

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 403.

APPEAL ☒ yes ☐ no

Plan's Ref

ADDRESS

34 MARKET PLACE
CHILDSHAM.

BREACH of CONTROL

THE FIXING ABOVE THE SHOP FRONT AT
THE WESTERN SIDE AND PART OF
NORTHERN SIDE OF 34 MARKET PLACE
CHILDSHAM OF FACIA SIGNS IN RED
DREPEX FRAMES IN ALUMINIUM,
BEARING THE WORDS "WILTSHIRE
COUNCILS" AND A "LOGO" ON BOTH FRONTS

Issuing Authority NWDC

Date Issued 20.7.84.

STOP NOTICES

Date Served

Requiring

Date(s) served

20.7.84

Takes effect 31.8.84.

Compliance by 30.9.84

Dates Extended by
Secretary of State

Date withdrawn

Appeal Upheld. 30/9/85.

Enforcement Quashed

REQUIREMENTS of ENFORCEMENT

TO REMOVE THE FACIA SIGNS
TO ABOVE.



403

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

1940

1941

1942

IMPORTANT
THIS COMMUNICATION AFFECTS
YOUR PROPERTY

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



R. BURTON

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

Our ref **E** 403 Enquiries to Mr. McDonald

Dear Sir/Madam,

20th July, 1984

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

34 Market Place, Chippenham.

The Council have issued a Listed Building Enforcement Notice relating to the above property and I now serve on you a copy of that Notice, in view of your interest in the premises.

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 or your agent should write to the Secretary of State for the Environment, Room 903, Tollgate House, Houlton Street, Bristol, BS2 9DJ setting out the grounds of appeal and stating briefly the facts on which it is proposed to rely in support of each of those grounds. Extracts from the Act are copied on the accompanying papers and your attention is drawn in particular to the list of grounds of appeal at Section 97(1) (a) to (k). You should enclose with any appeal the extra copy sent herewith of the Notice. **ANY APPEAL MUST BE RECEIVED BY THE DEPARTMENT OF THE ENVIRONMENT BEFORE THE NOTICE TAKES EFFECT.**

The reasons why the local planning authority consider it expedient to issue the Notice are briefly set out in the ANNEX overleaf.

Yours faithfully,


Solicitor

DATE ON WHICH NOTICE TAKES EFFECT and BEFORE WHICH ANY APPEAL MUST BE RECEIVED - 31st August, 1984

To:

West County Cleaners,
40 Market Place,
Devizes,
Wilts.

Clifford Drewett & Co.,
34 Market Place,
Chippenham,
Wilts.

copy for information -
The Secretary
Kings Plastics Ltd.
Houlton Street,
Bristol. BS2 9DN

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

Reasons for issue :-

The fascia sign, by its size, colour, and use of materials is an alien feature with a damaging effect on the character of the building which is of special architectural and historic interest.

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

34 Market Place, Chippenham.

WHEREAS :

- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 96 of the Town and Country Planning Act 1971 ("the Act") in this matter, that works have been / ~~are being~~ executed to the listed building in their area described in Schedule 1 below such as to involve a contravention of Section 55 of the Act.
- (2) The contravention which appears to have taken place is described in Schedule 2 below.
- (3) The Council consider it expedient, having regard to the effect of the said works on the character of the listed building as one of special architectural or historic interest and to all other material considerations, to issue this listed building enforcement notice, in exercise of their powers contained in the said Section 96, 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 for the purposes set out in that Schedule 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 97 of the Act, on 31st August, 1984

ISSUED 20th July, 1984

Signed _____

Monkton Park,
Chippenham, SN15 1ER

/ SCHEDULE 1
(over)

SCHEDULE 1 - LISTED BUILDING TO WHICH THIS NOTICE RELATES

Nos. 33 and 34 (London Buildings) Market Place (East Side) Chippenham, Wiltshire, listed Grade II and first included in April 1950 shown stipple-edged on the attached plan.

SCHEDULE 2 - THE CONTRAVENTION

The fixing above the shop front at the western side and part of the northern side of No. 34 Market Place, Chippenham of fascia signs in red perspex framed in aluminium bearing the words West County Cleaners and a "logo" on both frontages.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

To remove the fascia signs referred to at Schedule 2 above.

