

# ENFORCEMENT REGISTER INFORMATION SHEET

E/ 408 13

APPEAL yes ☒

Plan's Ref N/BS/0422/EP

## ADDRESS

LAND AT  
ROAD TOWN  
WILTS

## BREACH of CONTROL

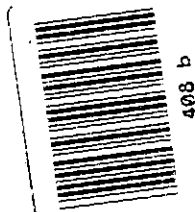
Issuing Authority NWDC

Date Issued 12.12.84

## STOP NOTICES

Date Served

Requiring



Date(s) served

13.12.84

Takes effect 21.1.85

Compliance by 21.7.85

Dates Extended by  
Secretary of State

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

1. To remove the tipped soil from the land.
2. To re-seed with grass the original topsoil
3. To remove the said buildings from the land.

## EXTENT to WHICH NOTICE COMPLIED WITH (dates)

Appeal dismissed - notice  
upheld subject to variation  
Decision attached to E408A.

Land between the road carriageway and O.S. parcels 5672 and 6765 Broad Town, Wiltshire, shown stippled on the attached plan.

1. The tipping of soil to alter the level of the land.
2. The construction of a building to accommodate a horse.
3. The construction of a building to accommodate poultry.
4. The construction of a storage shed.

# 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** 408b Enquiries to Mr. McDonald

Dear Sir/Madam,

12th December, 1984

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

LAND AT BROAD TOWN, 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,

*D. F. Lewis*  
Solicitor

DATE ON WHICH NOTICE TAKES EFFECT and  
BEFORE WHICH ANY APPEAL MUST BE  
RECEIVED - 21st JANUARY, 1985

FEE WHICH MUST ACCOMPANY  
APPEAL - £47

To:

Robert Clark,  
c/o 13 Locksgreen Crescent,  
Moreton,  
Swindon, Wilts.

Robert Clark,  
Broad Town Lane,  
Broad Town,  
Wiltshire.

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

-----  
LAND AT BROAD TOWN, 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 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 SIX 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 21st JANUARY, 1985

ISSUED 12th December, 1984

Signed

*J. Lewis*

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - Land or premises to which this Notice relates

Land between the road carriageway and O.S. parcels 5672 and 6765 Broad Town, Wiltshire, shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

1. The tipping of soil to alter the level of the land.
2. The construction of a building to accommodate a horse.
3. The construction of a building to accommodate poultry.
4. The construction of a storage shed.

SCHEDULE 3 - Steps required to be taken

1. To remove the tipped soil from the land.
2. To re-seed with grass the original topsoil
3. To remove the said buildings from the land.

082 083 084 085 086

SU

Broadlands

Pumphouse

**E408 (b)**

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

*the land referred to:*



799

798

797

796

795

794

Pond

Agreement from the Strategic Planning  
Unit with the intention of the Commission  
of R.M. Ministry Office

D.I.S.P.

Broadtown Road Farm

98.8m

6.5.12

146ha

36

LC

Department of the Environment and  
Department of Transport

Common Services

Room 1408

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218936

Switchboard 0272-218811

GTN 2074

Council's ref: MCD/KP

PLANNING  
DEPT.

- 4 NOV 1985

PASSED TO

DATE REC



Mr R R C Clarke-Gowan  
5c Thornhill  
WOOTTON BASSETT  
Wiltshire

Your reference  
DOE Forms 14069 dated

16 January 1985  
Our reference

T/APP/J3910/C/85/350-1/P6  
Date

24 OCT 85

Sir

*Enforcement upheld but subject  
to variation.*

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
LAND AT OS 5672 AND 6765 BROAD TOWN, WILTSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine your appeals against 2 enforcement notices issued by the North Wiltshire District Council as under:

1. Notice A is dated 12 December 1984 and alleges that the land, shown stippled on a plan attached to the notice, has been developed by the making of a material change in the use of the land from use as roadside verge to use for the storage of motor cars, a touring caravan, a horse box trailer, a flat bed trailer, timber pallets and building materials. The requirements of the notice are to cease the use of the land for storage and to remove from the land the motor cars, touring caravan, horse box trailer, flat bed trailer, timber pallets and building materials and the period for compliance is 6 months;

2. Notice B is dated 12 December 1984 and alleges that the land, shown stippled on a plan attached to the notice has been developed by the making of a material change in the use of the land namely, the tipping of soil to alter the level of the land, the construction of a building to accommodate a horse, the construction of a building to accommodate poultry and the construction of a storage shed. The requirements of the notice are to remove the tipped soil from the land, to re-seed with grass the original topsoil and to remove the said buildings from the land and the period for compliance is 6 months.

