

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 398.

APPEAL

YES

NO

Plan's Ref N/8A/1334/ENF

ADDRESS

LAND AT THE HOLFORD ARMS
PUBLIC HOUSE
KNOCKDOWN
STATION

BREACH of CONTROL

THE MATERIAL CHANGE IN THE
USE OF THE LAND FROM AGRICULTURAL
LAND TO A USE FOR THAT PURPOSE
AND, IN ADDITION, THE STATIONING
OF CARAVANS.

Issuing Authority

N.W.D.C.

Date Issued 14.5.84.

STOP NOTICES

Date Served

Requiring



393

Q

Date withdrawn

Date(s) served

14.5.84

Takes effect 20.6.84

Compliance by 20.9.84.

Dates Extended by
Secretary of State

Enforcement Quashed
12/6/85

REQUIREMENTS of ENFORCEMENT

(1) TO CEASE THE USE OF THE LAND FOR
THE STATIONING OF CARAVANS

(2) TO REMOVE THE SAID CARAVANS

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

Handwritten text, possibly a signature or name, appearing in a cursive script. The text is oriented diagonally across the page.

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. 144

Our ref **E** 398

Enquiries to Miss S. Pritchard

Dear Sir/Madam,

14th May, 1984

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

Land at The Holford Arms Public House, Knockdown, SHERSTON, 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 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 - 20th June, 1984

FEE WHICH MUST ACCOMPANY
APPEAL -

£47.00

To:

Mr. David John Carter,
Holford Arms,
Knockdown,
Sherston,
Wilts.

The Secretary,
Whitbread & Co. PLC,
Brewery,
Chiswell Street,
London EC1Y 4S

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

REASONS FOR ISSUE:-

1. The land lies within the Cotswold Area of Outstanding Natural Beauty which has been designated by the Countryside Commission. The development forms an incongruous feature detrimental to the pleasant rural character of the area conflicting with the planning authority's policies to protect and enhance the visual amenities of such areas.
2. The development introduces a commercial storage use into an area where it is the policy of the local planning authority that existing uses shall remain for the most part undisturbed and only development essential to agricultural need shall be permitted.
3. The development, if permitted, would set a precedent for further similar incursions on to agricultural land to the increasing detriment of the countryside, rural amenity and the rural character of this attractive area designated as one of Outstanding Natural Beauty.

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

Land at The Holford Arms Public House, Knockdown, SHERSTON

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 three 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 June, 1984

ISSUED 14th May, 1984

Signed *B. Harris*

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1
(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at the rear of The Holford Arms Public House, Knockdown, Sherston, shown edged red on the attached plan.

