

# ENFORCEMENT REGISTER INFORMATION SHEET

*She V*  
E/ 381 a

APPEAL yes no

Plan'g Ref

## ADDRESS

BARRATTS YARD  
STONE LAND  
HYDIARD MINNICANT.

## BREACH of CONTROL

THE MATERIAL CHANGED IN THE USE  
OF THE LAND FROM USE AS A  
BUILDING YARD TO USE FOR THE  
BREAKING AND REPAIR OF MOTOR  
VEHICLES AND THE STORAGE OF  
SUCH VEHICLES AND PARTS THEREOF

Issuing Authority NWDC

Date Issued 2.9.88

## STOP NOTICES

Date Served

Requiring



Date(s) served

2.9.88

Takes effect 4.10.88

Compliance by 4.11.88

Dates Extended by  
Secretary of State

*Appeal dismissed*  
31.5.89

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

- (i) TO CEASE THE USE OF THE LAND FOR  
THE BREAKING, REPAIR AND STORAGE OF  
MOTOR VEHICLES AND PARTS THEREOF
- (ii) TO REMOVE THE SAID MOTOR VEHICLES  
AND PARTS THEREOF

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

**THIS COMMUNICATION AFFECTS  
YOUR PROPERTY**

District Secretary's Department,  
G. C. Betteridge, LL.B., (Solicitor),  
District Secretary



**North Wiltshire  
District Council**

Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 130

Our ref **E** 381 a Enquiries to Mr McDonald

Your ref

2nd September, 1988

Dear Sir/Madam,

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

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

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 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,

Authorised Officer

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 4th October, 1988

To:

Ramon W. Barrett  
The Yard  
Stone Lane  
Lydiard Millicent  
Swindon  
Wilts.  
SN5 9LD

Matthew John McCue  
trading as M.J.R. Breakers  
Station Road  
Swindon  
Wilts

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

Reasons for issue:-

1. The site is situated within a rural area defined as a "rural buffer" in the submitted Structure Plan Alteration Number One of the North East Wiltshire Structure Plan where new development should be strictly controlled; the use forms an intrusive commercial element detrimental to the rural amenities of the area.
2. The activities and use to which this Notice relates represent an undesirable non-conforming use in a rural area. It is the policy of the Local Planning Authority to direct such commercial uses to industrial sites to preserve the character of the countryside.

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

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

WHEREAS :

- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 4th October 1988

ISSUED 2nd September, 1988

Signed

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this notice relates

Land part of Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wiltshire shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of Planning Control