2. You appealed against Notice A under Section 88(2) grounds (b) (c) (d) and (g) and against Notice B under Section 88(2) grounds (b) (c) (e) and (g) and at the inquiry which I held into your appeals on 1 October 1985 the evidence was taken on oath. I drew attention at the inquiry to the fact that the recital of Notice B alleges a material change of use of the land but the allegations at Schedule 2 and the requirements at Schedule 3 deal with alleged unauthorised operations. I note, however, that the department drew your attention to the correct grounds of appeal against an allegation of unauthorised operations in a letter dated 18 February 1985 and you accepted at the inquiry that the error in the notice had not prejudiced you in the preparation of your case. I am of the opinion, therefore, that you would not suffer injustice if I correct the notice under the terms of Section 88A(2) of the Act and the council concurred with this view and requested me to do so.

## SITE DESCRIPTION

3. Broad Town is a small straggling village which lies on the north-westerly fringe of the Marlborough Downs some 5 miles to the south-east of Wootton Bassett. The B4041 crosses the flattish open countryside between the settlement and the town and, for most of its length, there is a scatter of widely spaced farms and dwellings, some forming small groups, on both sides of the sometimes narrow and winding road. The appeal site is situated roughly half way between the village and Wootton Bassett, on the north-east side of the road and entirely surrounded by open farmland except that the shell of a long since begun but never completed bungalow stand in the field which adjoins to the north-east. The site comprises a strip of roadside land of less than  $\frac{1}{2}$  acre which lies in 2 plots on either side of a wide gated access to the field in which the unfinished dwelling stands. The strip to the north-west of the gateway is enclosed on the road frontage by an approximately 1.9 m high close boarded fence and that to the south-east by various materials including wooden pallets. The rear boundary is secured by various means; part post and barbed wire, part boarded fence, part hedge and a narrow ditch extends across the rear of the south-easterly strip but no sign of one having existed is apparant on the land to the north-west of the gateway.

4. The larger north-westerly enclosure is almost entirely covered by buildings and structures of sorts with a small open area at the far end. The buildings include a stable of wooden panels and corrugated iron roof with concrete floor which has a lean-to greenhouse to one side and further extensions to the other; an open fronted barn or byre stands to the rear of this group and lean-to coops and cages are affixed to the close boarded fence on the road frontage. The buildings were occupied by a variety of animals and birds. Hay was stacked under a cloth and several ponies and a donkey were grazing in the field to the rear. The smaller area on the south-easterly side of the gateway accommodated an approximately 3 m x 3 m shed, said to be used to stable a horse, a box type trailer, said to be used for the transportation of goats, and a flat bed trailer as well as the unservicable remains of another 2 wheeled trailer. The surface of the ground appeared to have been made up with rubble and scarifyings. Both sections of the site were littered with miscellaneous bits and pieces of building materials and scrap. The appearance of the whole was makeshift and unsightly.

5. It was established during the site visit that the cars, caravan and horse box referred to in Notice A had been removed from the land and that the tipping of soil referred to in Notice B was confined to the south-easterly section of the site. It was also established that the building to accommodate a horse, Notice B Schedule 2.2, was positioned on the south-easterly section and that the building to accommodate poultry, Notice B Schedule 2.3, was the lean-to structure attached to the close boarded fence on the road frontage of the north-westerly section and the storage shed was the wood panel, corrugated iron roofed and concrete floored structure in the north-westerly section of the premises. Other buildings and a lean-to greenhouse appear to have been erected after the service of the Notice B. There was no physical evidence of a ditch between the north-westerly section and the field to the east having been filled in or of there having once been a hedge along this boundary.

