

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 368

APPEAL yes ☒ no ☐

Plan's Ref N/83/146d ONE

ADDRESS

HILL COTW.

BOX HILL

BOX.

BREACH of CONTROL

THE CARRYING OUT OF WORKS
OF CONSTRUCTION IN CONNECTION
WITH THE ERECTION OF A
DWELLING.

Issuing Authority N.W.D.C.

Date Issued 2. 8. 83

STOP NOTICES

Date Served

Requiring

Date(s) served

2. 8. 83

Takes effect 19. 9. 83

Compliance by 21. 9. 83
19. 10. 83Dates Extended by
Secretary of State

Date withdrawn

Appeal allowed.

REQUIREMENTS of ENFORCEMENT

Steps required to be taken

- (i) To cease or secure the cessation of all works of construction taking place upon the land in connection with the erection of a dwelling within two days from the date upon which this notice takes effect.
- (ii) To remove or secure the removal from the land the foundations constructed upon the land without the benefit of planning permission within one month from the date upon which this notice takes effect.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

RECEIVED
JAN 10 1964
U.S. DEPT. OF JUSTICE

NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (As amended)

ENFORCEMENT NOTICE

Land at Hill Cote, Box Hill, Box

WHEREAS:

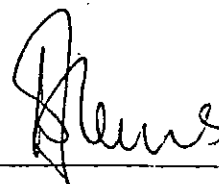
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of 4 years before the day 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 carrying out of the building, engineering, mining or other operations 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 hereto.

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken in order 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 the 19th September, 1983.

Issued 2nd August, 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 Grid reference ST 8369 and known as "Hill Cote" Box Hill, Box 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 carrying out of works of construction in connection with the erection of a dwelling.

Schedule 3

Steps required to be taken

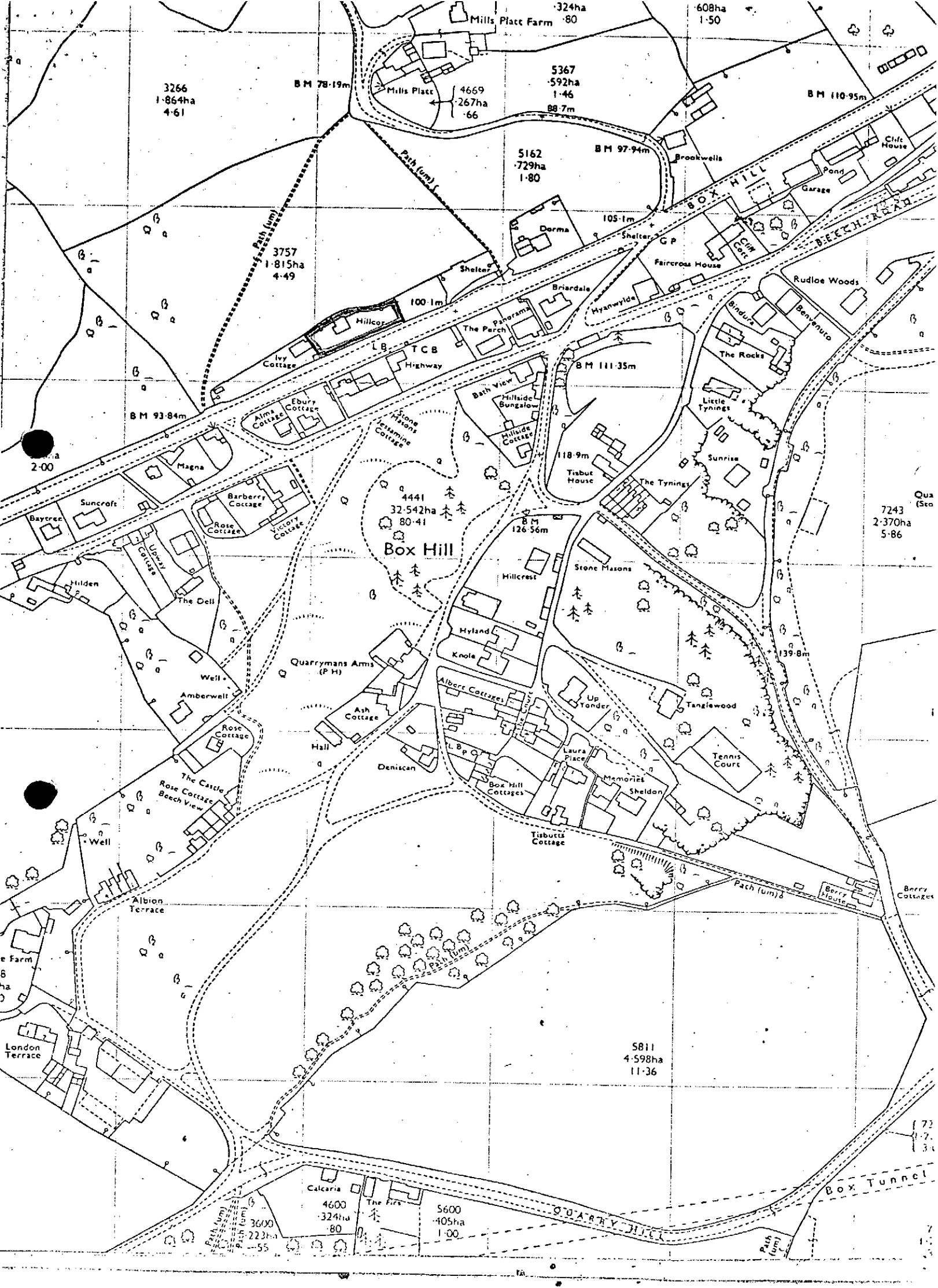
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THE ANNEX

