

NORTH WILTSHIRE DISTRICT COUNCIL

ENFORCEMENT REGISTER INFORMATION SHEET

N/84/1540/ENF

E/ 379a

APPEAL

Y88

no

Plan's Ref

ADDRESS

LAND AT BOXFIELDS
Box.

BREACH of CONTROL

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 *11.3.84*

Dates Extended by
Secretary of State

Date withdrawn

SCHEDULE 3 - Steps required to be taken

REQUIRE

- (i) the addition of vertical spaced timber boarding to the elevations as specified in the drawing accompanying the application.
- (ii) the closing up of windows added to the west and south elevation and a door to the west elevation to make the development comply with the drawing accompanying the application.
- (iii) the re-roofing of the building to comply with the drawing accompanying the application (i.e. with plastic coated (brown colour) corrugated galvanised iron in substitution for plain steel corrugated sheeting).

EXTENSION OF STOP NOTICE COMPLIED WITH (date)

*See attached
for decision*

The failure to comply with a condition subject to which planning permission (reference N79/O556/F) for an agricultural storage building for farm machinery was granted on 20th December 1979, to wit :-

"Condition 1

The development hereby authorised shall be carried out in accordance with the application as amended by the plans submitted with applicant's letter dated 4th November 1979 and agent's letter dated 8th August 1979."

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** 379a

Enquiries to Mr. McDonald

Dear Sir/Madam,

30th November, 1983.

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

LAND AT BOXFIELDS, BOX

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 - NIL

To: Clive V. Freeman
Tunnel Inn
Boxfields
Box,
Wilts

and to

Frank G. Freeman,
Tunnel Inn
Boxfields,
Box,
Wilts.

A N N E X - (This does not form part of the Enforcement Notice)

Reason for issue :-

The building, by virtue of its prominent location and unsatisfactory construction, represents visually intrusive and discordant features in the predominantly rural landscape and, as constructed, is unreasonably detrimental to the rural amenities of the area.

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

LAND AT BOXFIELDS, 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 four years before the date of issue of this Notice 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 failure to comply with conditions or limitations subject to which planning permission was granted, that permission and the relevant condition being more fully described in Schedule 2 below.
- (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 to make the development comply with the terms of the planning permission which has been granted in respect of the land within the period of two 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

Land at Boxfields, Box, Wiltshire shown edged red on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

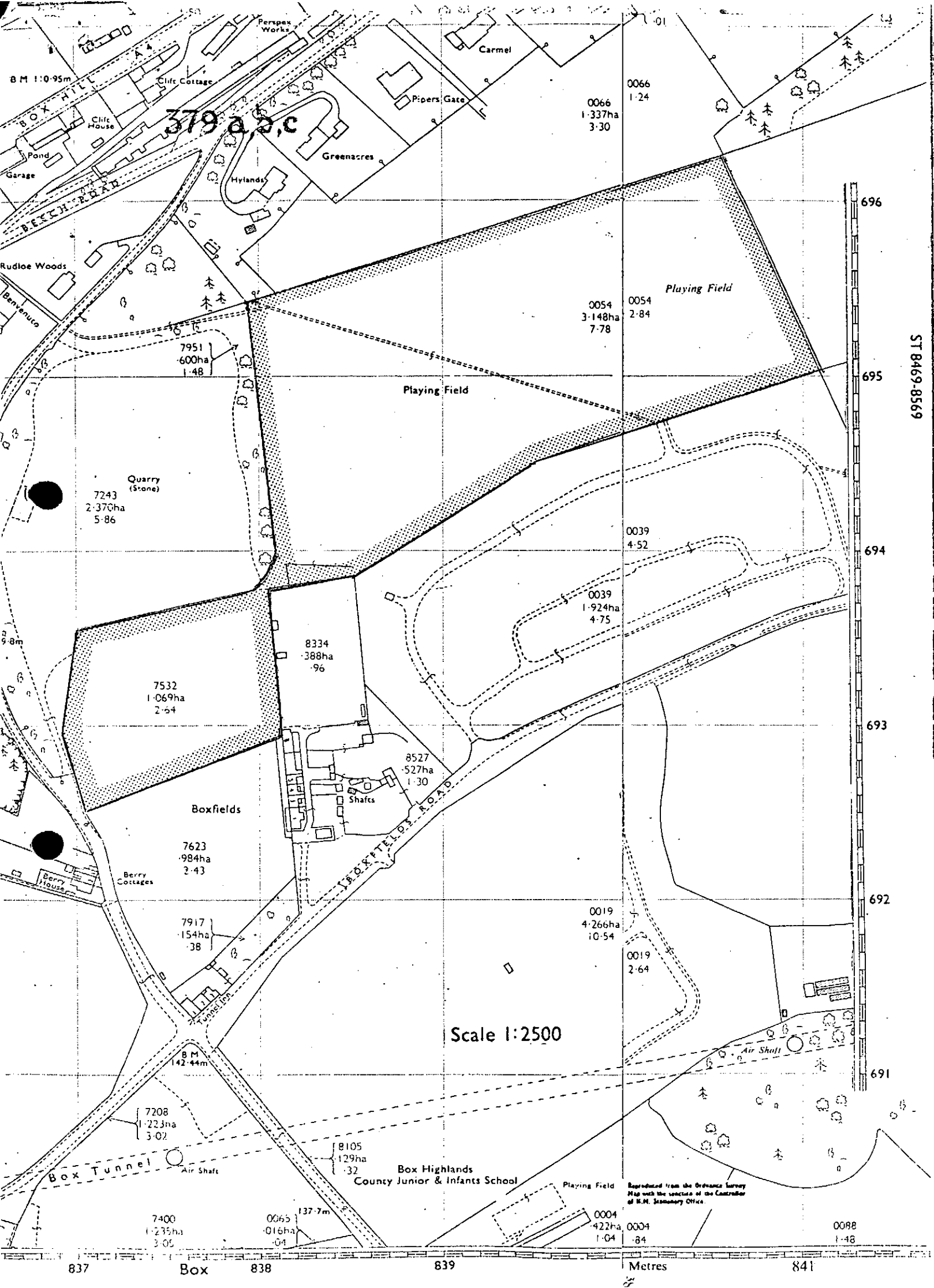
The failure to comply with a condition subject to which planning permission (reference N79/0556/F) for an agricultural storage building for farm machinery was granted on 20th December 1979, to wit :-

