

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 416

APPEAL

yes

no

Plan's Ref N/86/0423/001

ADDRESS

FORMER METHODIST CHAPEL
B. SANDSTON.

BREACH of CONTROL

Issuing Authority

Date Issued 7. 1. 85

STOP NOTICES

Date Served

Requiring



416

Date(s) served

7. 1. 85.

Takes effect 11. 2. 85.

Compliance by 11. 8. 85

 Dates Extended by
Secretary of State

Enforcement quashed.

Date withdrawn

REQUIREMENTS of ENFORCEMENT

- (1) TO CHANGE THE USE OF THE LAND
FOR WORKSHOP AND STORAGE PURPOSES.
- (11) TO REMOVE FROM THE LAND THE STORED
MATERIALS

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

The failure to comply with a condition subject to which planning permission (reference N/78/1567/F) for workshop and storage use was granted on 9th April 1979, to wit :-

"Condition 1. The use hereby permitted shall be discontinued and the site reinstated to its former use to the satisfaction of the local planning authority at or before the expiration of a period ending the 9th April, 1984",

23/11/83

23/11/83

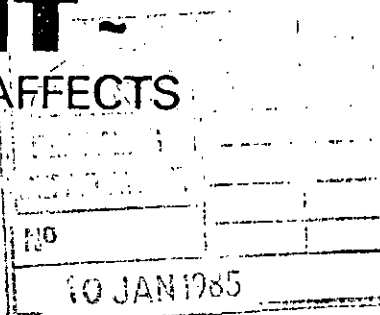
23

R. BURTON

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** 416 Enquiries to Mr. McDonald

Dear Sir/Madam,

7th January, 1984

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

FORMER METHODIST CHAPEL, BIDDESTONE

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 - 11TH FEBRUARY 1985

FEE WHICH MUST ACCOMPANY
APPEAL -
NIL

To:

CYRIL GEORGE GOODCHILD
THE ORCHARD,
NORTH WRAXALL,
CHIPPENHAM, WILTS

SYLVIA GOODCHILD,
THE ORCHARD,
NORTH WRAXALL,
CHIPPENHAM, WILTS

PAUL GOODCHILD,
THE ORCHARD,
NORTH WRAXALL,
CHIPPENHAM, WILTS.

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

REASONS FOR ISSUE :-

1. The use has been found to be detrimental to the amenities of nearby residential properties.
2. The use has resulted in loading, unloading and parking of vehicles where there is insufficient space clear of the highway, forcing pedestrians to walk in the carriageway and restricting visibility. Further, vehicles manoeuvring in the carriageway at and near the road junction restrict visibility and represent a traffic hazard.

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

FORMER METHODIST CHAPEL, BIDDESTONE

WHEREAS :

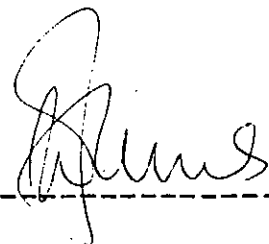
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of four years before the 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 failure to comply with conditions or limitations subject to which planning permission was granted, that permission and the relevant condition being more fully described in Schedule 2 below.
- (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 11TH FEBRUARY, 1985

ISSUED 7th January, 1985.

Signed _____



Monkton Park,
Chippenham SN15 1ER

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

The former Methodist Chapel, Cuttle Lane, Biddestone, Chippenham, Wilts shown stippled on the attached plan.