E403

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

LISTED BUILDING ENFORCEMENT NOTICE

34, Market Place, Chippenham

733

732

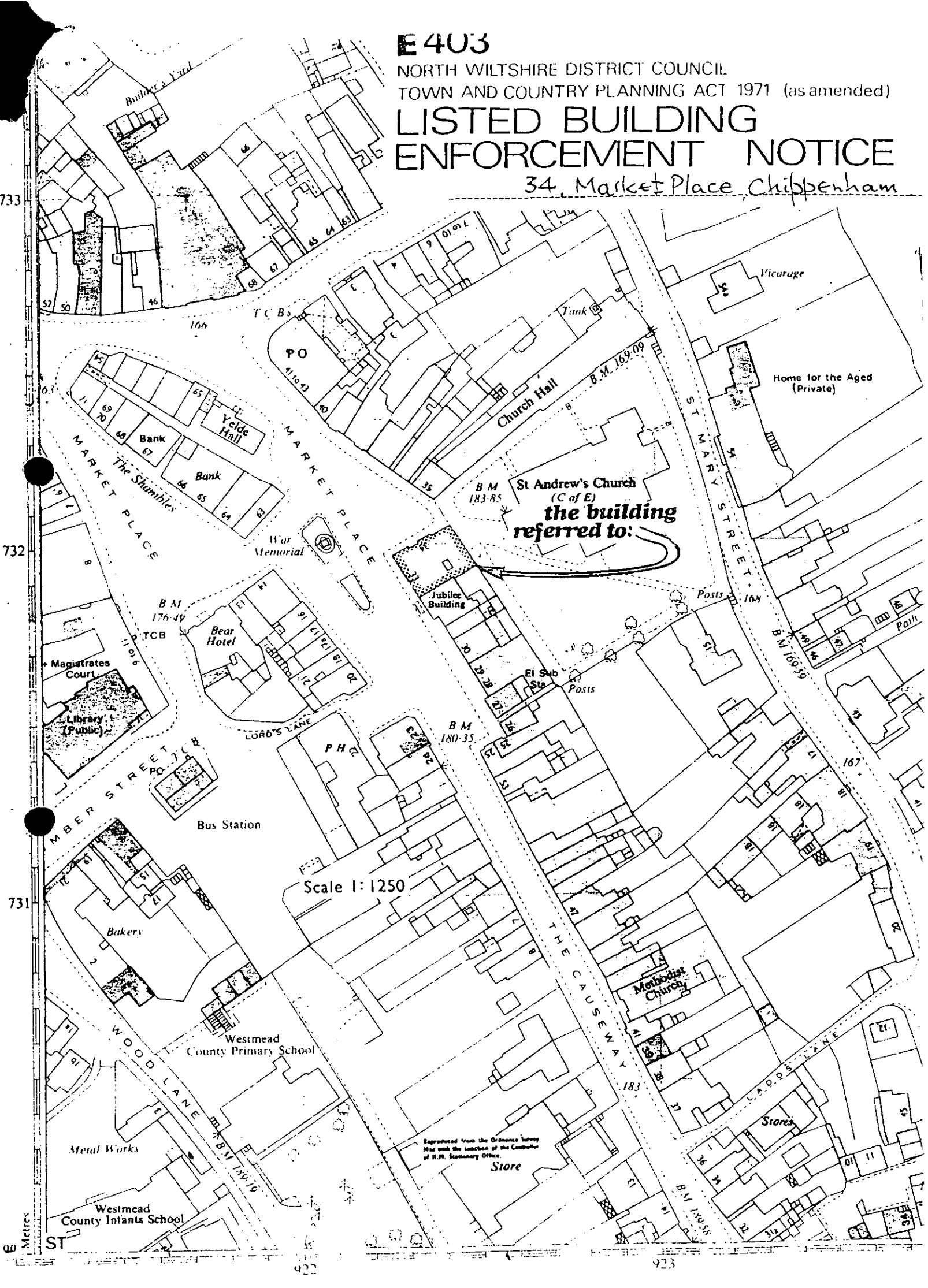
731

Metres

ST

Scale 1:1250

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



N/84/2186/ENF

Mrs. J. Davel



Departments of the Environment and Transport

South West Regional Office

Room 308

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218486
Switchboard 0272-218811
GTN 2074



Kings Plastics Ltd
Houlton Street
BRISTOL
BS2 9DN

PLANNING DEPT.	
10 OCT 1985	
PASSED TO	DATE REC.