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

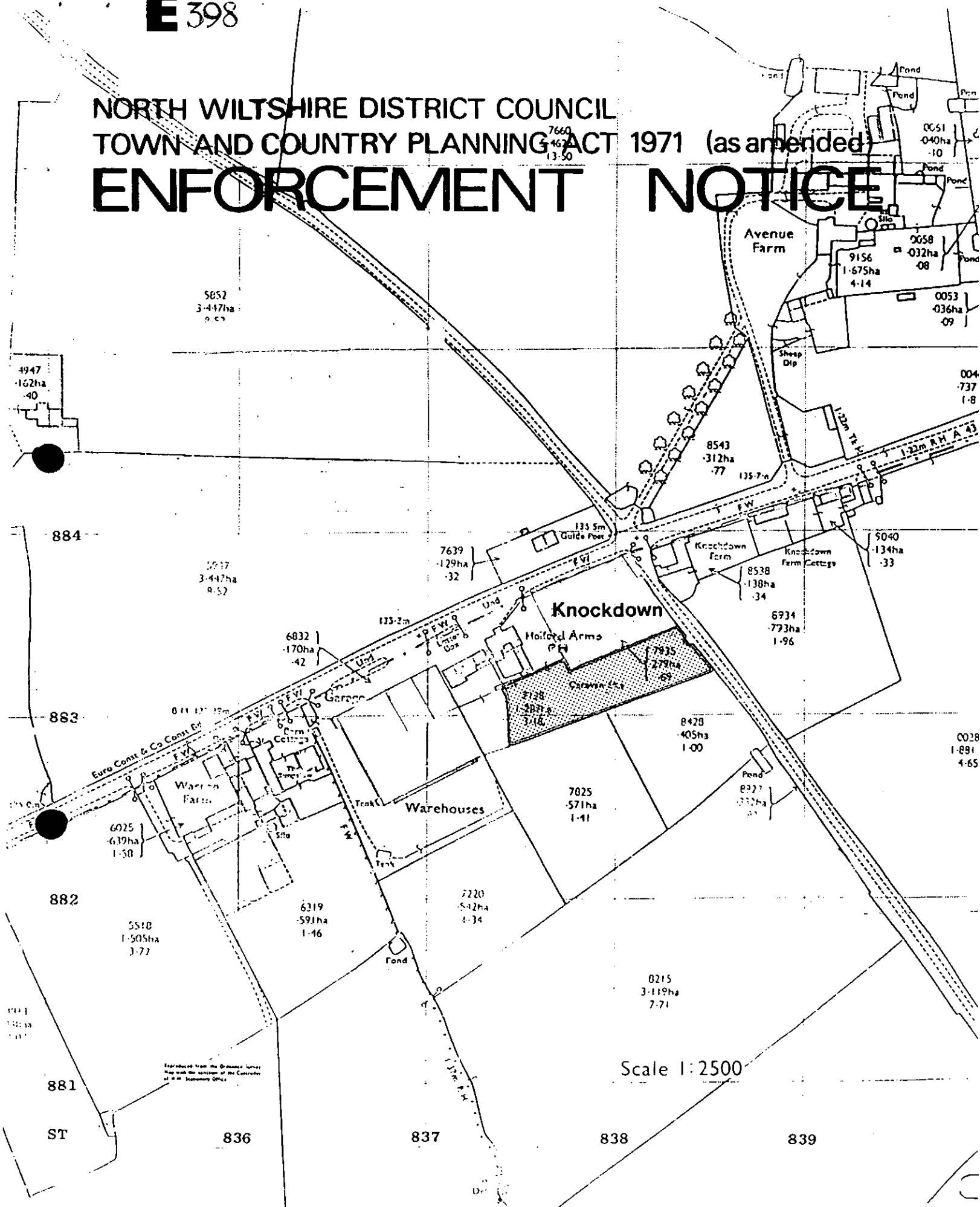
The material change in the use of the land from agricultural land to a use for that purpose and, in addition, the stationing of caravans.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the use of the land for the stationing of caravans.
- (ii) To remove the said caravans.

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

ENFORCEMENT NOTICE





Department of the Environment and
Department of Transport

Common Services

Room 1408

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 936

Switchboard 0272-218811

GTN 2074

Council Ref AD/639

D J Carter Esq
Holford Arms
Knockdown
SHERSTON
Wiltshire

Your reference

Our reference

T/APP/J3910/C/84/1958/P6

Date

12 JUN 85

Sir

Enforcement Quashed

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND AT REAR OF HOLFORD ARMS PUBLIC HOUSE, KNOCKDOWN, SHERSTON

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by the North Wiltshire District Council concerning the above land. I held an inquiry into the appeal on 12 March 1985.

2. a. The date of the notice is 14 May 1984.
- b. The breach of planning control alleged in the notice is the making of a material change in the use of the land from agricultural land to a use for that purpose and, in addition, the stationing of caravans.
- c. The requirements of the notice are
 - i. to cease the use of the land for the stationing of caravans;
 - ii. to remove the said caravans.
- d. The period for compliance with the notice is 3 months.
- e. The appeal was made on grounds 88(2)(a) and (e).

3. The evidence was taken on oath.

4. The appeal site is a flat area of grassland about 105 m x 30 m. It lies on the south west side of the road from Sherston to Knockdown about 50 m from the crossroads with the A433. Between the appeal site and the A433 is a small field with some agricultural machinery in it and to the south west of that is the Holford Arms public house. Immediately to the south west of the Holford Arms and the appeal site is a very large warehouse with a parking area on its south east side. In this parking area at the time of my visit were a number of large trailers. To the south east of the appeal site are open fields. To the north east are fields and one or two houses.