## YOUR OWN CASE

6. The material points were; you were an agricultural contractor, a builder and a smallholder with your own herd number and you currently ran a beef herd. All these activities were carried out elsewhere and you preferred not to disclose the locations. The site had first come to your attention some 2 years ago and in August 1983 you rented it from the then owner and the following year you bought him out. The property extended to rather less than  $\frac{1}{2}$  acre and, when you entered into



occupation, there was a stable on the land in which an earlier owner had kept goats and poultry but your immediate predecessor had not kept any livestock. The land was littered with scrap and rubbish which you had cleared away. When your purchase of the site was going through your solicitor informed you that the council was of the opinion that the stable had been erected without benefit of planning permission but nothing further was done about it. Your object in acquiring the land was to use it on a hobby or recreational basis for the keeping of livestock and you went to the site at least once or twice a day and, when your other interests were slack, you often spent whole days there. You rented the grazing in the adjoining field and kept thereon a stallion, a brood mare which you also used for competition driving, a foal and a pet donkey. Within the appeal site you kept calves, goats, chickens including unusual breeds, ducks, geese, ornamental birds and pigeons and the horses were brought in from the field from time to time.

7. Concerning Notice A; the cars referred to were one which was scrap and awaiting disposal and one which was repairable and which was now serviceable and in use as your means of personal transport. They were both your own vehicles and you could not see that leaving them for a time on your own land created a storage use amounting to a material change of use. The caravan, horse box and flat bed trailer had been removed, however, but there seemed to be no good reason for not being able to keep a horse box for the movement of livestock on agricultural land. You understood that if you changed the label on the horse box to cattle truck you could not be made to remove it from the land and that did not make sense. The wooden pallets were to be used and some had been used for fencing and the building materials were on the land in connection with the works and improvements you had carried out. The scrap and rubbish which had littered the site had all been cleared away and a 6 ft high fence now screened the larger area from the road. You had further improvements in mind including tree planting but the council had said that conifers would not be welcome as they were not a tree which was natural to the area.

8. With regard to Notice B; the fill which had been tipped on the south-easterly section of the site had not been put there by you. You suspected it was the council because the approximately 10 or 12 loads which had been dumped included a lot of scarifyings which would only have come from council roadworks. You had thought the best thing was to smooth it out and seed it and this you had done after bringing in 2 loads of top soil. The ditch had not been filled and was still open. If necessary you were prepared to improve the plot still further by turfing it. Concerning the buildings, as all the animals were kept for hobby purposes you had been told by a council official that it was not necessary to obtain planning permission for the erection of buildings to accommodate pets. You had, therefore, put up all the buildings and structures on the site during the last 2 years other than the timber panel, corrugated iron roofed and concrete floored structure, referred to by you as a stable, which was on the site when you bought the land. The building which you had erected on the south-easterly section was constructed of sections and freestanding and being moveable its erection did not require planning permission. The stable had been placed on the land many years before you came into possession and did not, therefore, require planning permission and you produced statements signed by a number of local people who could testify to the fact that it had been on the land for 20 years or more.

#### THE PLANNING AUTHORITY'S CASE

9. The material points were; the site comprised a narrow strip of agricultural land and there were no entries in the Statutory Planning Register relating to it other than the current enforcement proceedings. The only entry in any way relevant to the site was that for an agricultural workers dwelling on the field adjoining to

the north east for which detailed permission was given in 1965 but, although started, the bungalow was never completed. In July 1984 the site was visited in response to a complaint about its untidy state and it was found that 2 cars without tax discs, a caravan, a horse box trailer and a 2 wheeled flat bed trailer as well as pallets and concrete blocks were being stored on the land while the level of the south-easterly section was being raised and levelled to the height of the adjoining carriageway with soil tipped on the land. A number of sheds contained chickens and other birds and horses were grazing in the adjoining field. About the same time the parish council expressed concern about the use of the caravan on the site, the erection of buildings and the presence of cars, trailers and horse box.

10. Later that year the parish council reported that the site was considerably tidier and an inspection of the premises showed that the requirements of Notice A had been substantially complied with and all the items listed in the enforcement notice had then been cleared from the land. Notice B had not been complied with but the tipped soil had been levelled in a tidy manner and its removal was no longer being insisted upon but the area should be properly seeded and the principal remaining contention was that the buildings had not been removed. It had been anticipated that the appellant would substantiate his grounds of appeal against Notice A at the inquiry, in particular that the storage use enforced against had existed since before the beginning of 1964, but no such evidence had been forthcoming. The situation regarding Notice B was much the same and there was virtually nothing to support his grounds of appeal against it.