Your reference

BLU/JB/W

Our reference

APP/J3910/F/84/109

Date

30 September 1985

*Listed Bldg Enforcement
Quarrels*

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY WEST COUNTRY CLEANERS LTD

E 403

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeal under section 97 of the Town and Country Planning Act 1971 against the listed building enforcement notice served by North Wiltshire District Council relating to the erection of a fascia sign at 34 Market Place, Chippenham.
2. The listed building enforcement notice alleged that there had been a contravention of section 55(1) of the 1971 Act in that the erection of the fascia sign constituted works which affected the character of the building and were not authorised under Part IV of the Act, no listed building consent having been granted. The notice required the fascia sign to be removed within one month from the date upon which it took effect.
3. The council expanded on their reasons for serving the notice in their statement dated 23 January 1985.
4. Your clients' appeal against the listed building enforcement notice was made on the grounds specified in section 97(1)(d) and (e), as amended, namely that the works were urgently necessary in the interests of safety, and that listed building consent ought to be granted. Your arguments in support of your clients' appeal were set out in the grounds of appeal dated 30 July 1984 and your subsequent letters of 26 November 1984 and 11 February 1985.
5. An Inspector has visited the site and a copy of his report, which includes a description of the site and surroundings, is enclosed. His report and the written representations submitted in support of your clients' appeal and those of the council and interested parties have been considered.
6. The Secretary of State notes that the inspector does not doubt your contention that the former fascia was in danger of collapse and it is accepted that after much of it had indeed collapsed in a storm it was necessary to remove the remnants to make it safe. However it is not agreed that the erection of a new sign of significantly different character to the original was necessary in the interests of public safety. The appeal on ground section 97(1)(d) therefore fails.
7. However, the Secretary of State notes and agrees with the Inspector's opinion that the appearance of the new fascia is not so damaging to the architectural or historic interest of the conservation area as to warrant its removal. The appeal therefore succeeds on the ground section 97(1)(e).

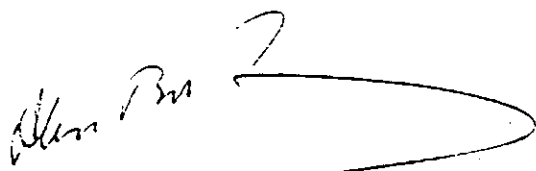
8. For the reasons given the Secretary of State hereby allows your clients' listed building enforcement appeal, quashes the listed building enforcement notice and grants listed building consent for the works carried out to which the notice relates.

9. This letter is issued as the Secretary of State's determination of your clients' listed building enforcement appeal but an appeal may be made against the decision to the High Court on a point of law under the provisions of section 246 of the Town and Country Planning Act 1971. An appeal must be made within 28 days of the date of this letter unless a successful application is made to the High Court for the period to be extended.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than sections 55 and 56 of the Town and Country Planning Act 1971.

11. A copy of this letter has been sent to the North Wiltshire District Council.

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'Alan B Payne', followed by a large, sweeping horizontal flourish that extends to the right.

ALAN B PAYNE

Authorised by the Secretary of State for
the Environment to sign in that behalf.

Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

To The Right Honourable Patrick Jenkin MP
Secretary of State for the Environment

Sir

I have the honour to report that on 22 July 1985 I made an accompanied site inspection in respect of an appeal by West Country Cleaners Ltd under Section 97 of the Town and Country Planning Act 1971 as amended by the Local Government and Planning (Amendment) Act 1981 against the service of an enforcement notice by the North Wiltshire District Council in respect of a fascia sign at 34 Market Place, Chippenham. The enforcement appeal is made on grounds (d) and (e).

1. This report contains a description of the appeal site and surroundings and my appraisal of the likely impact of the proposed development. A list of persons present at the site visit follows.

