

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 376

APPEAL

yes

no

Plan's Ref 84.0264 ENF

ADDRESS

GREEN VIEW
WOOD LAND.
BRAYDON.

BREACH of CONTROL

THE MAKING OF A MATERIAL CHANGE
IN THE USE OF THE LAND FROM USE
FOR THE PURPOSE OF A SINGLE DWELLING
TO USE FOR THAT PURPOSE AND, IN
ADDITION, THE STATIONING AND SEPARATE
OCCUPATION OF A RESIDENTIAL
CARAVAN.

Issuing Authority N.W.D.C.

Date Issued 30.11.83

STOP NOTICES

Date Served

Requiring



Date(s) served

30.11.83

Takes effect 11.1.84

Compliance by 11.7.84

Dates Extended by
Secretary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

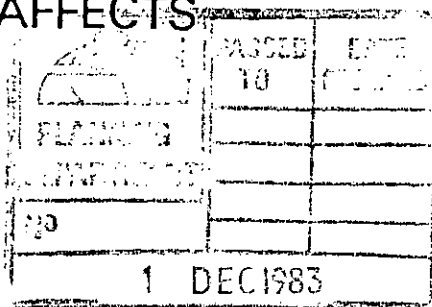
- (i) TO CEASE THE USE OF THE LAND FOR THE STATIONING
AND SEPARATE OCCUPATION OF A RESIDENTIAL CARAVAN.
- (ii) TO REMOVE FROM THE LAND THE SAID CARAVAN.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

appeal dismissed 17.10.84.

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

376

Enquiries to

Mr. McDonald

Dear Sir/Madam,

30th November, 1983

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

"Green View", Wood Lane, Braydon, LYDIARD MILLICENT.

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 on the appeal form. Your appeal must be received by 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
RECEIVED - 11th January, 1984

FEE WHICH MUST ACCOMPANY
APPEAL -
£44

To: Ian L. Sinclair,
"Green View",
Wood Lane,
Braydon,
Lydiard Millicent,
Swindon.

and to Michael Whitaker,
The Caravan,
"Green View",
Wood Lane,
Braydon,
Lydiard Millicent,
Swindon.

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

Reasons for issue :-

The caravan in residential occupation is regarded as a new dwelling and, as such :-

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 site lies outside the limits of any established settlement or its reasonable extension in an area in 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.
3. The development is contrary to policies H19 and H24 of the North East Wiltshire Structure Plan which state that 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, and that mobile homes, including residential caravans, will be treated in the same manner as permanent housing.

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

"Green View", Wood Lane, Braydon, LYDIARD MILLICENT.

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 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 11th January, 1984

ISSUED 30th November, 1983

Signed

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - Land or premises to which this notice relates

Residential property known as "Green View", Wood Lane, Braydon, Lydiard Millicent, shown edged red on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