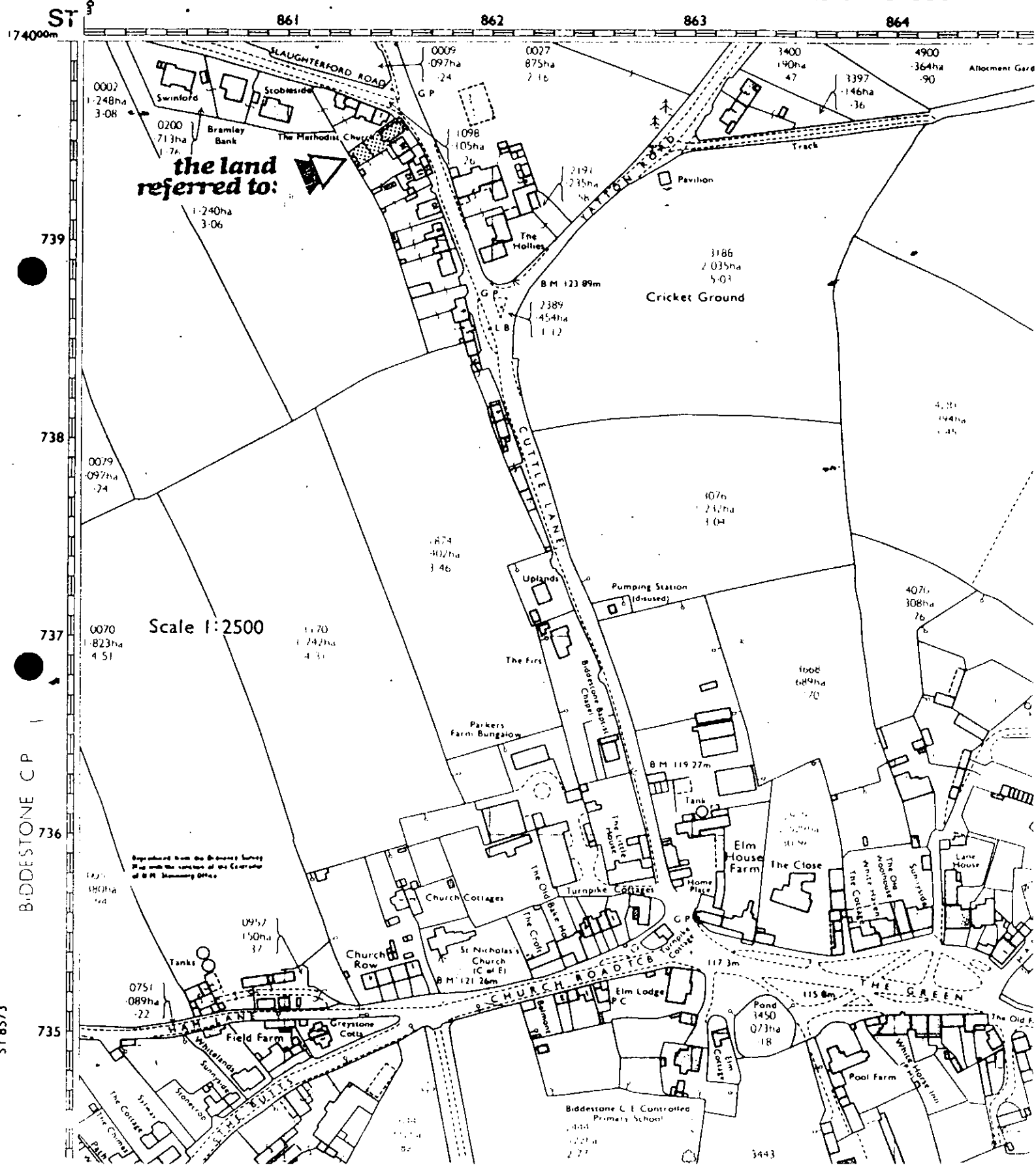
SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The failure to comply with a condition subject to which planning permission (reference N/78/1567/F) for workshop and storage use was granted on 9th April 1979, to wit :-

"Condition 1. The use hereby permitted shall be discontinued and the site reinstated to its former use to the satisfaction of the local planning authority at or before the expiration of a period ending the 9th April, 1984",

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN:

- (i) To cease the use of the land for workshop and storage purposes
- (ii) To remove from the land the stored materials.