THE SITE AND SURROUNDINGS

2. Market Place is in the centre of the town on the main A4 traffic route south-eastwards. Nos 33 and 34 are listed properties with offices above shops all in one ownership and known as London Buildings. They form the north-west end of a block of buildings with shops backing onto the south-west side of the churchyard. Most buildings in Market Place and surrounding streets are listed within a conservation area and an area of special advertisement control.

3. The early to mid 18th century stucco frontage on the north-west elevation to Market Place was once 3 houses each 2 windows wide. There are now 3 shops on the ground floor of Victorian and later dates. The entrance to No 34 is between the 2 north-easterly shops on this front. The return elevation to The Causeway facing south-west has one window in the stucco facade above the corner shop and street entrance to No 33. This is not as described in the statutory list where No 33 should be No 32.

4. The corner shop under appeal has roughly equal frontage to the north-west and south-west. the shop front itself is of comparatively modern construction with full height plate glass windows between wooden mullions. these are a foot or so in front of the main structural columns now supporting the old facade above. The shop front is built up from a possibly earlier plinth and stall riser. It has a short splay on the most westerly corner and a small return to the facade on its north-east side. The relatively modern fascia construction is also forward of the stucco facade on both fronts immediately below first floor cill level with a secret gutter behind. There is a hanging sign on a wrought iron bracket at first floor level on the south-west front.

5. The fascia on both these shop fronts is gloss finish plastic with flush white upper and lower case lettering on a signal red ground. It has a fine aluminium angle

frame all round but does not follow the corner curves of the earlier fascia construction. Vestiges of vertical tongued and grooved boards survive behind the new fascia sign on the north-west front.

APPRAISAL

A. Conservation Area and Listed Building aspects

6. While the red and white colour and glossy material of the fascia may be somewhat garish, I do not feel that such shiny bright fascias are unduly out of place in a busy shopping centre such as this. The bright blue fascia over the centre shop of this north-west facade is equally bold in my view. Although No 32 is much more refined, from the point of view of the character of the area as a whole, I do not myself consider that, compared with what I understand was there before, this plastic fascia is as unsympathetic as the civic society and the council say. The lettering, if not the background colour, is acceptably elegant in my opinion.

7. As far as I could see, the new fascia is not too dissimilar in size to the one it replaced, although the curved corners (for what they were worth visually) have been squared off. The wooden framework behind the fascia appeared to be the same as that previously existing, except that some vertical boarding had been removed. This comparatively modern shop front was already visually divorced from the original 18th century frontage in any case. Therefore I do not consider that the garish colour and slick finish alone have damaged the character and historic interest of this building and the area so much more as to justify refusal of consent in this case.

B. The Enforcement Notice

8. In respect of the appeal under ground (d), I can see no reason to doubt the appellant's contention that the former fascia was in danger of collapsing. If the form of construction that I saw on my site visit was anything to go by, I would not have considered it very secure in any case. Therefore I would myself accept that replacement of the sign was necessary, in some form or other, in the interests of public safety.

9. Concerning ground (e), I sympathise with the council in their efforts to maintain the character of the town's historic core and the particular qualities of this listed group. But I do not feel that the present fascia has damaged the architectural or historic interest of the building or the conservation area, compared with the former one as I understand it, so much as to warrant its removal. Therefore I would recommend that the enforcement notice is not upheld.

I have the honour to be
Sir
Your obedient Servant

B M de L YOUNG AADipI RIBA
Inspector

July 1985

PERSONS PRESENT AT THE SITE VISIT

Mr M Moffoot

- representing North Wiltshire
District Council.

Mr D Underhill

- representing the appellant.

PLANNING DEPT.	
10 OCT 1985	
PASSED TO	DATE REC'D

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** 403 Enquiries to Mr. McDonald

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Yours faithfully,

[Signature]
Solicitor

<p>DATE ON WHICH NOTICE TAKES EFFECT and BEFORE WHICH ANY APPEAL MUST BE RECEIVED - 31st August, 1984</p>

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34 Market Place,
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copy for information -
The Secretary
Kings Plastics Ltd.
Houlton Street,
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ISSUED 20th July, 1984

Signed _____



Monkton Park,
Chippenham, SN15 1ER

/ SCHEDULE 1

(over)

SCHEDULE 1 - LISTED BUILDING TO WHICH THIS NOTICE RELATES

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SCHEDULE 2 - THE CONTRAVENTION