"Condition 1

The development hereby authorised shall be carried out in accordance with the application as amended by the plans submitted with applicant's letter dated 4th November 1979 and agent's letter dated 8th August 1979."

SCHEDULE 3 - Steps required to be taken

- (i) the addition of vertical spaced timber boarding to the elevations as specified in the drawing accompanying the application.
- (ii) the closing up of windows added to the west and south elevation and a door to the west elevation to make the development comply with the drawing accompanying the application.
- (iii) the re-roofing of the building to comply with the drawing accompanying the application (i.e. with plastic coated (brown colour) corrugated galvanised iron in substitution for plain steel corrugated sheeting).





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

Common Services

Room 1405 Tollgate House Houlton Street Bristol BS2 9E

Telex 449321

N/84/0265/ENF

N/84/1542/ENF

KENNET COUNCIL - CCE

Letter No. 32

Direct line 02

Switchboard 02

GTN 207

COL

REF: AD/DA/601, A, B & C

E Drewe Esq
Planning Consultant
Green Gables
Lowden Hill
CHIPPENHAM
Wiltshire
SN15 2BX

Ack'd.....

Passed to.....

- 4 DEC 1984

Ref to: Coun.....

Comm.....

S/Coun.....

W.P.....

Copies to:.....

Your reference

Our reference

T/APP/J3910/C/84/24, 26,

Date 28, 30/P6

- 3 DEC 84

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEALS BY MR C V FREEMAN
LAND AT BOXFIELDS, BOX, WILTSHIRE

1. As you know I have been appointed by the Secretary of State for the Environment to determine the appeal-mentioned appeals. These appeals are against 4 enforcement notices issued by the North Wiltshire District Council concerning the above-mentioned land. I held an inquiry into the appeals on 18 September 1984.

NOTICE A

2. a. The date of the notice is 30 November 1983.
- b. The breach of planning control alleged in the notice is that, within the period of 4 years before the date of service of the notice, building, engineering, mining or other operations have been carried out on land at Boxfields, Box, Wiltshire, shown edged red on the plan attached to the notice, namely the construction of a building of less than 40 sq m gross floor area of blockwork with corrugated sheet roof and used for purposes other than agriculture without the grant of planning permission required for that development.
- c. The requirements of the notice are:
 - i. To take down the said building.
 - ii. To remove the materials from the site.
- d. The period for compliance with the notice is 2 months.
- e. The appeal was made on grounds 88(2)(b) and (f).

NOTICE B

3. 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, land at Boxfields, Box, Wiltshire, 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 agriculture to use for that purpose

and, in addition, for the storage of scrap motor vehicles, building materials, a caravan and scrap metal 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 storage other than agricultural storage.
 - ii. To remove from the land the said scrap motor vehicles, building materials, caravan and scrap metal.
- d. The period for compliance with the notice is 2 months.
- e. The appeal was made on grounds 88(2)(b), (f) and (g).

NOTICE C

- 4. a. The date of the notice is 30 November 1983.
- b. The breach of planning control alleged in the notice is failure to comply with Condition 1 subject to which planning permission was granted on 20 December 1979 for the erection of an agricultural storage building for farm machinery (Application N 79/0556/F).
- c. The Condition which is alleged not to have been complied with is:
Condition 1. The development hereby authorised shall be carried out in accordance with the application as amended by the plans submitted with the applicant's letter dated 4 November 1979 and agent's letter dated 8 August 1979.
- d. The requirements of the notice are:
 - i. The addition of vertical spaced timber boarding to the elevations as specified in the drawing accompanying the application.
 - ii. The closing up of windows added to the west and south elevation and a door to the western elevation to make the development comply with the drawing accompanying the application.
 - iii. The reroofing of the building to comply with the drawing accompanying the application, (ie, with plastic coated (brown colour) corrugated galvanised iron in substitution for plain steel corrugated sheeting).
- e. The period for compliance with the notice is 2 months.
- f. The appeal was made on grounds 88(2)(f), (g) and (h) but at the inquiry ground 88(2)(b) was added. The Council accepted that, in Schedule 3(ii) of this notice, the word 'west' should read 'east' and the word 'south' should read 'north' and requested that the notice be corrected. I have also noted that the plan accompanying Planning Application N/79/0556/F is incorrectly marked as to the directions in which the elevations shown on this plan face.