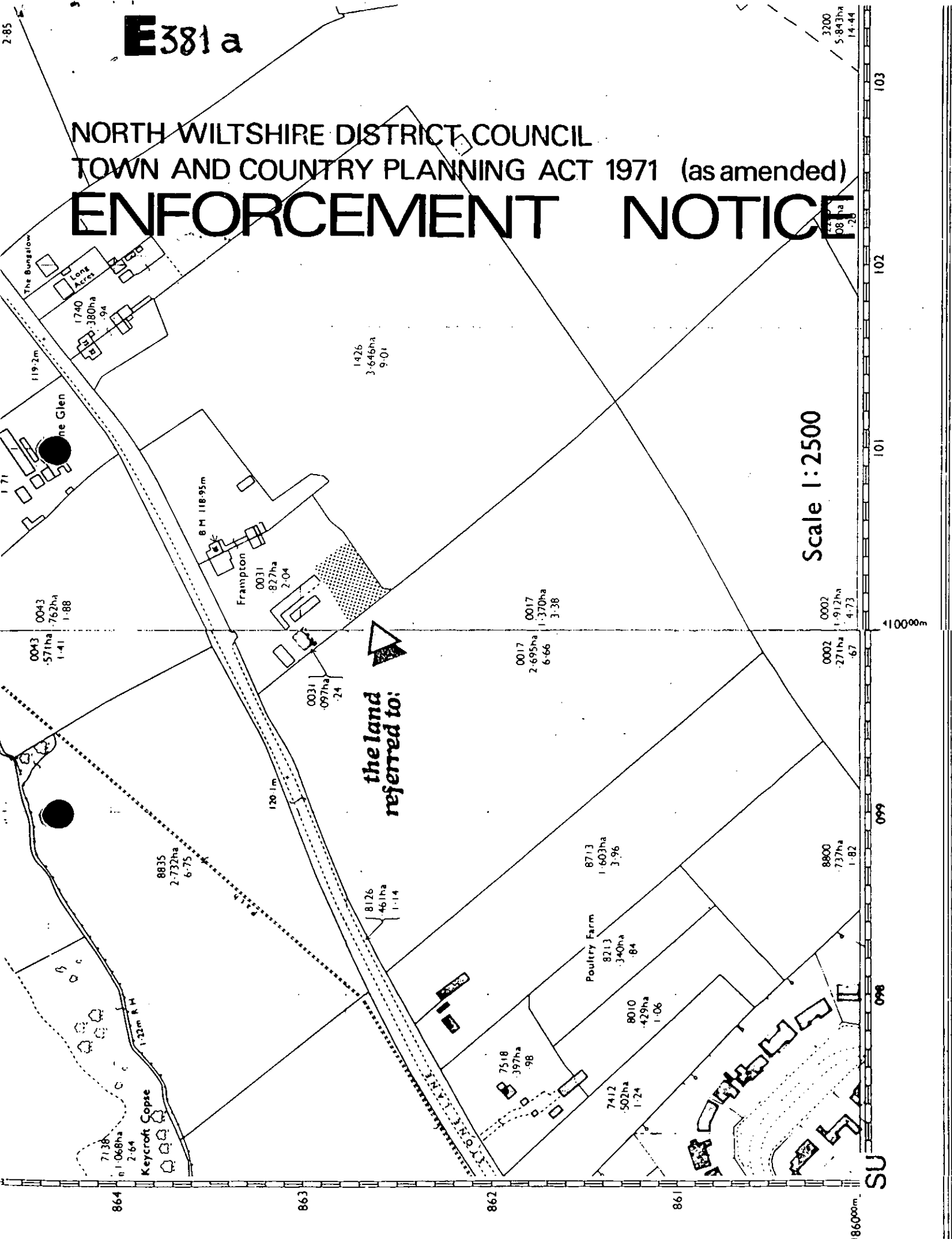
The material change in the use of the land from use as a builders yard to use for the breaking and repair of motor vehicles and the storage of such vehicles and parts thereof.

SCHEDULE 3 - Steps required to be taken

- (i) To cease the use of the land for the breaking, repair and storage of motor vehicles and parts thereof.
- (ii) To remove the said motor vehicles and parts thereof.

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

# ENFORCEMENT NOTICE





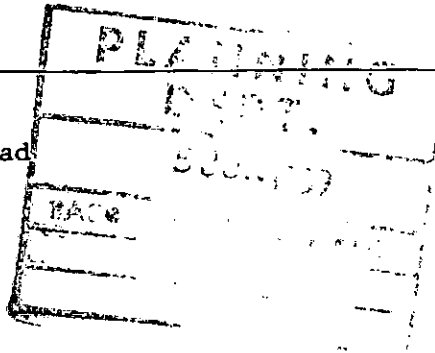
Planning Inspectorate  
Department of the Environment

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321

Direct Line 0272-218915/36/38  
Switchboard 0272-218811  
GTN 1374

Mrs. J. Dard

M J McCue Esq  
c/o 34 Station Road  
SWINDON  
Wilts



Your reference

Our reference  
T/APP/C/88/J3910/022/P6  
Council reference  
N.88.3556.ENF  
Date 31 MAY 89.

*Appeal dismissed*

*E 381A.*

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
LAND AND PREMISES AT BARRETT'S YARD STONE LANE LYDIARD MILLICENT WILTS

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above appeal which is against an enforcement notice issued by the North Wiltshire District Council concerning the above-mentioned land and premises. I held an inquiry into the appeal on 16 May 1989 after which I inspected the site and surroundings.
2. a. The date of the notice is 28 October 1988  
b. The breach of planning control alleged in the notice is the making of a material change in the use of the land from use as a builders yard to use for the breaking and repair of motor vehicles and the storage of such vehicles and parts thereof  
c. The requirements of the notice are: (i) To cease the use of the land for the breaking, repair and storage of motor vehicles and parts thereof, and (ii) to remove the said motor vehicles and parts thereof  
d. The period for compliance with the notice is 1 month  
e. The appeal was made on the grounds set out in Section 88(2)(a) of the 1971 Act as amended.
3. The Council's reasons for taking enforcement action in this case are expressed in the following terms :-

"(1) The site is situated within a rural area defined as a "rural buffer" in the submitted Structure Plan Alteration No 1 of the North East Wiltshire Structure Plan where new development should be strictly controlled; the use forms an intrusive commercial element detrimental to the rural amenities of the area, and

02 JUN 89

(ii) the activities and use to which this notice relates represent an undesirable non-conforming use in a rural area. It is the policy of the local planning authority to direct such commercial uses to industrial sites to preserve the character of the countryside."