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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

LISTED BUILDING ENFORCEMENT NOTICE

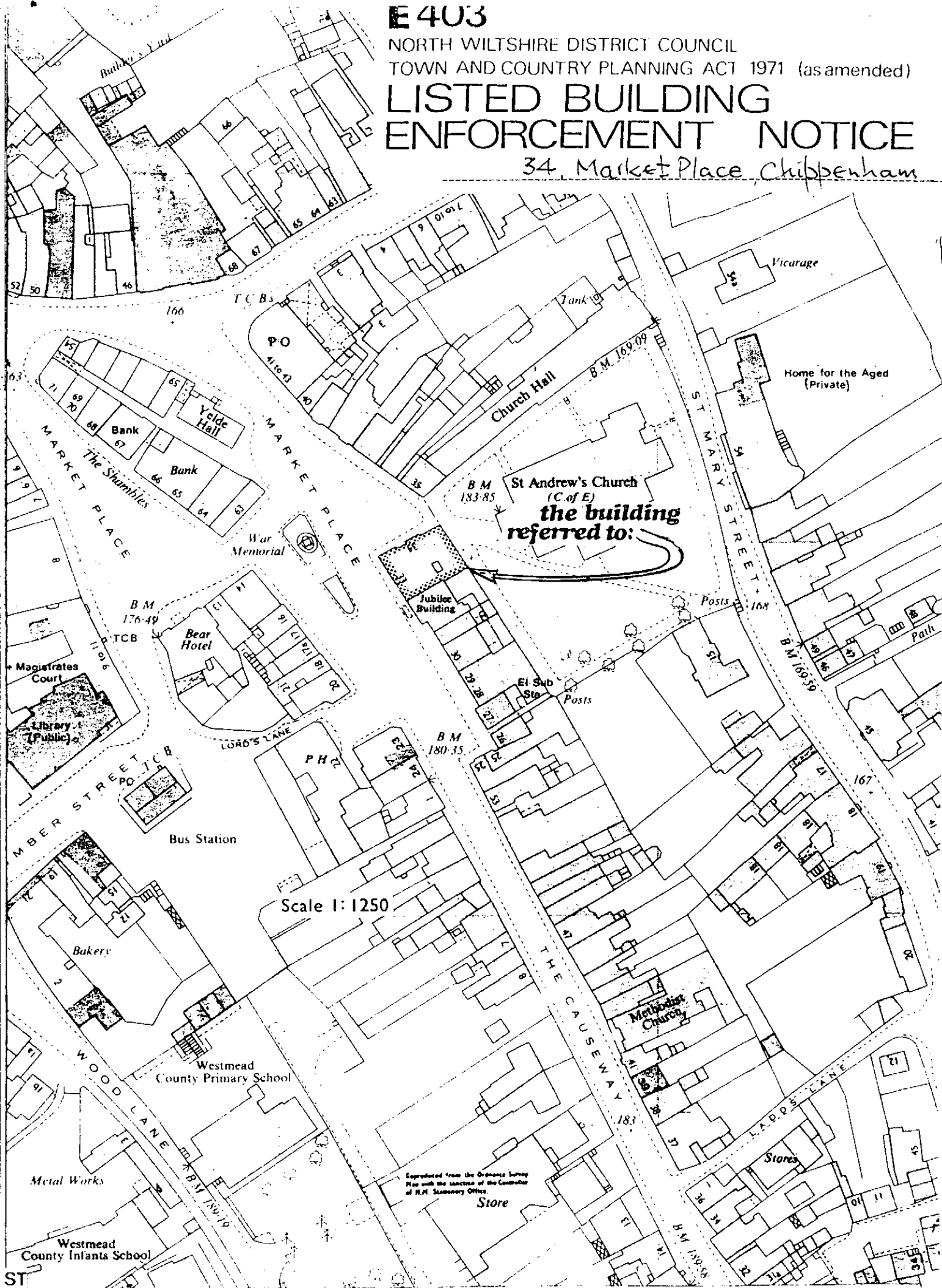
34 Market Place, Chippenham

733

732

731

00 Metres



Scale 1:1250

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Map with the sanction of the Controller
of H.M. Stationery Office.

Store