NOTICE D

- 5. a. The date of the notice is 30 November 1983.

b. The breach of planning control alleged in the notice is failure to comply with Condition 1 subject to which planning permission was granted on 3 June 1983 for the use of land at Tunnel Inn, Boxfields, Box, for the siting of a mobile home.

c. The Condition which is alleged not to have been complied with is:

Condition 1. The mobile home hereby permitted shall be removed and the land reinstated to its former condition including the removal of all ancillary works and structures to the satisfaction of the local planning authority at or before the expiration of a period ending on 31 March 1983.

d. The requirements of the notice are:

i. To cease use of the land for the stationing and occupation of a residential caravan or mobile home.

ii. To remove from the land the residential caravan or mobile home and all ancillary works and structures.

e. The period for compliance with the notice is 2 months.

f. The appeal was made on grounds 88(2)(a) and (f). The Council stated that the date 3 June 1983 in Schedule 2 of the notice should be 3 June 1982. You accepted that your client had not been misled by this error. The necessary variation can be made to the notice without injustice to either party. I will do this.

6. The evidence was taken on oath.

SUMMARY OF DECISIONS

7. The formal decisions are set out at paragraphs 57-60. The appeal against Notice A fails. Planning permission is not being granted for the retention of the building to which this notice relates. The appeal against Notice B succeeds. That notice is being quashed. The appeal against Notice C fails. The Condition is not being discharged but the requirements of the notice are being varied. The appeal against Notice D succeeds. The Condition is being discharged but another Condition is being substituted.

THE SITE AND ITS SURROUNDINGS

8. The developments to which Notices A, B and C relate are located in the south-west corner of a field, OS 0054, now in agricultural use and part of your client's agricultural holding in this area on the south-eastern outskirts of Box.

9. In this south-west corner of OS 0054 an area about 90 ft wide and 200 ft long has been excavated and the excavated soil banked up on the north and east sides of the area, generally to a height of about 4 ft, but to about 8 ft at the southern end of the area's east boundary.

10. The structure described as a building in Notice A is located near the hedge at the north end of the west side of this excavated area. It is 34 ft 6 ins long, about 12 ft wide and 12 ft high. It consists of hollow concrete blocks piled on top of each other and is open at its south end. These concrete blocks are surmounted by girders positioned at intervals on which lie sheets of galvanised corrugated iron

held in place by concrete blocks placed on top. The concrete blocks are not cemented together and the roofing materials are not fixed in place. The structure contained hay bales at the time of my visit.

11. The extent of the area to which the allegation in Notice B relates is limited to the excavated area in the south-west corner of OS 0054. In addition to the structure, the subject of Notice A, and the large building to which Notice C relates, there are other buildings/structures in this area used for storing various items such as cider barrels, tools, agricultural machinery and machinery parts. The large building covers an area of 5,089.98 sq ft. This figure was agreed by both parties during my site visit. The main doors to this building are about 12 ft high. The building's sloping roof, clad with grey and brown coloured plastic covered corrugated metal sheets varies from about 22 ft to 16 ft 6 ins. The building's walls are constructed of concrete blocks which are not uniform as to colour so that the building's exterior has a mainly sand/grey randomly mottled appearance. There is one window at a high level in the building's north side and one pedestrian door on its east side in addition to the 3 permitted main doors. I saw that some former spaces at both high level and low level on this building's east side appear to have been blocked up.

12. The extension on the east side of the large building is used as a workshop for repairing agricultural machinery. In the main part of this building I saw 2 combine harvesters, a tractor, hay, a tractor with spray equipment and a round baler. There was hay stored in one of the two lean-tos at the large building's north end and some vehicle batteries and car parts in the other lean-to.

13. On the open parts of the excavated area around the large building I saw very many items of different types of agricultural machinery including a burnt out combine harvester, agricultural machinery parts, agricultural equipment, agricultural trailers, a generator and an air blower. All these items are your client's property except for the air blower. There were 3 cars on the site and one touring caravan. I saw various girders, metal trusses and concrete lintels on the site.

14. The mobile home, the subject of Notice D, is located on the north side of Boxfield Road about 30 ft from the east end of 3 Tunnel Inn, the easternmost of the three 2-storey dwellings with rear extensions on this site. No. 1 Tunnel Inn is occupied. Nos 2 and 3 are empty and in need of much repair. At the time of my visit scaffolding was erected outside Nos 2 and 3 and work had been started to repair the roofs of these dwellings. A wall on the ground floor separating No. 2 and No. 3 had been demolished and a new floor laid down. I saw a freezer cabinet in a ground floor room at No. 3.

15. The mobile home is separated from the garden curtilage of Nos 1-3 Tunnel Inn by a stone wall on the west side of which there is a shed. To the east of the area in which the mobile home stands is an area of vegetable garden.

16. The mobile home is metal skinned and painted white. It measures 41 ft 8 ins by 10 ft 1 in and its top is about 9 ft 3 ins above ground level. Accommodation inside the mobile home comprises a kitchen, sitting room, 2 small bedrooms, one double bedroom, and a bathroom with WC, bath and wash basin. Mains electricity, drainage and water supplies are connected. The mobile home retains its wheels and is also supported at either end. It is very well screened from the north by a high hedge, from Boxfields Road by a 2 ft 6 ins high stone wall and by lengths of 6 ft 6 ins high wood panel fencing and also separated from the vegetable garden area by similar fencing.