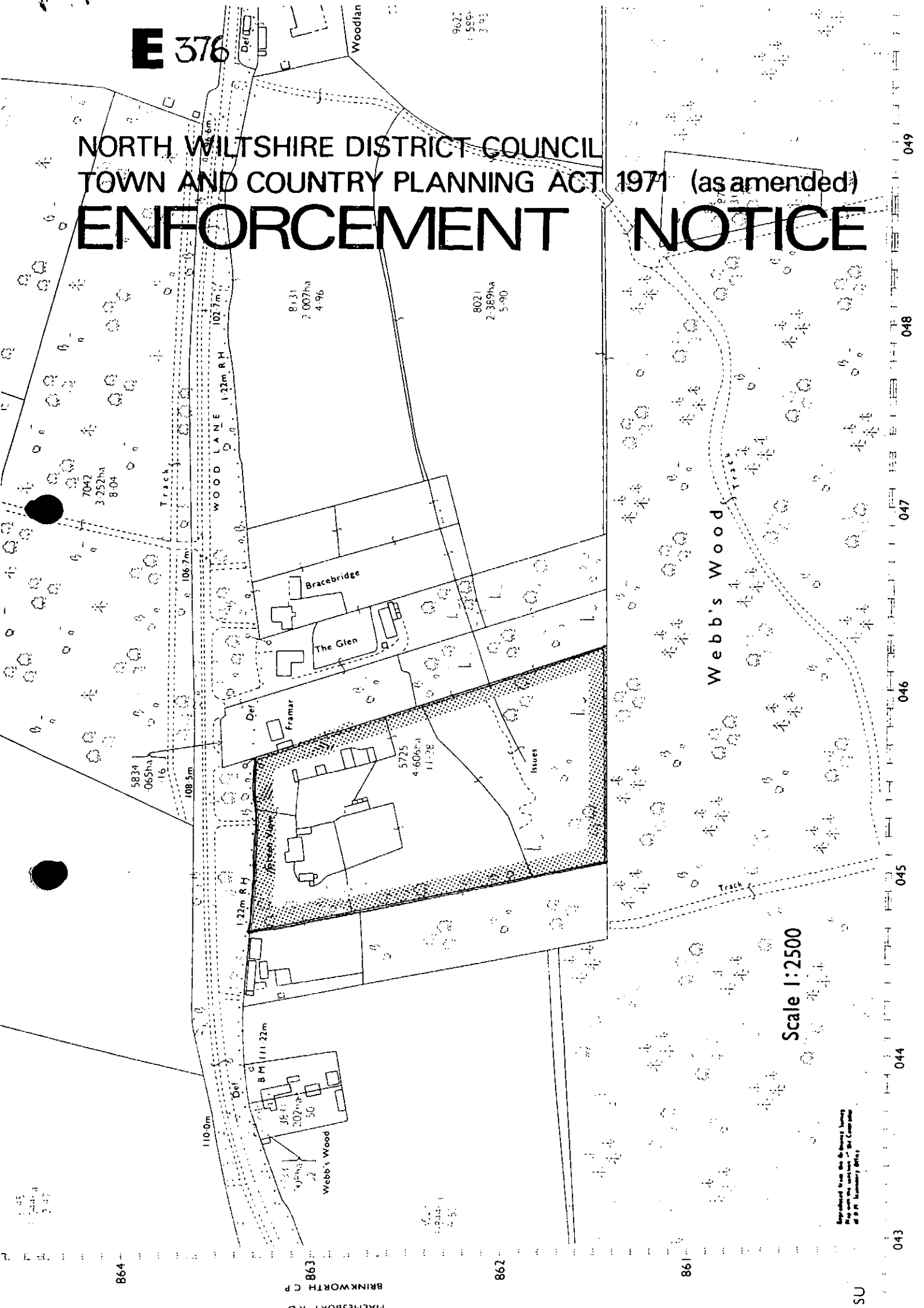
The making of a material change in the use of the land from use for the purpose of a single dwelling to use for that purpose and, in addition, the stationing and separate occupation of a residential caravan.

SCHEDULE 3 - Steps required to be taken

- (i) To cease the use of the land for the stationing and separate occupation of a residential caravan.
- (ii) To remove from the land the said caravan.

E 376

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



CHIPPEN

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Department of the Environment and
Department of Transport

Common Services

Room 1408 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT	TO	RECEIVED
NO		
26 OCT 1984		

Direct line 0272-218938

Switchboard 0272-218811

GTN 2074

Council Ref: AD/DA/604

Messrs Kinneir and Co
6 High Street
SWINDON
Wilts
SN1 3ES

Your reference
JFP/138/83

Our reference
T/APP/J3910/C/84/189, 190/P6

Date

17 OCT 84

Dismissed

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEALS BY MR I L AND MRS B SINCLAIR
LAND AT GREEN VIEW, WOOD LANE, BRAYDON, LYDIARD MILLICENT

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against an enforcement notice issued by the North Wiltshire District Council concerning the above mentioned land. I have considered the written representations made by you, by the Council and also those made by interested persons. I inspected the site on 17 September 1984.

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

b. The breach of planning control alleged in the notice is that, after the end of 1963, residential property known as Green View, Wood lane, Braydon, Lydiard Millicent, shown edged red on the plan attached to the notice, has been developed by the making of a material change in the use of the land from use for the purpose of a single dwelling to use for that purpose and, in addition, the stationing and separate occupation of a residential caravan, without the grant of planning permission required for that development.

c. The requirements of the notice are:

i. to cease the use of the land for the stationing and separate occupation of a residential caravan;

ii. to remove from the land the said caravan.

d. The period for compliance with the notice is 6 months.

e. The appeals were made on grounds 88(2) (a) and (g).

3. I observed on my visit that your clients' property, "Green View", a bungalow, is situated on the south side of Wood Lane within the limits of a straggle of development which includes dwellings and a piggery and which fronts the south side of Wood Lane over a distance of about 350 yds. The area roundabout is well wooded - Webb's Wood adjoins the south end of the appeal site - and Green View's substantial curtilage is well screened from the west by the treed hedge which runs along the site's west boundary and the trees on its north boundary which is separated from Wood Lane by a wide, grassed verge. I have noted, however, that some parts of the site, to the rear of Green View are open to view from the curtilages of nearby residential property to the east.