4. The appeal site comprises part of a small area known as "Barretts Yard". Planning permission was granted by the former local planning authority for the use of this land as a builders yard in 1958. Subsequently permissions have been issued for developments related to such an activity, such as a joinery workshop and the manufacture of fencing. However other more intensive uses, including those connected with motor vehicles, have been resisted and on at least one former occasion enforcement proceedings instituted which were complied with.

5. The result is that today the yard is now divided between 2 ownerships. The main activities taking place are the production of joinery items, fencing manufacture (both of which take place essentially within buildings), and your own use.

6. This overall area fronts onto Stone Lane, a straight and level country road without footpaths, which runs between the village of Lydiard Millicent about 1/2 mile to the west, and the outskirts of Swindon which lie a similar distance to the east. Adjoining the land to the east are the attractive gardens of a residential property - "Frampton". There is also another more modest house immediately to the north of your land. These apart the yard area is surrounded with open agricultural land. Consequently I consider this site to fall within a rural area, outside of the limits of any recognised settlement, for the purposes of planning control.

7. You explained at the inquiry that your occupancy is limited to part only of the land identified on the plan attached to the enforcement notice. The area involved measures some 26 metres by 13 metres. This parcel lies inside a fenced and gated area, the freehold ownership of which remains in the control of another. You rent your land from this owner on an informal basis. The freeholder occupies the remainder of the compound for his own purposes. At the time of my inspection there was a caravan parked here and some building works were in progress related to the apparent construction of a single storey building. Save the presence of some materials connected with these operations the rest of this adjoining land was essentially overgrown and disused.

8. By contrast at the same time your land was fully occupied with over 20 derelict/scrap motor vehicles stationed closely together in the open. Also on the land was a van body, within which you store tools, spare parts, and materials, a small breakdown truck, a timber shelter containing old tyres and wheels, and a steel gantry fitted with lifting tackle.

9. As I understand it your business (now known as "Lydiard Breakers"), which you operate alone and provides your principal means of livelihood, is the disposal of old cars and light vans. In this connection you run a removal service which is advertised locally. You own a 3 ton breakdown vehicle, which is not kept on the appeal land, which you use to bring old vehicles to the site. You then remove items of greater value, mainly engines and gearboxes, which are collected perhaps once a week or 2 weeks, for disposal elsewhere as scrap. The body shells are then carried separately to the same destination - to premises in Swindon.



10. You said that on average you might take in upto 8 cars/week for treatment. No cutting equipment was used nor any power tools operated - there is no electricity supply to this site. All dismantling was done by hand. There was no burning on site as you are anxious to avoid any problems with fires. You usually work on the land Monday - Saturday, 10AM to 4PM. Tyres wheels and waste fluids were removed separately generally by arranged collection. You do not accept vehicles driven to the site, nor encourage visits by members of the general public to purchase spares. Should planning permission be granted as requested you would be prepared to accept conditions dealing with each of these matters, and also any other limitations, such as a personal or temporary consent, which might be considered appropriate.

11. You also told the inquiry that you had been here for about 5 years without any problems arising. You accepted however that your use was unauthorised and that planning permission was needed for it to continue. Previously you operated a similar undertaking without the benefit of a yard where dismantling could take place. As a result you simply took complete vehicles to their final destination without being able to remove any of the more valuable contents. This method of operating was less worthwhile financially. You also said that on occasions you were able to supplement your income by offering your main vehicle to carry out the recovery of broken down lorries.

12. As I confirmed for myself during the inspection, your activities on this land are not really very apparent to others outside the site. The area concerned is set back from the road and located behind other workshop structures. Admittedly your use would generate a certain amount of traffic. However in so far as the entrance to the yard from the road might previously have been somewhat restricted, particularly for use by larger vehicles, this situation should change shortly. Building works were actually in hand at the time of the inquiry connected with the adjacent joinery business; these works appear to include alterations and improvements to the means of access to that site, which when completed should also result in a highway benefit to others. Be that as it may however, the fact remains that the continuation of your use would in all probability involve at least some additional vehicle movements compared to those which would otherwise be likely to arise from the use of this yard.