THE CASE FOR THE APPELLANT

17. As to the appeals on ground (f) against all the notices, Mr F G Freeman is the father of Mr C V Freeman and Mr F Freeman. The area edged red on the plan attached to Notices A, B, and C, is owned by Mr C V and Mr F Freeman. The notices were not addressed to Mr F Freeman. Mr F G Freeman has no interest in this land. It is accepted that Mr F Freeman was aware of the service of the notices. The area edged red on the plans attached to Notices A, B and C greatly exceeds the actual area to which the allegations in these notices relate. Mr C and Mr F Freeman's address is The Clouds, Hawthorn, Box.

Notices A, B and C (Ground (b))

18. It is contended that planning permission is not required for the erection of the structure alleged to be a building in Notice A. This structure at the date of the notice, was being used for agricultural purposes and is development permissible under the provisions of Class VI in Schedule 1 of the Town and Country Planning General Development Order 1977. This structure is more than 3 kms from the boundary of an aerodrome, vide Plan K and even if it was within 3 kms, the appellant has still the right to erect this building if it is considered to be a building, as the limit of 465 sq m of buildings permitted by Class VI(a) of the GDO has not been exceeded. Mr C Freeman's evidence is that the erection of the structure, the subject of Notice A, started to take place when concrete blocks were unloaded from a trailer and placed on either side of the trailer, thus forming 2 walls. This construction was then blocked in at one end and much later covered over. It was being used for storing hay at the date of the notice. Its erection was completed some time in the period late 1980/early 1981 to September 1983. Initially it was used for storing a combine harvester. It is submitted that the boundary of Colerne Airfield, for the purposes of these appeals, is that shown as an intermittent blue line on Plan K. This limit accords with the interpretation of the word 'aerodrome' given in Article 2 of the GDO. The buildings situated on MOD occupied land within a distance of 3 kms from the appeal site, as shown by the intermittent red line on Plan K, and are no longer being used for airfield operations. It is thought that these buildings are occupied by the Royal Navy.

19. The appeal site has never been used as a scrapyard for various items as alleged in Notice B. Any vehicles, building materials or metal parts are positioned there for use in connection with the appellant's farming operations. Any unwanted scrap has been removed.

20. Planning permission was not required for the erection of the large building on the site. It is not situated within 3 kms of an airfield and is development permitted by Class VI in Schedule 1 of the GDO. Therefore Condition 1 attached to the permission granted on 20 December 1979 for the erection of this building is invalid.

21. Mr C Freeman and his brother, Mr F Freeman, own the land, about 13 acres, edged red on Plans A, B and C. They also rent, lease or profit share other land which they farm. At present this land totals 162 acres. They sometimes carry out agricultural work for other farmers using the machines they own, but farm their own land most of the time. The machinery they own is kept in the large building on the site. A burnt out combine harvester has been bought for spare parts. None of the many agricultural vehicles, agricultural machinery, or any of the materials kept on the site are regarded as scrap. Scrap metal is never collected. Any cars kept there have been the property of the Freeman family. Mr C Freeman can repair any agricultural machinery and makes trailers for use on

his land and therefore keeps metal parts on the site. Two men are employed on the site. He has repaired friends' agricultural tractors on only 4 or 5 occasions since occupying the site in about 1980. The building materials on the site are required for the construction of buildings to house cattle in the future. At the date of the notice there was only one scrapped vehicle on the site which he did not own. A derelict caravan was also on the site at the date of the notice, but that has now been removed. The caravan now on the site is stored for a friend.

22. Mr Freeman remembers that, before the large building on the site was erected, some Council officer agreed that the site was more than 3 kms away from the air-field, but this officer later appeared to change his mind and said planning permission was required for the erection of this building because Mr Freeman was an agricultural contractor.

Notices B and C (Grounds (g) and (h))

23. The requirements stated in both these notices are excessive. The first requirement of Notice C is unnecessary and expensive. The required boarding might be decorative but would serve no functional purpose. As to the second requirement, the windows in the building, with one exception have been blocked. The door on the east side of the building remains. Mr Freeman is willing to paint the roof of the large building either grey or brown as required by the third requirement.

24. A longer period than 2 months will be required to complete this work.

Notice D

25. It is considered that the whole of the area edged red on the plan attached to Notice D is one planning unit. A shed, one of the former privies for Nos 1 to 3 Tunnel Inn, is situated on the east side of the wall which is immediately adjacent to the mobile home's west end. The privies must be considered as having been within the curtilage of these dwellings. When the enforcement notice was served Mr C Freeman thinks that the mobile home then on the site, which was not the present one, was being refurbished. No one was living in it. He lived then in 1 Tunnel Inn. The mobile home is now used by Mr C Freeman for watching TV. He eats and sometimes sleeps in No. 1 where his parents are living. He also sleeps in the mobile home which he owns. The mobile home is now being used as incidental to the enjoyment of 1 Tunnel Inn. Rates were paid for the present mobile home in January 1984. Mr C Freeman's wife and children have been staying in Lincolnshire recently, but visit the mobile home on occasions. They live there with Mr Freeman but eat at 1 Tunnel Inn.

26. The previous tenant of 1 Tunnel Inn died in about 1982. His widow subsequently left. When there was a tenant at No. 1, the Freeman family lived in the mobile home. The planning application for the siting of the mobile home whilst work took place on 2 and 3 Tunnel Inn was then submitted and granted.

27. Now that 1 Tunnel Inn has been occupied by the Freemans the whole property at Nos 1-3 Tunnel Inn can be improved. Mr Freeman has instructed you to draw up plans. The roof is now being repaired and a floor has been put down in Nos 2 and 3 to form a sitting room when these dwellings are amalgamated. This work has been carried out in Messrs C and F Freeman's spare time. It is hoped that all the Freeman family will live eventually in the improved property.

