathy with this reservation. On the other hand I did not find its appearance so obtrusive as to damage significantly the visual quality of the area. Furthermore, it is my interpretation of the provisions of Class 1 of the General Development Order that but for the offending 6 in projection that Order bestows on you the right to retain the structure in these self-same materials. From the road, or indeed from most other points unless inspecting the extension very closely, the 6 in projection in front of your forwardmost wall is not discernible and adds nothing to the visual impact of the development on the street scene. In my judgement, to deny you planning permission to retain the conservatory as it now stands would effectively be to require you to reduce its depth from front to rear by 6 ins and in the circumstances I can see nothing to be gained from this. Accordingly your appeal on ground (a) will succeed and I therefore do not propose to consider the remaining ground of appeal.

9. I have considered all the other matters raised but am of the opinion that they are not of sufficient strength to outweigh the considerations that have led me to my decision.

#### FINAL DECISION

10. 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 retention of the conservatory at 5 Elley Green, Neston.

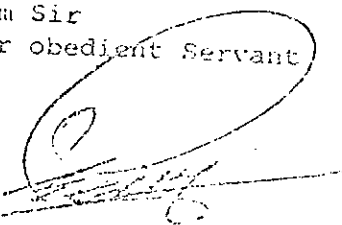
11. This letter does not convey any approval or consent required under any enactment, order, byelaw or regulation other than Section 23 of the Town and Country Planning Act 1971.

#### RIGHTS OF APPEAL

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

I am Sir

Your obedient Servant

  
R S PERRY DFC FRIM  
Inspector

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**YOUR PROPERTY**

strict Secretary's Department  
F. Lewis  
olicitor to the Council

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Ext. 132

R. BURTON

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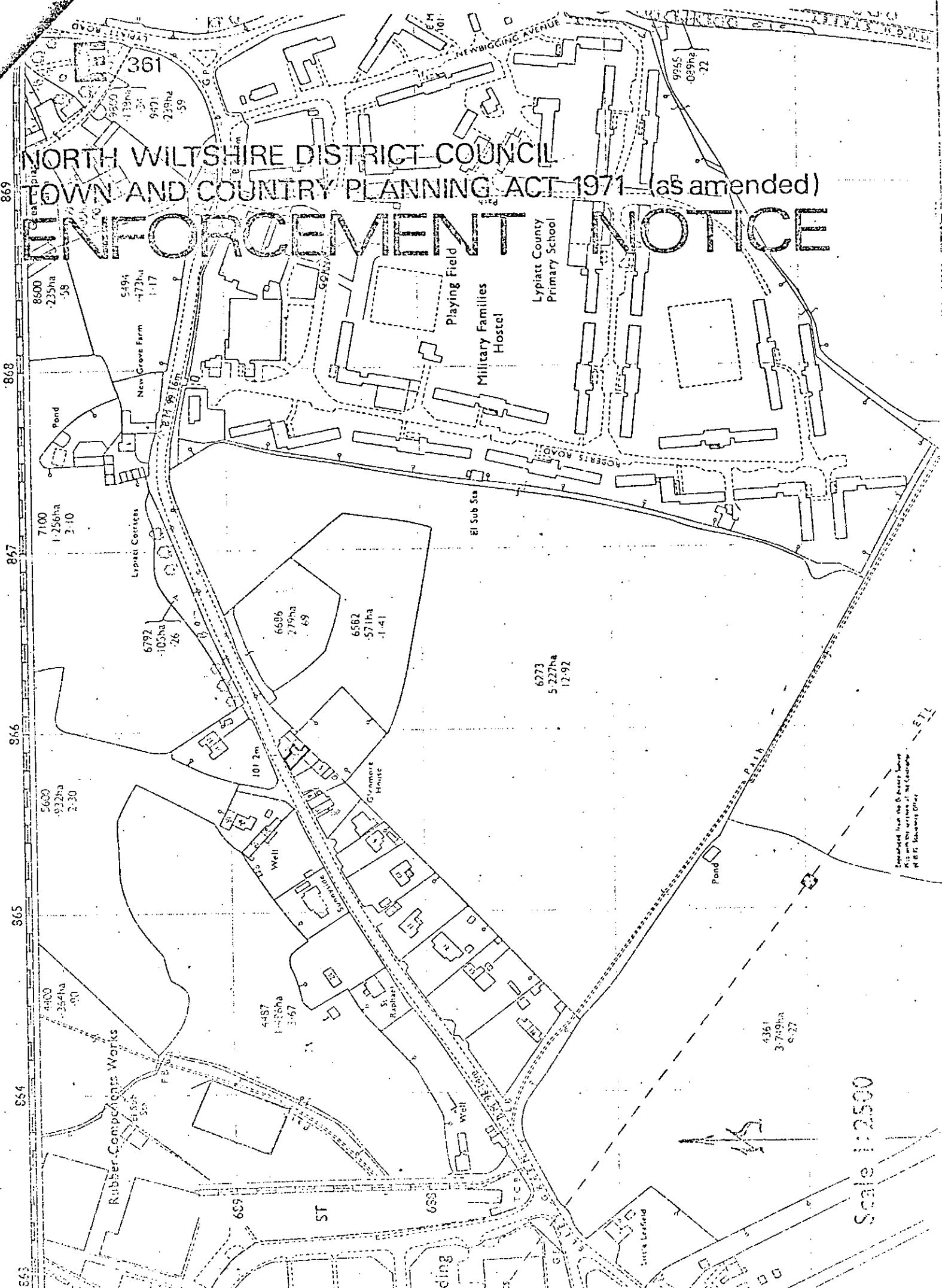
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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)  
**ENFORCEMENT NOTICE**



Prepared from the District Council  
Planning Department's records of the  
Planning Department's Office

Scale 1:2500