13. So far as the ground (a) appeal is concerned I consider the main issue to determine on the question of merit to be, bearing in mind the aims of relevant planning policies, the effect of this use on the character of this area.

14. In this connection I feel I should initially comment briefly on certain background matters. There have clearly been very significant changes in this part of Wiltshire in recent years. The expansion of Swindon, dating from decisions taken in the 1960's, post dates the permission for the establishment of the builders yard by some years. Related to the growth of Swindon has been concern to safeguard the villages and countryside around and about not identified for urban development. The appeal site falls in this latter category. Consequently, given the pressures for change which in my experience often arise around large and growing towns, I can well understand that the council and others should feel it appropriate to be especially vigilant about any development here which might be inconsistent with this approach.

15. Accordingly existing statutory planning policies as set out in both the approved North East Wiltshire Structure Plan and the adopted Cricklade and Purton Local Plan indicate that changes of use for employment purposes in the countryside (as here) will only be agreed if certain tests are met, including no adverse impact on the

amenities or character of the locality. I do not consider that your use could be accepted on this basis. To my mind a car breakers yard, even if very carefully controlled as you intend, would by its very nature and due to the type of traffic it would be likely to generate, be inappropriate and unduly out of place in this particular open rural vicinity, and likely if condoned to detract to an excessive degree from the otherwise pleasant qualities of this area.

16. Furthermore as I understand it the responsible authorities intend that the above policy objectives should be continued and reinforced into the future by virtue of the provisions of contemporary planning documents, notably the First Alterations to the North East Wiltshire Structure Plan (1987), and the draft North Wiltshire Local Plan. Although neither of these plans has as yet received final endorsement it still seems to me that so far as this appeal is concerned their contents should be taken fully into account as material considerations. These provisions include the definition of a "buffer" zone around much of Swindon within which particularly severe constraints are intended to be applied against most types of further development.

17. Your land falls within this zone. Although the terms of the relevant planning policies in this connection relate most directly to the erection of buildings, which does not apply to the current arrangement of this appeal land, it still seems to me that to allow the use enforced against to be perpetuated would be inconsistent with the reasoning and spirit behind the formulation of this concept. I therefore conclude that there are additional reasons here to regard your use as unacceptable and incongruous in this predominantly non-commercial setting.

18. I do not agree that the existence of the 1958 consent alters this assessment. In my opinion use of land as a car breakers yard (which the Town and Country Planning (Use Classes) Order 1987 at para 2(b) defines as an industrial process), is quite different both as a matter of fact and in respect of the potential to give rise to undue problems and nuisance to others, to any activities which might normally be expected to take place within a builders yard. Thus I can perceive no good grounds here for more favourable treatment than might otherwise be felt to be appropriate.

19. Accordingly I consider that compelling and clearcut reasons can be identified sufficient to warrant withholding the permission you seek. I fully understand and appreciate all the arguments you ably put forward to the contrary. But even so I remain of the view that to issue a consent here, even if strictly controlled by conditions as discussed on the day, would be contrary to the aims of important planning policies to such a serious extent as to be unjustified. Hence the ground (a) appeal should fail. As the fee payable under the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1981 - 1988 has not been paid I do not propose to deal with the application deemed to have been made under Section 88B(3) of the Act as amended.

20. Although you have not pleaded ground (h) the council did indicate at the inquiry that no objection would be raised to extending the period for compliance somewhat. I consider the period of 1 month specified in the notice to be unreasonably short to enable you to comply with all the requirements. Accordingly I intend to accept the councils submissions on this point. A ground (h) appeal expressed in these terms would have succeeded. So the notice will be varied in this respect. Subject only to this alteration however I am minded to uphold the councils actions.

21. Some discussion took place at the inquiry about the extent of the land involved. The council invited me if necessary to correct the plan attached to the notice to relate to the smaller area which you actually occupy.

22. However I noted during my inspection that there is no physical division on the ground between your occupancy and the rest of the enclosure which remains under the direct control of the freeholder. The councils letter of 28 October 1988 accompanying the notice indicates that the notice was also sent to this owner. Even so as far as I am aware no representations at all, one way or the other, have been received from this source. So no complaint has been made by the owner of all the land concerned about the remit of the notice.

23. In all these circumstances I see no basis to alter the scope of the notice and I intend to determine the appeal as it stands. Consequently I find no need to correct the enforcement notice plan.