28. There has therefore been a change of circumstances since the planning permission for the siting of the mobile home was granted in 1982. It is considered that the necessary work at Tunnel Inn could be completed within a period of 2 years. The period specified for compliance with the notice is unreasonably short. The

requirement to remove the mobile home and ancillary structures is excessive for the mobile home would be permitted development if used only as extra accommodation incidental to the enjoyment of Nos 1-3 Tunnel Inn.

THE CASE FOR THE COUNCIL

29. The interests of Mr F Freeman have not been prejudiced by the incorrect initials and addresses on the enforcement notices. He has been aware of the notices.

Notices A, B and C (Ground (b))

30. The Council considers that the structure which is the subject of Notice A is a building, for it has been formed for the purpose of storing materials under cover rather than with the objective of storing the materials of which this structure has been made.

31. As to the appeal on ground (b) against Notice B, it is accepted that some scrap vehicles and scrap materials have been moved recently from the site. It is also accepted that there is no evidence of the use of the site as a builder's yard and that the building materials on the site might reasonably be stored there for future use on your client's holding.

32. As to the appeal on ground (b) against Notice C, the Council's view is that buildings on the appeal site fall within 3 kms of the perimeter of Colerne Airfield. Flying still takes place from this airfield even though some parts of it may be occupied by the Army. Planning permission was therefore required for the erection of the large building on the site.

33. The sites to which all the notices relate lie within the Wiltshire Green Belt on the adopted Corsham Local Plan. The sites are also located in an area defined as a Special Landscape Area on the approved Development Plan. Within the Green Belt the Council will not approve the construction of new buildings or a change of use of existing buildings for purposes other than agriculture, forestry, or, in the case of buildings in extensive grounds, to institutional use, or the change of use of land other than for the purposes of agriculture, forestry, outdoor recreation or cemeteries. Within Special Landscape Areas the Council endeavours to conserve the scenic quality of the landscape by restricting the location of development in the countryside and its scale and type to that essential to the rural economy or desirable for the enjoyment of its amenities. The design of development, siting, type of building materials, access, and landscaping are also taken into consideration in such areas.

34. The building which is the subject of Notice A is very near to a Public Footpath and particularly prominent and unsightly. Its appearance is very damaging to visual amenity in this part of the Special Landscape Area. Although there is no objection in principle to the erection of a building in this location, it should be constructed in appropriate materials and have an attractive design. The building should be screened along the site's boundary to screen it from the footpath.

35. The appeals' site is quite unsuitable for the storage of scrap vehicles and materials. The notice should be upheld to prevent a recurrence of uses not connected with the holding.

36. The large building on the site is of considerable height and rises generally above nearby vegetation. Its roof and upper parts are particularly visible, unsightly and can be seen from the nearby road and Public Footpaths. In his grounds of appeal your client does not question the necessity for the spaced timber boarding.

shown on the approved application, only the timing. Painting the upper parts of this building would not be a satisfactory alternative. The roof should be painted in a uniform colour.

Notices B and C (Grounds (g) and (h))

37. Notice B. The Council has no objection to the deletion of building materials from the notice. With this variation the requirements are not considered to be excessive. The storage of agricultural machinery for the provision of spare parts is not considered to fall within the scope of the notice since such materials would not fall within a reasonable definition of 'scrap'.

38. Notice C. The Council would not object to the extension of the period for compliance to 4 months. It is not considered that a change of roof materials is necessary as the roof of the large building has a shallow pitch which makes the roof difficult to be seen from nearby land. There is also no objection to any openings created at ground floor level in the building since such openings cannot be seen from a distance or from areas accessible to the public.

Notice D

39. Three applications to develop this site which fronts Boxfield Road by the erection of 2 or 3 houses were refused on Green Belt grounds between 1966 and 1968. Residential development has also been refused on other open land in the vicinity during the last 20 years.

40. It is the Council's normal practice to permit the temporary stationing of a mobile home whilst a new dwelling is being erected or renovated. In 1982 it was understood that No. 2 Tunnel Inn would be renovated by Mr C Freeman and his brother Mr F Freeman and that from 18 months to 2 years would be required to complete this work. The reasons advanced by your client for a further temporary permission to continue siting a mobile home on this site are considered inadequate.

41. It is open to your client to submit a further application if the time required for the completion of revised plans, not yet submitted, so require. In the meantime the continued stationing and use of the mobile home in its prominent roadside position in an attractive and largely open part of the Green Belt is detrimental to visual amenity. A further grant of permission would be inconsistent with the Council's rural planning policies. It is not considered that the caravan is located on land within the curtilage of Nos 1-3 Tunnel Inn.

42. If planning permission is granted for the continued stationing of the mobile home, the permission should be limited to 18 months.

CONCLUSIONS

Appeals on Ground (f)

43. Although the notices were addressed incorrectly, not addressed to Mr F Freeman, and, in respect of Notices A, B and C, do not concern Mr F G Freeman who has no interest in the land to which these notices relate, I consider the interests of Mr C V Freeman and Mr F Freeman have not been prejudiced by these errors. Both Mr C V Freeman and Mr F Freeman attended the inquiry. The appeals on ground (f) fail in respect of all the notices.

Notice A

44. Ground (b). In my opinion, although the components of the structure the subject of this notice are not fixed together other than by their own weight, the structure, at the date of service of the notice, had been so formed as to provide a covered shelter. The evidence is that this shelter, even when it did not have a roof, has always been used for purposes connected with agriculture. There is no evidence that the use of this structure for agriculture is not to continue. As it has now been used for several years it has clearly a degree of permanency. I find therefore that its erection represented a building operation and constituted development under Section 22(1) of the Act.