4. At the time of my visit 2 caravans were positioned on the site. One, a small touring caravan, owned by your clients, was parked at the south end of the stone surfaced driveway which runs past the east side of Green View and ends on the west side of a shed where there is a gate affording access to a paddock. The other, residential type of caravan, is positioned in the south-east corner of the rear garden area at Green View. An evergreen hedge screens this mobile home well from the direction of Green View. It is also partially screened by nearby shrubs and buildings from the east and north-east. The residential caravan measures 25 ft x 9 ft 6 ins and its height is 9 ft above ground level. Accommodation inside this caravan comprises a bedroom, sittingroom, kitchen, and a bathroom with bath, WC and wash basin. Drainage is to a septic tank, to which Green View is also connected. Mains electricity and water supplies are connected. Cooking is done by bottled gas. A TV aerial is mounted on a pole near the residential caravan. The caravan is painted light green above pale pink, and retains its wheels but its axle is supported on blocks and both ends supported by metal supports resting on concrete blocks.

5. Having seen the site and its surroundings it seems to me that the principal point at issue in this case is whether there are any special circumstances which might merit the making of an exception to the rural planning policies applicable to the area in which your clients' residential caravan, in occupation as a dwelling separate from Green View, is located.

6. I cannot accept your contention that the deemed application in this case should be considered as being for a replacement of an existing dwelling. Although the evidence is that the residential caravan was placed on its site in 1969 with the knowledge of the then local planning authority, to serve, it appears, as extra accommodation in connection with the residential use of Green View, it was not being used for such purpose at the date of service of the notice. It was being used then as a separately occupied unit of residential accommodation, a use which required a grant of planning permission.

7. I am firmly of the opinion that the Council's consistently applied rural planning policy, which accords entirely with national policy, to resist proposals for residential development in rural areas outside existing settlements/villages where such development is to be permitted, unless required for essential agriculture or forestry purposes, deserves strong support. I concur with the Council's view that the unobtrusiveness of this caravan does not justify the overriding of the rural planning policies set out in the Structure Plan which, I have noted, are similar to those in the Cricklade and Purton Local Plan. There is no evidence in this case that the residential caravan which is the subject of this appeal is required to be located on this particular site for occupation by a person employed in agriculture or forestry, or for any other locally important reason. I find therefore that the proposed development is unacceptable. The appeals on ground (a) fail.

8. However, bearing in mind this caravan's generally unobtrusive location within the garden area at Green View, only about 15 yds to the rear of this dwelling, I consider that its position is acceptable if it is used only as an adjunct to the domestic use of Green View, a use which would not require a grant of planning permission. I find therefore that the requirements of the notice are excessive insofar as the removal of the subject's residential caravan is required. Accordingly I will delete the second requirement. The appeals on ground (g) succeed to this extent.

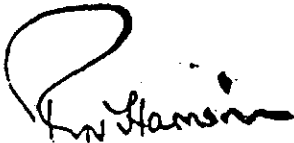
9. I have taken into account all the other points made in the representations and the guidance given in DOE Circular 22/80 but these matters do not alter my decision.

FORMAL DECISION

10. In exercise of the powers transferred to me, I hereby direct that in Schedule 3 of the notice, the second requirement be deleted. Subject to this variation I hereby dismiss the appeals, uphold the notice and refuse to grant planning permission for the applications deemed to have been made under Section 88B(3) of the Amended Act.

11. This letter is issued as the determination of the appeals before me. Details 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 'R N Harrison', with a large, stylized initial 'R'.

R N HARRISON OBE MA
Inspector

ENC

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

District Secretary's Department
D. F. Lewis
Solicitor to the Council

PLANNING PERMIT	PASSED TO	DATE RECEIVED
1		DEC 1983



**North Wiltshire
District Council**

Monkton Park,
Chippenham,
Wiltshire, SN15 1ER.
Tel. Chippenham (0249) 654188.
Ext. 132

R. BURTON

376

Our ref **E**

376

Enquiries to Mr. McDonald

Dear Sir/Madam,

30th November, 1983

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

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Yours faithfully,


Solicitor

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BEFORE WHICH ANY APPEAL MUST BE
RECEIVED - 11th January, 1984

FEE WHICH MUST ACCOMPANY
APPEAL -
£44

To: Ian L. Sinclair,
"Green View",
Wood Lane,
Braydon,
Lydiard Millicent,
Swindon.