24. I have taken into account all other factors discussed, including the concern of the council and others with traffic matters and the aims of government policies about small businesses and individual enterprise, but none in my judgement alter the analysis which gives rise to my decision.

#### FORMAL DECISION

25. For all the above reasons and in exercise of the powers transferred to me, I hereby determine this appeal as follows.

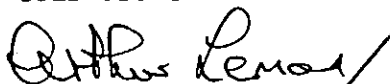
26. I vary the enforcement notice by the deletion from its operative part of the words "ONE MONTH" and substitution therefor of the words "FOUR MONTHS".

27. Subject to this variation I dismiss your appeal and uphold the enforcement notice.

#### RIGHT OF APPEAL AGAINST DECISION

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

I am Sir  
Your obedient Servant



ARTHUR LEMON BA(Hons) DipTP MRTPI  
Inspector

ENC

Ref no:-  
T/APP/C/88/J3910/022/P6

#### APPEARANCES

##### FOR THE APPELLANT

Mr M J McCue

the appellant, care of 34  
Station Road Swindon

He gave evidence himself and called no witnesses

##### FOR THE PLANNING AUTHORITY

Mr J F McDonald

Principal Officer with the  
council

He called:-

Mr R A Hill  
BA MRTPI

Chief Planning Officer with the  
council

##### INTERESTED PERSONS

Cllr E Hodges

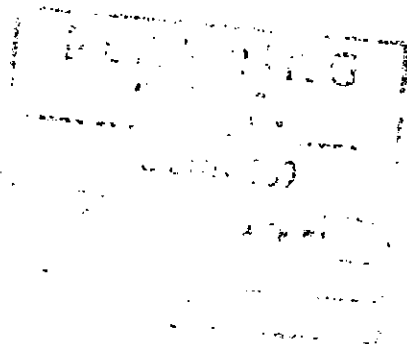
of 53 Longleaze Wotton  
Bassett Wilts, representing  
the Green Belt Joint  
Committee

#### DOCUMENTS

Document	1	List of persons present at the inquiry
..	2	Notification of the inquiry
..	3	Representations received
..	4	Submitted by Mr Hill
..	5	NE Wilts Structure Plan Alteration No 1 - 1987

#### PLANS

Plan	A	The enforcement notice and plan
.. s	B(i) - (iii)	Submitted by Mr Hill



**IMPORTANT -**

**THIS COMMUNICATION AFFECTS PLANNING  
YOUR PROPERTY**

District Secretary's Department,  
G. C. Betteridge, LL.B., (Solicitor),  
District Secretary

PLANNING DEPT.	
5 SEP 1988	
PASSED TO	DATE REC.



**North Wiltshire  
District Council**

Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 130

Our ref **E** 381a

Enquiries to Mr McDonald

Your ref

2nd September, 1988

Dear Sir/Madam,

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

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

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 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,

Authorised Officer

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 4th October, 1988

To:

Ramon W. Barrett  
The Yard  
Stone Lane  
Lydiard Millicent  
Swindon  
Wilts.  
SN5 9LD

Matthew John McCue  
trading as M.J.R. Breakers  
Station Road  
Swindon  
Wilts

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

Reasons for issue:-

1. The site is situated within a rural area defined as a "rural buffer" in the submitted Structure Plan Alteration Number One of the North East Wiltshire Structure Plan where new development should be strictly controlled; the use forms an intrusive commercial element detrimental to the rural amenities of the area.
2. The activities and use to which this Notice relates represent an undesirable non-conforming use in a rural area. It is the policy of the Local Planning Authority to direct such commercial uses to industrial sites to preserve the character of the countryside.

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

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

WHEREAS :

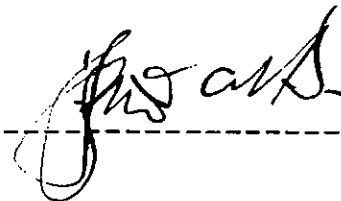
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 4th October, 1988

ISSUED 2nd September, 1988

Signed



Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this notice relates

Land part of Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wiltshire shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of Planning Control

The material change in the use of the land from use as a builders yard to use for the breaking and repair of motor vehicles and the storage of such vehicles and parts thereof.

SCHEDULE 3 - Steps required to be taken

- (i) To cease the use of the land for the breaking, repair and storage of motor vehicles and parts thereof.
- (ii) To remove the said motor vehicles and parts thereof.