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

STATEMENT OF REASONS

1. The site lies with the Western Wiltshire Green Belt wherein it is the policy of the local planning authority that permission would not normally be granted for the replacement of existing dwellings.
2. 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 for the most part undisturbed and only development essential to agricultural need shall be approved.





**Department of the Environment and
Department of Transport**

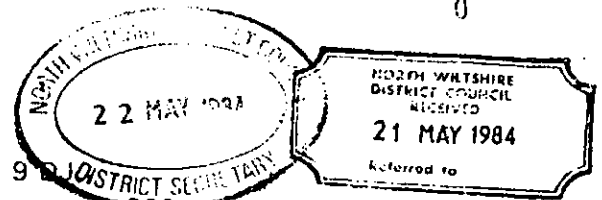
Common Services

Room 1408 Tollgate House Houlton Street Bristol BS2 9 9

Telex 449321

Direct line 0272-218 930

Switchboard 0272-218811



Council Ref: AD/DA/561

Vines and Lipscombe Design Group
127 High Street
WOOTTON BASSETT
Wiltshire
SN4 7AY

Your reference

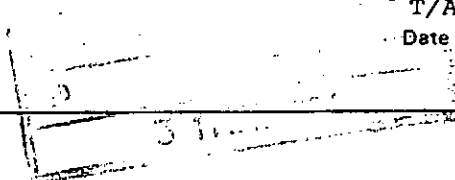
VV/DS/83/85

Our reference

T/APP/5408/C/83/2293/P: 6

Date

17 MAY 1984



Allowed.

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY MR C SMALLMAN
LAND AND BUILDINGS AT HILLCOTE, BOX HILL

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This 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 Tuesday 27 March 1984.

2. a. The date of the notice is 2 August 1983.

b. The breach of planning control alleged in the notice is the carrying out of works of construction in connection with the erection of a dwelling.

c. The requirements of the notice are (i) to cease or secure the cessation of all works of construction taking place upon the land in connection with the erection of a dwelling within 2 days from the date upon which this notice takes effect. (ii) to remove or secure the removal from the land the foundations constructed upon the land without the benefit of planning permission within one month from the date upon which this notice takes effect.