and to Michael Whitaker,
The Caravan,
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ANNEX - (This does not form part of the Enforcement Notice)

Reasons for issue :-

The caravan in residential occupation is regarded as a new dwelling and, as such :-

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 PLANNING DIVISION 10	ASST. DIR.	DATE
	TO	RECEIVED
1 DEC 1963		

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

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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.
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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 11th January, 1984

ISSUED 30th November, 1983

Signed

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - Land or premises to which this notice relates

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SCHEDULE 2 - Alleged breach of planning control

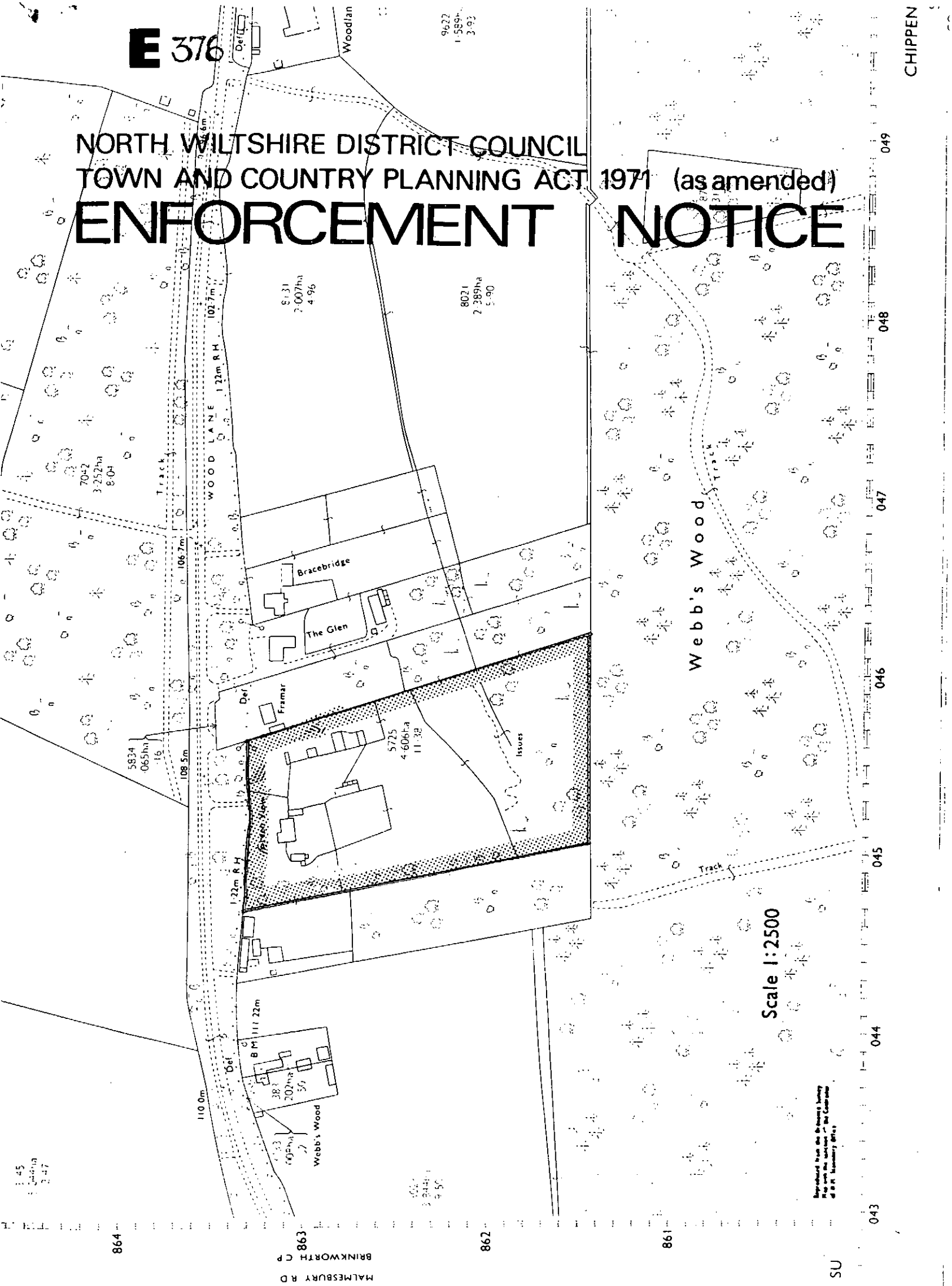
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E 376

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



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