5. At the time of my visit there were 13 caravans along the north west side of the appeal site and 3 on its south east side. Near its western corner is a footpath into the rear of the Holford Arms. Where the footpath starts is an old stone shed part of which has been fitted with a WC and washbasin.

The site is bounded on its north western and north eastern sides by dry stone walls varying between about 1.3 m and 1.8 m in height.

6. For the council it was indicated that they had used the word 'stationing' in the enforcement notice to mean stationing for storage. If some of the caravans were also used for occasional residential use, such residential use was beyond the scope of the notice. You did not dissent from this explanation of the meaning of the notice and you accepted that, as there was now both a storage use and some residential use, you would, regardless of any established use, have to apply for planning permission for residential use if you wanted a site licence for that purpose. The inquiry therefore proceeded as though the allegation had been "... the stationing of caravans for storage". If I were upholding the notice I would vary the allegation accordingly under Section 88A(2) of the 1971 Act.

7. You produced various written evidence including, in particular, a letter from Mr J A Powell (Document 3) which reads: "Re your inquiry to use of the field at the rear of the formally (formerly?) named New Inn, now the Holford. Since I moved into the above address in 1953 caravans have always been a large feature of the field winter and summer, but in the past they have not been kept so neatly and tidily as now and I do not get called out with the tractor to pull them out of the mud". A letter from Mr and Mrs G Johnson (Document 4) stated that they had kept a caravan on your field since 1963, taking it out for weekends and holidays. Documents 5 to 8 indicated that the previous tenant of the public house, Mr N F Richardson, had applied, or perhaps had been intending to apply, for planning permission for a permanent caravan site in August 1960.

8. You had come to this public house in November 1972, it was then in a very run down state. You found that there were about 9 caravans in the field at the back and you had some difficulty in tracing their owners. Eventually you had to burn 2 or 3 of the most derelict ones. Soon after your arrival the council's Environmental Health Officer had visited you and, on his advice, you had installed the WC and washbasin in the shed adjacent to the caravan site so that campers did not have to come into the public house for all purposes. You had encouraged people to bring their vans to camp on your site and had allowed a limited number to park their vans there when not in use. The site had therefore been used for a mixture of caravan storage and caravan residential use.

9. The council had no evidence to indicate the presence or absence of caravans on the appeal site prior to the beginning of 1964. They had, however, a copy of a letter from the Caravan Club on 7 January 1965 (Document 15) asking for information on caravans at the New Inn. There was no trace in the council records of a planning application for a caravan site as indicated in Document 5 (August 1960). The Environmental Health Officer had no record of a visit to these premises in about 1972 or 1973 relating to the toilet facilities of the caravan site.

10. For the council it was suggested that, if it were found on the evidence that 1 or 2 caravans had been stored since before 1964, this use was de minimis. Since then the use had intensified to such a degree that it must be regarded as a material change of use.

11. There is, in my opinion, clear evidence that the appeal site was used prior to 1 January 1964 for storing caravans. How many caravans there were normally on the site prior to 1964 is not known but Mr J A Powell (Document 3) refers to the caravans having been "a large feature of the field". I have no reason to dispute this description and it clearly means a material use of the field for stationing caravans. Moreover at that time the warehouse to the south-west was very much smaller (Document 11) and any caravans on the site would have been more obtrusive. I accept as a fact that there were more caravans on the site than could be regarded as de minimis. An increase in the number of caravans on the site up to the present figure of 16 I do not consider to be a material change from the use

which has been established. Your appeal therefore succeeds on ground (e). No deemed application falls to be considered.

12. I have taken account of all the other matters raised at the inquiry but find that they do not outweigh the considerations that have led me to my decision.

FORMAL DECISION

13. In exercise of the powers transferred to me, I hereby allow your appeal and direct that the enforcement notice be quashed. No deemed application falls to be considered.

RIGHT OF APPEAL AGAINST DECISION

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

I am Sir
Your obedient Servant



M S HANCOCK CB MBE CEng FIEE ACI Arb
Inspector

ENC

IMPORTANT
THIS COMMUNICATION AFFECTS
YOUR PROPERTY

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



R. BURTON

£ 398

**North Wiltshire
District Council**

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ISSUED 14th May, 1984

Signed



Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

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ENFORCEMENT NOTICE

