

# ENFORCEMENT REGISTER

## INFORMATION SHEET

E/ 395

APPEAL

yes

no

Plan's Ref

## ADDRESS

HADDINGTON COACHWORKS  
CHURCH ROAD  
HADDINGTON.

## BREACH of CONTROL

THE ERECTION OF AN A SHEDS  
BUILDING OF TEMPORARY NATURE  
IN ASSOCIATION WITH A COMMERCIAL  
GARAGE OF A FLOOR AREA OF  
APPROXIMATELY 224 SQ FT.

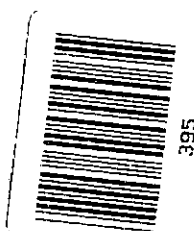
Issuing Authority NWDC

Date Issued 16.6.88

## STOP NOTICES

Date Served

Requiring



Date(s) served

16.6.88

Takes effect 20.7.88

Compliance by 20.2.89

Dates Extended by  
Secretary of State

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

- (i) TO TAKE DOWN THE SAID BUILDING.
- (ii) TO REMOVE THE CONSTITUENT PARTS  
OF THE SAID BUILDING FROM THE SITE.

## EXTENT to WHICH NOTICE COMPLIED WITH (dates)

appeal allowed subject to variation 23.11.88  
See attached 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

Our ref **E** 395 Enquiries to Mr McDonald

Your ref

16th June 1988

Dear Sir/Madam,

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

# ● ENFORCEMENT NOTICE

Land at Church Road, Heddington, Calne, Wiltshire

The Council have issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice, in view of your interest in the land. Unless an appeal is made to the Secretary of State as described below, the Notice will take effect on the date shown in the box below and you must then ensure that the required steps for which you may be held responsible are taken within the period or periods specified in the Notice.

If you wish to appeal against the Notice, you should first read carefully the enclosed booklet entitled "Enforcement Notice Appeals - A Guide to Procedure". Then, you or your agent should complete the enclosed appeal form and send it, together with the extra copy of the Enforcement Notice enclosed herewith 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,



Assistant District Secretary

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 20th July, 1988

To:

Michael A. Fenwick  
trading as Heddington Coachworks  
Church Road,  
Heddington  
Calne  
SN11 0PQ

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

Reasons for issue:-

The recently erected and extended building in temporary materials is in a prominent location clearly visible from the main road through the attractive rural village of Heddington and is detrimental to the visual amenity reasonably to be expected in this location.

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

Land at Church Road, Heddington, Calne, Wiltshire

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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 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 carrying out of the building, engineering, mining or other operations described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said Section 87, for the reasons set out in the ANNEX 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 SEVEN MONTHS from the date on which this Notice takes effect.

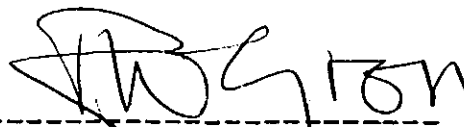
THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act, on 20th July, 1988

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ISSUED 16 June 1988

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Signed



Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this notice relates

Land at Church Road, Heddington, Calne, Wiltshire shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

The erection of an L-shaped building of temporary materials in association with a commercial garage of a floor area of approximately 224 square feet.

SCHEDULE 3 - Steps required to be taken

- (i) To take down the said building
- (ii) To remove the constituent parts of the said building from the site.

Scale 1:2500

## Heddington

# ST



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

Common Services

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218915

Switchboard 0272-218811

Council reference McD/KP AD/1043

M A Fenwick Esq  
Heddington Coachworks  
Heddington  
CALNE  
Wilts  
SN11 0PQ

E395

Your reference

E395

Our reference

T/APP/C/88/J3910/19/P6

Date

23 NOV 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY YOURSELF  
LAND AND BUILDING AT CHURCH ROAD, HEDDINGTON, CALNE, WILTSHIRE

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against an enforcement notice issued by the North Wiltshire District Council concerning the above mentioned land and building. I have considered the written representations made by you, by the Council, and also those made by interested persons. I inspected the site on 31 October 1988.