45. Evidence is that the building was being used for storing hay at the date of service of the notice. The allegation that it was not being so used is incorrect. I will therefore delete the words 'used for purposes other than agriculture' from the notice. This correction can be made without injustice to the interests of either party under Section 88A(2) of the Amended Act. I cannot accept the Council's interpretation that this building was formed only to protect the materials of which it was made.

46. I found on my visit, however, that the height of this building is 12 ft. Its height therefore is over the 3 m limitation for buildings or works located within 3 kms of the perimeter of an aerodrome and therefore this development cannot benefit from the provisions of Class VI 1(b) of the GDO. You argued at the inquiry that the sites of this building and the large building on the site were within 3 kms of the perimeter of an aerodrome as this word is defined in Article 2(1) of the Act, that is, "any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing or departure of aircraft". You consider that the perimeter of the aerodrome in this case should be taken as being the edge of the nearest runway/taxiing tracks at Colerne Airfield. I do not accept this argument for the definition in Article 2(1) is not limited only to actual aircraft landing/taxiing areas, but includes areas "designed, equipped, set apart or commonly used for affording facilities for aircraft". The perimeter of Colerne Airfield, where facilities for aircraft have been installed, in my opinion, is marked by its perimeter fence. As is shown on Plan K a 3 km arc drawn from the appeal site crosses a small part of Colerne Airfield to the north of its perimeter fence where there are some buildings.

47. The evidence is that this aerodrome is still used by aircraft. I consider that the fact that buildings on this aerodrome within 3 kms of the appeal site may not have been in use when the notice was served to provide aircraft facilities, is irrelevant, for these buildings lie within the aerodrome's perimeter. Although this development may fall within the scope of development permitted under Class VI 1(a) of the GDO, as it is not in accordance with Class VI 1(b) also, the appeal on ground (b) fails.

48. As to the application deemed to have been made for the retention of this building it seems to me that the principal point at issue is whether the visual impact made by the building detracts from the appearance of the Green Belt area in which it is located: a landscape which is to be safeguarded strictly under the provisions of current development plans. I am firmly of the opinion that the Council's efforts to ensure that proposals to erect buildings in this particular area should be subject to strict scrutiny as to design, siting and materials deserve support. Although I accept that this building is partially screened it is still open to view from the nearby field which is crossed by a Public Footpath. In my opinion its makeshift construction is very unsightly. I consider that its position near other buildings and unsightly pieces of metal and machinery does not justify its retention in its present form, which, I consider, if permitted, would undermine

the Council's soundly based policy to safeguard the rural appearance of this locality. The deemed application fails.

Notice B

49. Ground (b). I accept your client's evidence that the pieces of metal and building materials kept on this site at the date of service of the notice, were there for use in connection with the use of the adjoining land for agricultural purposes and potentially usable for such purposes. I find that use of the site for the storage of the Freeman family's cars, although some cars may have been unused, and any metal storage, did not amount to a separately identifiable use of the site for the storage of scrap motor vehicles or scrap metal. As enforcement action cannot be taken against a use which is ancillary to the primary use of a site, the notice is materially defective insofar as it alleges the use of this site for the storage of scrap motor vehicles, building materials, and scrap metal. If the notice was being upheld I would have deleted these allegations from the notice. I find that the storage of one derelict caravan on the site on the date the notice was served, in the context of this appeal, is development which can be considered as 'de minimis'. I have noted that this caravan has since been removed. The appeal on ground (b) therefore succeeds. Notice B will be quashed and the deemed application and (g) do not fall to be considered.

Notice C

50. Ground (b). As to the submission that the permission granted on 20 December 1979 was invalid because the subject building is claimed to be within 3 kms of Colerne Airfield, for the reasons stated in paragraphs 46 and 47 above, I see no reason to question the validity of the planning permission granted on 20 December 1979 for the erection of an agricultural storage building for farm machinery on this site, or the validity of Condition 1 attached to that permission. The evidence is that the development authorised by the permission has not been carried out as required by Condition 1. A breach of planning control has occurred. The appeal on ground (b) fails.

~~51. As to the planning merits of Condition 1 I take the view that this Condition~~ serves a useful planning purpose and therefore should not be discharged. Although I understand the reasons which prompted the Council to require vertical, spaced, timber boarding to be fixed to elevations of the permitted building as shown on the approved plan, I consider that this requirement is excessive. I accept that this boarding would darken the upper parts of the building and, perhaps, give it a more rustic appearance, but it would serve no functional purpose. I observed on my visit that the subject building is partially screened from round about, especially its lower parts, by nearby trees, banks, and hedges. I notice particularly that the exterior blocks used in its construction are of mixed colour shades so that, in colour and texture, it appears little different, when viewed from a distance, from the Bath stone of which nearby dwellings to the south and south-west of the building are constructed. The building's west facing wall, in my opinion, is the most noticeable because of its height. But light stone coloured agricultural buildings are a commonplace and often obvious feature in this locality. I noted too that there is a light coloured stone quarry site on the land adjoining the site's west boundary.