[illegible][illegible]

E381 a

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

Scale 1:2500

the land referred to:

Keycroft Copse

Frampton

Poultry Farm

Long Acres

The Bungalow

The Glen

119.2m

120.1m

118.95m

1426 3.646ha 9.01

0043 57.1ha 1.41 1.88

0043 76.2ha 1.88

0031 82.7ha 2.04

0031 09.7ha 2.4

0017 2.695ha 6.66

0017 1.370ha 3.38

0002 1.912ha 4.73

0002 27.1ha 67

8835 2.732ha 6.75

8126 46.1ha 1.14

8713 1.603ha 3.96

8213 3.40ha 84

8010 4.29ha 1.06

7412 5.02ha 1.24

7518 3.97ha 98

8800 7.37ha 1.82

7138 6.106ha 2.64

186000m

098

099

100000m

101

102

103

3200

5.843ha

14.44

[illegible][illegible]

PLANNING DEPT.	
5 SEP 1988	
PASSED TO	DATE REC.

**IMPORTANT -**

**THIS COMMUNICATION AFFECTS  
YOUR PROPERTY**

District Secretary's Department,  
G. C. Betteridge, LL.B., (Solicitor),  
District Secretary



**North Wiltshire  
District Council**

Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 130

Our ref **E** 381 a Enquiries to Mr McDonald

Your ref

28th October, 1988

Dear Sir/Madam,

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

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

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Yours faithfully,

Authorised Officer

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 1 December, 1988

To: Ramon W. Barrett  
The Yard  
Stone Lane  
Lydiard Millicent  
Swindon  
Wilts.  
SN5 9LD

Matthew John McCue  
trading as M.J.R. Breakers  
Station Road  
Swindon  
Wilts.

Matthew John McCue  
T/A M.J.R. Breakers  
c/o Kenneth Morrison & Co.  
Solicitors (Ref: CW/SF)  
197 Cricklade Road  
Gorse Hill  
Swindon  
SN2 1AE

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

Reasons for issue:-

1. The site is situated within a rural area defined as a "rural buffer" in the submitted Structure Plan Alteration Number One of the North East Wiltshire Structure Plan where new development should be strictly controlled; the use forms an intrusive commercial element detrimental to the rural amenities of the area.
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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)  
**ENFORCEMENT NOTICE**

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

WHEREAS :

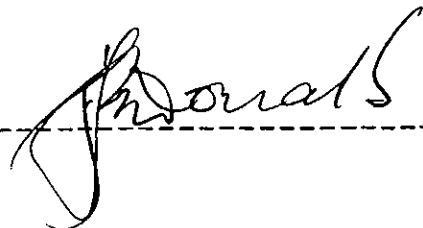
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 1 DECEMBER, 1988

ISSUED 28 October, 1988

Signed



Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this notice relates

Land part of Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wiltshire shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of Planning Control

The material change in the use of the land from use as a builders yard to use for the breaking and repair of motor vehicles and the storage of such vehicles and parts thereof.