11. If the deemed applications fell to be considered, the old County Development Plan, the North Wiltshire Structure Plan and the Draft Local Plan all included a presumption against development in the area of the appeal site unless required in connection with agriculture and, in this case, only a hobby use was involved. The site lay in an attractive rural area and on a busy road which carried a considerable number of people and it should be protected against unsightly development. If, against the council's opinion that the development was undesirable, planning permission was granted it was requested that it should be made subject to conditions restricting the storage use to items of an agricultural nature necessary to farming the land and that any buildings should be used wholly for the purposes of agriculture as defined in the Town and Country Planning Act 1971 Section 290. The error in the recital of Notice B was agreed and it was requested that it be varied to correct the wording and that the requirement at Schedule 3.1 be deleted.

#### THE CASE FOR INTERESTED PERSONS

12. The material points were: the owner of the field adjoining to the north east said that the grazing was not let to you and you had been told to vacate the land. In 1971, when he was last in close touch with the site, there had been only a chicken coop on the south-easterly half and the north-westerly section was allotments and the whole had been enclosed by a neat hedge and not the hideous fence which had been erected. Both sections of the site had been extended by filling the ditch with soil and the north-westerly section now encroached upon his land from which his hedge had been removed. The occupier of the farm approximately 400 m to the south said that he had lived there since 1978 and knew both the previous owners. In the latter part of 1981 he had helped the then occupier, who kept goats, to put up the building constructed of timber panels, corrugated iron roof and concrete floor. This had now been extended. A resident who had lived in Broad Town all his life said that the site had always been allotments linked to some cottages which lay a short distance to the south. There had only ever been a small poultry house on each part of the site. These were of the arc type which could be picked up and moved around a hen run. A resident said that she had cycled back and forth past the site since 1969 and was of the opinion that the site was not large enough for the keeping of animals.

## CONCLUSIONS

13. The essence of your case was that the site was agricultural land and, therefore, you were entitled to store on it such vehicles, equipment and materials as you considered ancillary to an agricultural enterprise and that you could erect such buildings and structures as might be necessary for the accommodation of your live-stock or for other agricultural purposes. You had not obtained professional legal advice in coming to these conclusions before you put your assumptions into practice but claimed to have been told by a council official that what you were doing did not require planning permission. I can only believe, however, that you misinterpreted what was said because an isolated approximately  $\frac{1}{2}$  acre strip of rough land abutting a classified road does not enjoy immunity from development control under Section 22(2)(e) of the Town and Country Planning Act 1971 nor the benefits of permitted development under the Town and Country Planning General Development Order 1977/81 Schedule 1 Class VI and this is so basic to planning law that it is unlikely that an experienced official would be unaware of it.

14. The permitted agricultural use of land extends only to the purposes set forth in Section 290 of the Town and Country Planning Act 1971 and any development involving a change from those uses requires planning permission in accordance with Section 23 of the 1971 Act. As to what constitutes a change of use requiring planning permission; Section 23 defines this simply as any development and, in my opinion, the storage on the land of the items listed in Notice A Schedule 2 amounts, as a matter of fact and degree, to a material change of use as I consider that none of the vehicles, equipment and materials can be regarded as reasonably necessary, on a retention basis, to the lawful use of approximately  $\frac{1}{2}$  acre of agricultural land. The question of building or other operations is even more clear cut as, by reason of the terms of the Act and the General Development Order in connection with a site of the size, status and proximity to a classified road as that of the appeal site, planning permission is required before any building, engineering, mining or other operations can be carried out. If further emphasis of the fact that your use of the site and the building or other operations you have carried out are in breach of planning control I turn to the Agricultural Act 1947 Section 109 which defines agricultural land as "land used for agriculture which is so used for the purpose of trade or business" but as you stressed in evidence that your use of the land was for hobby purposes only it seems that your activities cannot be categorised as agricultural so that however your activities are viewed they amount to a breach of planning control.