Department of the Environment and
Department of Transport

Common Services

Room 1408

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 938

Switchboard 0272-218811

GTN 2074



692

Messrs M W T Planning
The Malt House
Sydney Buildings
BATH
BA2 6BZ

PLANNING DEPT.	
- 5 NOV 1985	
PASSED TO	(1)

Council Reference: McD/KP AD/692

Your reference 85.0423 ENF. E.416
DB/SMh/9439

Our reference
T/APP/J3910/C/85/618-20/P6

Date
30 OCT 85

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981

APPEALS BY MR C G. MRS S AND MR P GOODCHILD

LAND AND BUILDING AT THE FORMER METHODIST CHAPEL, CUTTLE LANE, BIDDESTONE,
CHIPPENHAM, WILTS

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against an enforcement notice issued by the North Wiltshire District Council, concerning the above mentioned land and building. I held an inquiry into the appeals on 17 September 1985.

2. a. The date of the notice is 7 January 1985.

b. The breach of planning control alleged in the notice is failure to comply with a Condition subject to which planning permission was granted.

c. The permission, (No N/78/1567/F), was granted on 9 April 1979 and was for workshop and storage use of the former Methodist Chapel, Cuttle Lane, Biddestone, Chippenham, Wiltshire.

d. The Condition which is alleged not to have been complied with is as follows:-

Condition 1 - The use hereby permitted shall be discontinued and the site reinstated to its former use to the satisfaction of the local planning authority at or before the expiration of a period ending 9 April 1984.

e. It is alleged that the Condition has not been complied with in that the use has continued after 9 April 1984.

f. The requirements of the notice are:-

- i. To cease the use of the land for workshop and storage purposes.
- ii. To remove from the land the stored materials.

g. The period for compliance with the notice is 6 months.

h. The appeals were made on grounds 88(2)(a), (f), (g) and (h).

3. The evidence was not taken on oath. At the inquiry it was agreed between the parties that, as the appellants had not implemented the permitted workshop use of the site, nor wish to do so, the planning merits of the subject condition could be

considered in relation to the continued use of the appeal premises by building contractors for limited storage purposes only. It is appropriate to state, however, that it is only the appeal against the subject Condition which is before me. It has been open to the appellants to choose to implement either or both of the sites permitted uses.

SUMMARY OF DECISION

4. The formal decision is set out at paragraph 38 below. The appeals succeed. The notice is being quashed and planning permission is being granted for the continuation of the permitted use of the appeal premises without compliance with the subject Condition.

THE SITE AND ITS SURROUNDINGS

5. The appeal premises comprise a building, built of stone with a slate roof and at one time a Methodist Chapel, set in a small curtilage located on the south-west side of Cuttle Lane behind a low stone wall at the north end of the village of Biddestone immediately adjacent to the junction of Cuttle Lane with Slaughterford Road. The premises are situated in the midst of a row of houses which front the west side of Cuttle Lane. There is open land to the north and east of the Cuttle Lane/Slaughterford Road junction.

6. The building on the site measures 7.75 m by 5.4 m internally and has a ceiling height of 4.5 m. Part of the inside of this building is equipped with racks on which various building materials are stored. These materials include soft and hardwood timber in various sizes, sheets of plywood, insulating boards, door frames and window frames. The latter frames, I was informed, are to replace the former Chapel's existing window frames. No electricity supply is connected to the building. There is a water standpipe outside the front porch.

7. There is a stone wall 1.15 m high along the site's north boundary. This wall curves southwards at the north-east corner of the site. On the north side of this curved section of wall there is a flower bed in which a large shrub grows. The ownership of this flower bed area is a matter which, it was stated at the inquiry, has been in dispute when 1 Slaughterford Road, the adjacent dwelling to the north-west, was occupied by Mr and Mrs Gell. This dwelling is now vacant. The south wall of the former Chapel adjoins the curtilage of 16 Cuttle Lane which property's garden extends round the rear of the appeal building. A small lean-to closet extension is attached to the rear wall of the former Chapel near this building's north-west corner.