52. It seems to me, after careful consideration, that the visual impact made by this building in its particular setting is acceptable without any exterior embellishment. I think that to paint the upper parts of the walls of this building, in the long term, might be more detrimental to its appearance than to leave them as erected and subject to natural weathering. I will therefore delete the first requirement in the notice. As requested by the Council I will correct the cardinal points given in the second requirement. Although windows constructed above ground floor level in the building's east and north facing walls have been closed up, with one exception, the door remains at ground level. I concur with the Council that there is no material

planning objection to the retention of this ground level door. I will therefore also vary the second requirement by deleting the reference to this door. In other respects I find that this requirement, as amended, is not excessive.

53. Although the roof sheets on this building are coloured both brown and grey. I take the view that a brown colour would be the most appropriate colour for this roof. I note that the Council does not require the replacement of the roof sheets and I concur that this would be an excessive requirement. I will therefore vary the requirement to require that the roof be painted brown. The appeals on ground (g) therefore succeed to a limited extent.

54. As to the appeal on ground (h), bearing in mind the time of year, I consider that the period of 2 months is too short a period for compliance with this notice, which compliance is subject to dry weather conditions. I will therefore vary the period for compliance to 6 months. The appeal on ground (h) succeeds.

Notice D

55. As to the planning merits of Condition 1 attached to the temporary planning permission granted on 3 June 1982 for the use of land at Tunnel Inn for the siting of a mobile home for residential purposes whilst this property was being renovated, I see no reason to question the Council's view that this period afforded sufficient time for any necessary renovations to be carried out and the permission therefore served a useful planning purpose. I consider, however, that the requirement in the Condition to reinstate the land to its former condition is too imprecise and therefore too onerous. I would have deleted this requirement if the notice was being upheld. The fact is, however, that there has been a material change of circumstances since this permission was granted in that your client is now in a position to improve all the dwellings at Tunnel Inn. Contrary to the Council's view, I consider that the mobile home is well hidden from view from round about by fences and hedging and is not an obtrusive feature. I consider that in the changed circumstances there is no material planning objection to an extension of the period for which the mobile home is permitted to remain on its site to enable improvements at Tunnel Inn to be completed. I have noted that these have already started. I consider that a period of 18 months would be an adequate period for this extension and to allow for the time needed for plans to be submitted, approved and implemented. I will therefore quash the notice discharge the Condition 1 attached to the planning permission granted on 3 June 1982 and substitute another to this effect. The appeal on ground (a) succeeds.

56. I have taken into account all the other matters mentioned at the inquiry but these do not alter my decisions.

FORMAL DECISIONS

Notice A

57. In exercise of the powers transferred to me I direct that the words 'and used for purposes other than agriculture' be deleted from Schedule 2 of the notice. Subject to this variation I hereby dismiss the appeal, uphold the notice and refuse to grant planning permission for the application deemed to have been made under Section 88B(3) of the Amended Act.

Notice B

58. In exercise of the powers transferred to me I hereby allow the appeal and direct that the notice be quashed.

Notice C

59. In exercise of the powers transferred to me I hereby direct that:

- a. The requirement at Schedule 3(i) of the notice be deleted.
- b. The requirement at Schedule 3(ii) of the notice be deleted and the following requirement substituted:
 - ii. The closing up of windows added to the east and north walls above ground level.
- c. The requirement at Schedule (iii) of the notice be deleted and the following requirement substituted:
 - iii. The roof of the building be painted in a brown colour.
- d. Delete the words "two months" and substitute the words "six months" as for the period for compliance.

Subject to these variations I dismiss the appeal, uphold the notice as varied, and refuse to discharge Condition 1 attached to the planning permission granted on 20 December 1979.

Notice D

60. In exercise of the powers transferred to me I hereby direct that in Schedule 2 of the notice the date '1983' in line 3 be deleted and '1982' substituted. Subject to this variation I allow the appeal, quash the notice and discharge Condition 1 attached to the planning permission granted on 3 June 1982 but substitute another condition:

Condition 1. The mobile home hereby permitted for separate residential occupation shall be removed, together with all ancillary works and structures at or before the expiration of a period ending on 31 May 1986. N/84/0265/F

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

62. This letter is issued as the determination of the appeals before me. Particulars of the right of appeal to the High Court are enclosed.

I am Sir
Your obedient Servant



R N HARRISON OBE MA
Inspector

ENC

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** 379a

Enquiries to Mr. McDonald

Dear Sir/Madam,

30th November, 1983.

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

LAND AT BOXFIELDS, BOX

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 - NIL

To: Clive V. Freeman
Tunnel Inn
Boxfields
Box,
Wilts

and to

Frank G. Freeman,
Tunnel Inn
Boxfields,
Box,
Wilts.

A N N E X - (This does not form part of the Enforcement Notice)

Reason for issue :-

The building, by virtue of its prominent location and unsatisfactory construction, represents visually intrusive and discordant features in the predominantly rural landscape and, as constructed, is unreasonably detrimental to the rural amenities of the area.

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

LAND AT BOXFIELDS, BOX.