15. For all the foregoing reasons, therefore, I consider that none of the relevant enactments, orders or regulations provide an umbrella authority under which you may put the land to the purposes set forth in Notice A and Notice B and if you wish to do more than graze or till the land, it being less than 1 acre and within 25 m of a classified road and not in agricultural use, you must obtain planning permission before any changes in the use of the land or building or other operations are undertaken. To relate these conclusions to your specific grounds of appeal against the notices; it seems to me that all those entered against Notice A had no more basis than that of your belief that the agricultural status of the land, including its earlier use as allotments, which falls within the definition of agriculture (Crowborough Parish Council v Secretary of State and Wealden District Council refers), meant that the matters referred to in the notice did not constitute a breach of planning control, that the breach of planning control alleged had not occurred or if it had it began before the beginning of 1964 and that, as the right existed under one or other of the grounds, the requirements of the notice were excessive. Other than this blanket claim to immunity from the force of the notice you did not offer any specific evidence on each ground of appeal and, for the reasons already given, I am unable to accept that you substantiated a case and your appeal against Notice A under Section 88(2) grounds (b) (c) (d) and (g) must fail.

16. Although the notice had been complied with to the extent that the cars, the caravan and the horse box had been removed from the site a flat bed trailer, the pallets and some building materials remained. You claimed that the pallets were required for fencing but as their use for the purpose appeared to involve no more than to stand several up in their existing state on the perimeter of the land I consider the storage use remains and they must either be properly incorporated into a fence or removed from the land. As to the trailer and building materials; the lawful use of less than  $\frac{1}{2}$  acre of rough agricultural land does not, in my opinion, justify their retention and they should also be removed as required by the notice. You did not include a plea under Section 88(2) ground (a) in your appeal but the deemed application under Section 88B(3) in respect of the Notice A use falls to be considered. Having had regard for all the relevant factors, however, I am of the opinion that there are no sound and clear cut reasons for giving approval to a use which, bearing in mind the size and other limitations of the site and its roadside situation, does not serve an essential agricultural purpose or do anything to enhance its open rural surroundings. The land is unsuitable for any form of development, in my opinion, and only by reverting to its lawful use can it exist in harmony with the open rural nature of its surroundings.

17. Concerning Notice B; it seems to me that you argued your appeal against the notice under Section 88(2) grounds (b) (c) (d) and (g) in virtually the same general terms as those relating to Notice A. In this instance, however, there is one aspect of the matters before me for determination which have to be subjected to a different test in that if the works at which the notice is directed were carried out more than 4 years from the date of issue of the notice they are immune from enforcement action under the terms of Section 87(4)(a) of the Act. You accepted that the operations set forth at Notice B Schedule 2.1, 2.2 and 2.3 had been carried out by yourself within the last 12 or 18 months and this left only the storage shed at Schedule 2.4, which you referred to in evidence as a stable, for consideration. The structure had the appearance of being in position for some time, you claimed that it was on the site when you acquired the land and you produced written statements from a number of persons who held that it had existed for many years, some said for over 20 years. I cannot ignore, however, the sworn testimony of a neighbour who stated that he assisted the then owner of the land to erect the structure in late 1981, some 3 years before the date of the notice. This evidence was not challenged by you and it was corroborated by another witness, who was also unchallenged, who stated that until the building was erected there had only ever been a couple of small portable hen houses on the land. I am led to the conclusion, therefore, that your case against Notice B has not been substantiated and your appeal under Section 88(2) grounds (b) (c) (d) and (g), in the absence of more specific and supported evidence, must fail. The requirements of the notice insofar as the removal of the tipped soil will be varied, however, as the council conceded that it was unnecessary to press for this and that they required only that the land be properly re-seeded.

18. Concerning the planning merits of the matters at which Notice B is directed; there is no appeal under Section 88(2) ground (a) to consider but as with Notice A, there is a deemed application, in this instance for the carrying out of building and other operations. I have considered the material factors, therefore, and am of the opinion that an isolated strip of roadside land in open countryside is an unsuitable location for the erection of a haphazard and makeshift group of sheds and structures which far exceed anything which may be regarded as reasonably necessary to the lawful use of the land. There might be some justification for the erection of a single, unobtrusively placed and properly constructed building on the land, say for the storage of supplementary feeding stuff for cattle grazing the land, but for any area of what is basically rough grassland not much bigger than a large garden, I see no reason for the existing buildings which are on a scale more appropriate to some form of intensive livestock husbandry than the lawful use of a small grassed plot. For these reasons, therefore, I consider that it would be entirely wrong to grant planning permission under the applications deemed to have been made under Notice A and Notice B.