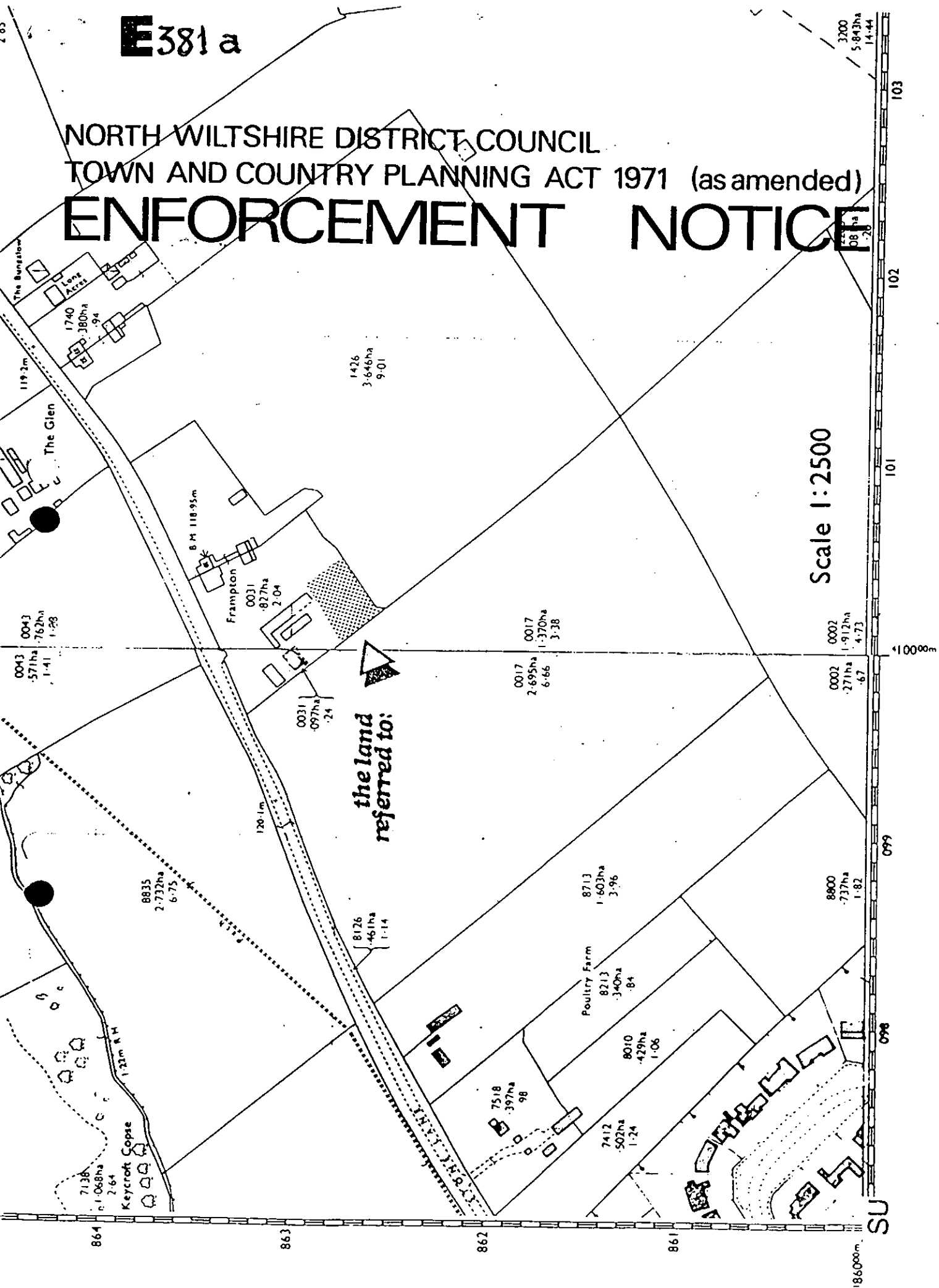
SCHEDULE 3 - Steps required to be taken

- (i) To cease the use of the land for the breaking, repair and storage of motor vehicles and parts thereof.
- (ii) To remove the said motor vehicles and parts thereof.

E381 a

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

# ENFORCEMENT NOTICE



# IMPORTANT -

## THIS COMMUNICATION AFFECTS YOUR PROPERTY

District Secretary's Department,  
G. C. Betteridge, LL.B., (Solicitor),  
District Secretary



**North Wiltshire  
District Council**

Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 130

RAY  
381a

Our ref **E** 381 a Enquiries to Mr McDonald

Your ref

2nd September, 1988

Dear Sir/Madam,

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

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

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 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,

Authorised Officer

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 4th October, 1988

To:

Ramon W. Barrett  
The Yard  
Stone Lane  
Lydiard Millicent  
Swindon  
Wilts.  
SN5 9LD

Matthew John McCue  
trading as M.J.R. Breakers  
Station Road  
Swindon  
Wilts



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

Reasons for issue:-

1. The site is situated within a rural area defined as a "rural buffer" in the submitted Structure Plan Alteration Number One of the North East Wiltshire Structure Plan where new development should be strictly controlled; the use forms an intrusive commercial element detrimental to the rural amenities of the area.
2. The activities and use to which this Notice relates represent an undesirable non-conforming use in a rural area. It is the policy of the Local Planning Authority to direct such commercial uses to industrial sites to preserve the character of the countryside.

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

Barretts Yard, Stone Lane, Lydiard Millicent, Swindon, Wilts.

WHEREAS :

- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 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 4th October, 1988

ISSUED 2nd September, 1988

Signed

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this notice relates

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SCHEDULE 3 - Steps required to be taken

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- (ii) To remove the said motor vehicles and parts thereof.

# ENFORCEMENT NOTICE