WHEREAS :

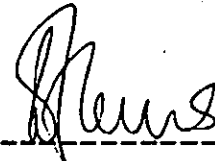
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of four years before the date of issue of this Notice 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 failure to comply with conditions or limitations subject to which planning permission was granted, that permission and the relevant condition being more fully described in Schedule 2 below.
- (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 to make the development comply with the terms of the planning permission which has been granted in respect of the land within the period of two 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

Land at Boxfields, Box, Wiltshire shown edged red on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

The failure to comply with a condition subject to which planning permission (reference N79/O556/F) for an agricultural storage building for farm machinery was granted on 20th December 1979, to wit :-

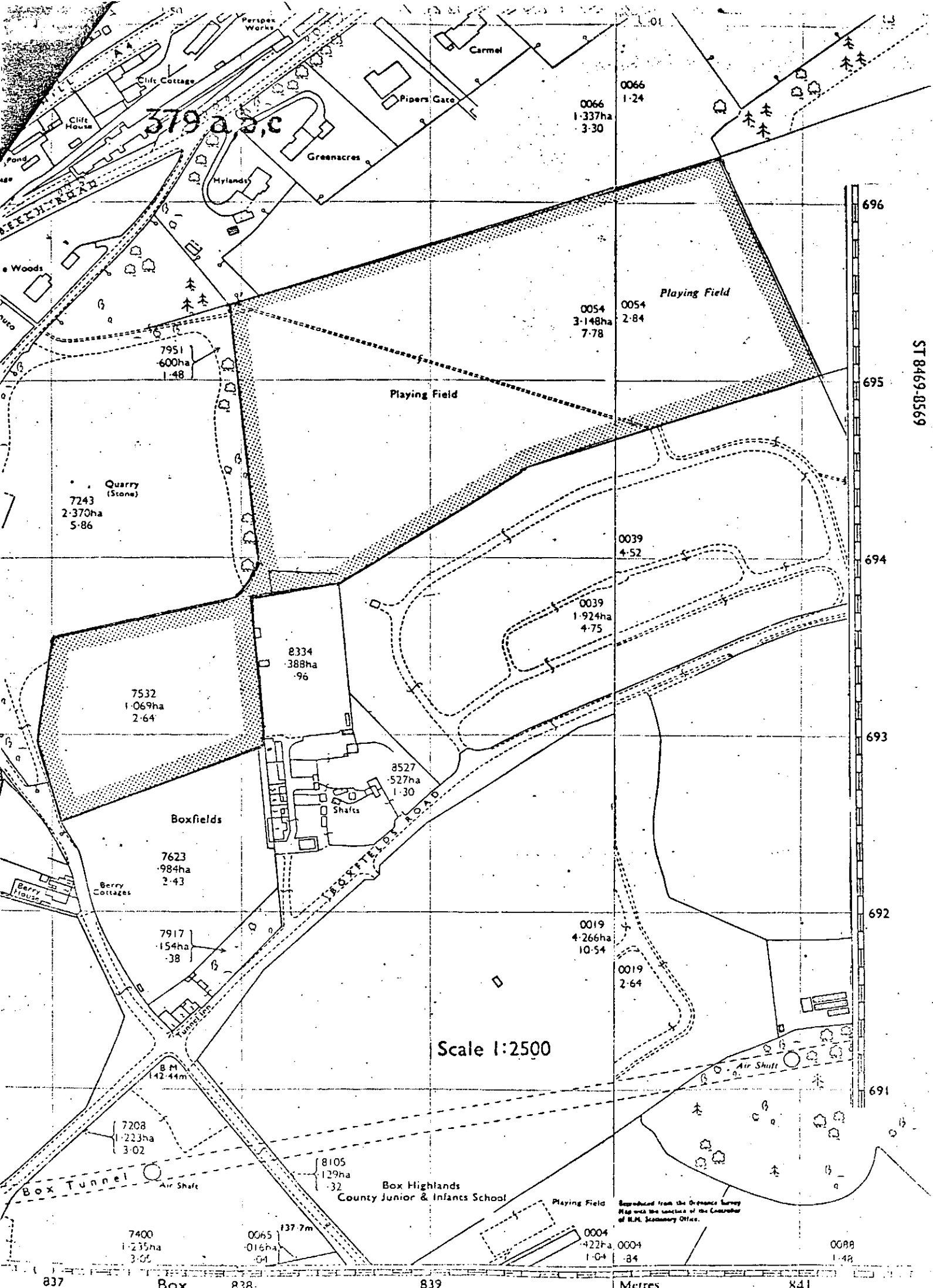
"Condition 1

The development hereby authorised shall be carried out in accordance with the application as amended by the plans submitted with applicant's letter dated 4th November 1979 and agent's letter dated 8th August 1979."

SCHEDULE 3 - Steps required to be taken

- (i) the addition of vertical spaced timber boarding to the elevations as specified in the drawing accompanying the application.
- (ii) the closing up of windows added to the west and south elevation and a door to the west elevation to make the development comply with the drawing accompanying the application.
- ~~(iii)~~ the re-roofing of the building to comply with the drawing accompanying the application (i.e. with plastic coated (brown colour) corrugated galvanised iron in substitution for plain steel corrugated sheeting).
- (iii) THE ROOF OF BUILDING AS PAINTED IN BROWN COLOUR.

* REPLACE: THE CLOSING UP OF WINDOWS
ADDED TO THE EAST AND NORTH
WALLS ABOVE GROUND LEVEL.



379 a, b, c

0066
1-337ha
3-30

0054
3-148ha
7-78

0039
4-52

0039
1-924ha
4-75

0019
4-266ha
10-54

0019
2-64

0004
4-22ha
1-04

0088
1-42

7243
2-370ha
5-86

7951
600ha
1-48

7532
1-069ha
2-64

7623
984ha
2-43

7917
154ha
38

7208
1-223ha
3-02

7400
1-235ha
3-05

8334
388ha
96

8527
527ha
1-30

8105
129ha
32

0065
016ha
04

Scale 1:2500

ST 8469-8569

Reproduced from the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office.

Metres

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