19. I have considered whether there is anything in the terms and guidelines of Circulars 22/80, 1/85 or 14/85 which should lead me to alter or modify my conclusions in this case but there is no question of a small business enterprise being threatened or of enforcement action being taken to comply with the requirements of possibly irrelevant policies and I consider it would not be possible to make the use and the operations lawful or eliminate the planning objections by attaching conditions to a planning permission if the latter became an issue to be dealt with. It was confirmed during the site visit that the cars, caravan and horse box referred to in Notice A had been removed but, it should be noted that compliance with a notice does not discharge it and its force is continuing. Section 93 of the Act refers. It was also established that the tipping of soil against which Notice B was directed was confined to the south-easterly section of the site and that the building to accommodate a horse was on the same plot. The building to accommodate poultry was the lean-to structure attached to the close boarded fence on the road frontage and the storage shed was the wood panel, corrugated iron roofed and concrete floored structure in the north-easterly section of the premises. Other buildings and a lean-to greenhouse appear to have been erected after Notice B was issued.

#### FORMAL DECISION

20. For the reasons given above and in exercise of the powers transferred to me I hereby direct that Notice B be varied at paragraph 1 line 6 by the deletion of the words "after the end of 1963" and the insertion of the words "within the period of 4 years from the date of issue of this notice" and at paragraph 2 lines 3 and 4 by the deletion of the words "making of a material change in the use of the land" and the insertion of the words "carrying out of the building, engineering, mining or other operations". I also direct that Notice B Schedule 3 line 1 be varied by the deletion of the words "to remove the tipped soil from the land" and at line 2 by the deletion of the word "original" and at lines 2 and 3 by the deletion of the figures "2" and "3" and the insertion of the figures "1" and "2". Subject to these variations of Notice B I hereby dismiss your appeals against Notice A and Notice B, direct that the notices be upheld and refuse to grant planning permission under the deemed applications for the change of use and the operations to which they refer.

#### RIGHT OF APPEAL

21. This letter is issued in determination of the appeals before me. Particulars of the right of appeal against my decision to the High Court are enclosed for those concerned.

I am Sir  
Your obedient Servant



N BARCLAY FCIarb EBIM FASMC  
Inspector

ENC

R. BURTON

408b

# 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** 408b Enquiries to Mr. McDonald

Dear Sir/Madam,

12th December, 1984

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

LAND AT BROAD TOWN, WILTSHIRE

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Yours faithfully,

*D. F. Lewis*  
Solicitor

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BEFORE WHICH ANY APPEAL MUST BE  
RECEIVED - 21st JANUARY, 1985

FEE WHICH MUST ACCOMPANY  
APPEAL -

£47

To:

Robert Clark,  
c/o 13 Locksgreen Crescent,  
Moreton,  
Swindon, Wilts.

Robert Clark,  
Broad Town Lane,  
Broad Town,  
Wiltshire.

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

*The development has an adverse effect on the appearance of this area of countryside.*

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

-----LAND AT BROAD TOWN, WILTSHIRE-----

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 SIX 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 21st JANUARY, 1985

ISSUED 12th December, 1984

Signed

*J. Lewis*

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)



SCHEDULE 1 - Land or premises to which this Notice relates

Land between the road carriageway and O.S. parcels 5672 and 6765  
Broad Town, Wiltshire, shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

1. The tipping of soil to alter the level of the land.
2. The construction of a building to accommodate a horse.
3. The construction of a building to accommodate poultry.
4. The construction of a storage shed.

SCHEDULE 3 - Steps required to be taken

1. To remove the tipped soil from the land.
2. To re-seed with grass the original topsoil
3. To remove the said buildings from the land.

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Broadlands

Pumphouse

**E408 (b)**2692  
275ha  
683090  
243ha  
602295  
397ha  
984188  
258ha  
509

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

3780  
308ha  
76

B M 98-12m

4679  
461ha  
155978  
2326ha  
575

Pond

5672  
608ha  
150

the land  
referred to:


3765  
5996ha  
14826052  
1572ha  
3885754  
368ha  
915254  
393ha  
973551  
7078ha  
514

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

2845  
2577ha  
6374243  
669ha  
4126042  
364ha  
90

Broadtown Road Farm

98-8m

6532  
146ha  
36