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

SITE AND SURROUNDINGS

3. The appeal site fronts about 50 m of the north-western side of the main A4 road in the vicinity of a small and fragmented settlement on the north facing slope of Box Hill about 1 km to the east of the Wiltshire village of Box and about 4 km to the west of Corsham. On the site, which averages about 18 m in depth, stand a partly demolished, former 2-storey dwellinghouse of traditional construction with Bath stone facing and some new works of reconstruction and extension. The site is adjoined along the A4 road to the south-west by a small detached, 2-storey house, Ivy Cottage, and to the north-east by an enclosed garden seemingly associated with a detached house beyond. These properties are otherwise isolated and surrounded by fields, most of the development at Box Hill being on the opposite, south-eastern side of the road.

4. Of the original house as pointed out to me on the site there remain above ground the front main wall upto eaves level with the original front doorway and 5 window openings, most of the main west end external wall, a smaller part of the main east end external wall, 2 nibs of internal partitions and a good deal of the irregularly shaped rear and side extensions upto about 1.5 m above ground. New works on the land, including construction of the foundations and ground floor slab of the proposed kitchen at the east end of the original house, obscure any signs of some parts of the original building.

INSPECTOR'S CONCLUSIONS

5. I note as not in dispute between the parties that planning permission was granted on 15 November 1982 in respect of the current appeal site on an application, of which application plan No 82/66/2 formed part, for "erection of extensions to cottage for residential use". During 1983 parts of the original dwellinghouse were demolished and new works of construction were carried out.

6. In connection with grounds (b) and (c) of the appeal, I have weighed the conflicting evidence submitted by the parties and taken into account the details of the permission of 15 November 1982 and the associated application together with my own observations on the site. In my opinion what now remains of the old structure, though a substantial part of the original, is not sufficiently intact to be reasonably called a dwellinghouse. Thus permitted development rights of Class I of the Schedule of the Town and Country Planning General Development Orders 1977-1981 appear to have ceased to apply to this property. However the works permitted on 15 November 1982, as shown on the application plan, appear to me to necessitate demolition and replacement of substantial parts of the original structure, including the main rear wall (which is proposed to be mainly replaced by new internal piers, beams and partitions), a part of the eastern external wall, some internal walling (partly to be replaced) and the rear and side additions (proposed to be supplanted by new works on different lines). Extensive new foundations, walls, floors and roof structure and making good to the original are clearly envisaged in the application. Removal and replacement of most or all of the original roof appears to me to be a practical necessity in implementation of the permission. Notwithstanding the wording used in the permission and associated application, what was permitted appears to me to constitute considerably more than mere additions to the former house and to amount to a substantially new development of erection of a dwelling, albeit retaining a good deal of the original structure and front elevation. On the information before me, I accept that rather more of the eastern external wall has been demolished and would need to be replaced than is indicated specifically in the application, but the replacement works appear to be minimal in relation to the totality of the development permitted. I am not convinced that demolition carried out to date has been, in the main, other than what was reasonably necessary to implementation of the permission. Constructional works to date do not appear to any significant extent to be other than what was permitted. On a balance of probability I find as a matter of fact and degree that there have been carried out on the land works of construction in connection with the erection of a dwellinghouse amounting to development requiring planning permission for which permission was granted on 15 November 1982.

7. In my opinion the legal implications of the above facts are that, although the operational development referred to in the notice has taken place, the matters alleged in the notice do not constitute a breach of planning control. Thus on ground (b) the appeal succeeds. Therefore there is no need for me to consider further the other grounds of appeal or the deemed application.

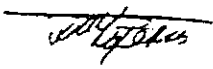
FORMAL DECISION

8. In exercise of the powers transferred to me, and for the reasons given above, I hereby allow the appeal and quash the notice.

RIGHT OF APPEAL AGAINST DECISION

9. 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 Gentlemen
Your obedient Servant


L W TYERS ARICS
Inspector

ENC

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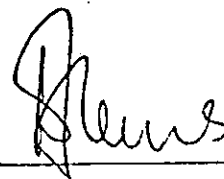
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