2. a. The date of the notice is 16 June 1988.

b. The breach of planning control alleged in the notice is that, within the period of 4 years before the date of issue of the notice, land at Church Road, Heddington, Calne, Wiltshire, shown stippled on the plan attached to the notice, has been developed by the carrying out of building, engineering, mining or other operations, namely the erection of a L-shaped building of temporary materials, in association with a commercial garage of a floor area of approximately 224 sq ft, 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 constituent parts of the said building from the site.

d. The period for compliance with the notice is 7 months.

e. The appeal was made on the grounds set out in Section 88(2)(a), (g) and (h) of the 1971 Act as amended.

3. I have noted that the allegation in the enforcement notice, as drafted, could be taken to mean that the commercial garage on the appeal site has a floor area of 224 sq ft. It can be seen on the ground, and both parties agreed on my visit, that the figure of 224 sq ft related to the building which is the subject of the notice. I will therefore vary the allegation in the notice as required. This variation can be carried out without injustice to either party under the provisions of Section 88A(2) of the Amended Act.

4. I observed on my visit that the L-shaped building which is the subject of this appeal, is located on the north-west side of the road in the village of Heddington,

immediately adjacent to the south-west corner of the large building constructed mainly of concrete blocks and asbestos sheets which you use as a workshop in connection with your business known as Heddington Coachworks. At this corner of the workshop the extension on the workshop's north-west facing side does not extend to the front of the workshop building. In the resultant recess there is an oil tank, and, to the front (south) of this tank, the L-shaped building has been installed. Part of this building protrudes beyond the front of the workshop, but the southern end of that part appears to be on the building line of your house, situated to the north-west. The whole of the subject building and the workshop building is behind the building line of the adjacent dwelling to the south-east. The 3 white 3.65 m wide sliding doors to the workshop are painted with coloured horizontal stripes, varying from yellow to red. The words 'Heddington Coachworks' appears in large lettering on the gable front of the workshop.

5. The L-shaped building comprises 2 'Portakabin' type buildings linked together. The building's exterior is rendered and painted in a light magnolia shade on its south facing side and dark blue on its north side. Its roof is covered with bitumenised felt and aluminium. The highest part of this building is 2.69 m above ground level. Its north facing side is 5.05 m long. Its south-west, facing frontage, is 6.53 m long. The southernmost part of the building is set back 14.83 m from the carriageway of the road. The surfaced space in front of your workshop and the subject building forms a forecourt on which vehicles are parked.

6. The subject building has 2 rooms. One room is used as an office/customer reception area and the other as your working office. An electricity supply and a telephone are connected to the building. The forecourt facing side of the building has 2 entrances. The east side of the building has a door through which access can be gained to the adjacent workshop.

7. During my visit I walked along the road in Heddington near your premises and saw that, to the north-west of the appeal site, there is a residential frontage on the north-east side of the road for some distance. Houses are built mainly of brick with red/brown tiled roofs. On the south-east side of the road to the north-west of the site is open agricultural land, but, opposite the site, 2 'Woolaway' white walled bungalows stand on ground higher than the appeal site. To the south-east of the site the adjacent dwelling's curtilage is separated from the forecourt on the site by a 2.28 m high brick wall. Tall fruit trees grow along the forecourt side of this wall. This wall also fronts the road for a short distance at a height of about 1.67 m.

8. Further to the south-east is a contractor's yard. I saw a Portakabin type building in this yard. Opposite this yard, on the south side of the road, there is a road junction. Here the land rises. I saw that the subject building is well screened by the corner of the wall on the south-east side of the forecourt when the site is viewed from this road junction.

9. Having seen the appeal site and its surroundings it seems to me that the principal point at issue in this case is whether the visual impact on the street scene which is made by the L-shaped building on the site is so adverse as to be seriously detrimental to the appearance of that part of the rural village of Heddington where it is located.

10. Notwithstanding that the subject building is of the easily removable type and has a flat roof, I am firmly of the opinion that, when seen in the context of the adjoining forecourt and the higher, much larger workshop building on the appeal site, the visual impact made by its size and general appearance is not such that this structure appears out of place on these industrial premises which in visual terms are dominated by the vividly painted large doors of the workshop building and the vehicles parked on the forecourt in front of these doors. That part of the building



which stands forward of the building line of the workshop is only 2.8 m by 2.8 m and is well set back from the road. It has a smart appearance. Furthermore the north-west facing, blue painted side of the building, lessens the visual impact made by the site's appearance when the site is approached along the road from the north-west. From the south-east, as explained above, the subject building is screened by a wall, and, in summer by foliage, until an observer is almost opposite the site. I consider therefore that, in its particular surroundings, the appearance of this building is not unreasonably obtrusive.

11. I recognise that the appearance of the frontage of the appeal premises, which are in industrial use, contrasts markedly with the appearance of the adjacent residential frontages, but this has to be accepted. I realise too that the nearby contractor's yard may be developed for residential purposes, but I do not consider that the appearance of the street scene, the rural atmosphere appertaining to this part of Heddington, or the residential enjoyment of adjacent properties, will be affected adversely if the subject building remains on the appeal site. This view is strengthened by the comments made in the letters I have received from local residents of whom the large majority do not object to the proposed development.

12. Bearing in mind also that it is government policy that those concerned with planning matters should endeavour to act constructively, especially in cases which concern small businesses, and because this particular development clearly serves your business in a very useful manner, I have come to the conclusion that the planning objections raised are not of sufficient substance to justify the removal of the subject building. The appeal on ground (a) therefore succeeds. Grounds (g) and (h) do not fall to be considered.

13. I have taken account of all the other matters mentioned in the written representations but these do not alter my decision.

#### FORMAL DECISION

14. In exercise of the powers transferred to me I hereby direct that, in Schedule 2 of the notice, all words be deleted, and the following words substituted: "The erection of a L-shaped building of temporary materials and with a floor area of approximately 224 sq ft in association with a commercial garage." Subject to this variation I allow the appeal, direct that the enforcement notice be quashed and grant planning permission for the retention, as erected, of an L-shaped building with a floor area of approximately 224 sq ft on land at Heddington Coachworks, Heddington, Calne, Wiltshire.

15. This letter is issued on the determination of the appeal before me. Details of the right of appeal to the High Court are enclosed for those concerned.

16. 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.

I am Sir  
Your obedient Servant

R N HARRISON OBE MA  
Inspector

ENC

RAY BURTON

C/885/AM/P

395



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

Common Services

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218915

Switchboard 0272-218811

Council reference McD/KP AD/1043

M A Fenwick Esq  
Heddington Coachworks  
Heddington  
CALNE  
Wilts  
SN11 0PQ

Your reference

E395

Our reference

T/APP/C/88/J3910/19/P6

Date

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TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY YOURSELF  
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  - a. The date of the notice is 16 June 1988.
  - b. The breach of planning control alleged in the notice is that, within the period of 4 years before the date of issue of the notice, land at Church Road, Heddington, Calne, Wiltshire, shown stippled on the plan attached to the notice, has been developed by the carrying out of building, engineering, mining or other operations, namely the erection of a L-shaped building of temporary materials, in association with a commercial garage of a floor area of approximately 224 sq ft, 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 constituent parts of the said building from the site.
  - d. The period for compliance with the notice is 7 months.
  - e. The appeal was made on the grounds set out in Section 88(2)(a), (g) and (h) of the 1971 Act as amended.
3. I have noted that the allegation in the enforcement notice, as drafted, could be taken to mean that the commercial garage on the appeal site has a floor area of 224 sq ft. It can be seen on the ground, and both parties agreed on my visit, that the figure of 224 sq ft related to the building which is the subject of the notice. I will therefore vary the allegation in the notice as required. This variation can be carried out without injustice to either party under the provisions of Section 88A(2) of the Amended Act.
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R N HARRISON OBE MA  
Inspector

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