8. The appeal premises have a frontage of 7.4 m to Cuttle Lane. To the south of the site there is a defined footway 1.25 m wide on the west side of Cuttle Lane. This footway is undefined on the site's frontage but there is a 1.9 m wide surfaced area in front of the gaps in the low wall on the appeal building's road frontage which acts as an extension to this footway. The carriageway beyond this surfaced area is 6.4 m wide. A broken white painted line extends from the defined edge of the footway to the south of the site across the site's frontage to join the road markings at the adjacent road junction. There is an area, 3.9 m wide, between the midpoint of the site's frontage and this line. A car was parked in this area at the time of my visit.

9. From a point on the centre line of Slaughterford Road 2 m back from the rear edge of the carriageway in Cuttle Lane, the visibility distance obtainable to the south is 40 m and that to the north 30.5 m.

THE CASE FOR THE APPELLANT

10. The enforcement notice contains several errors. The plan attached to the notice delineates a greater area than is occupied by the appellants. The correct area is shown on Plan B. The date of the letter issued with the notice is wrong and the Schedules in the notice are defective. The wrong land is cited in Schedule 1. The requirement in the Condition recited in Schedule 2 requires the site to be reinstated to its former use, which was as a Methodist Chapel, is impossible to implement. If land is vacant prior to an alleged use, as in this case, that vacant area is not in use. The requirement in Schedule 3 to cease the workshop use is excessive as this permitted use had not been implemented. The errors indicate that the subject Condition is unenforceable and that the notice is defective and should be quashed.
11. The appeal premises, purchased in 1980, are owned by Mr P Goodchild, but used for storage purposes only by 2 businesses, C G Goodchild and C G Goodchild Ltd, specialist building contractors, which businesses have their base at North Wraxall about 2 miles north-west of the site. Building materials, mainly wood, but not all hardwood, are bought in bulk and stored in the building on the site. It is accepted that some minor breaches of the Conditions attached to the permission granted on 9 April 1979 for the use of the appeal premises as a workshop and for storage have taken place. The workshop use has never been implemented and so no sound insulation has been installed. The construction of a car parking space has not been completed because of a boundary dispute with the previous owner of 1 Slaughterford Road, but the council has been aware of this problem. Tiles intended for roofing the Chapel were stored outside the building only temporarily.
12. Documentary evidence submitted shows that only 9 deliveries have been made to the appeal building during the period November 1982 to December 1984. Two lorries also visited the building in June and July 1984. The appellants' two 6 and 8 cwt vans collect timber from the building on average about once a fortnight. A subcontractor also visits the site about once a fortnight. There have been very few occasions when any of the appellants' employees have called at the appeal premises before 0800 hrs. The unloading of materials delivered to the site is shown on time sheets as taking between 10 minutes and 3 hours, but the latter unloading only took place on one occasion. Your clients' 2 small vans only spend a maximum of about 20 minutes at the site. No accidents have occurred when vehicles are parked outside the appeal building.
13. The planning policies applicable in this case, Structure Plan Policies E13, E14, B1 and B4, and Policies E6, B2 and B5 of the Corsham District Plan, together with the guidance given in Government Circulars, indicate that there is a clear presumption in favour of allowing the conversion of redundant buildings of traditional design and worthy of retention, particularly in Conservation Areas and in rural areas, to prevent such buildings becoming derelict, especially if the proposed use is for commercial purposes. The present use of the appeal building causes no demonstrable harm. If these appeals fail the building is likely to become derelict as its use for residential purposes was refused in 1977. The building's return to religious use would create greater highway problems and affect local residents' amenity to a greater extent than the present use. If this building was used, as is permitted, as a workshop or, indeed, for any other use, it is likely that much more disturbance and vehicular movement would take place than occurs at present.
14. It is considered that the space in front of the appeal building, of which part has been the subject of a boundary dispute in the past, could accommodate only a very small car and therefore would serve no practical purpose in conjunction with the site's present use. The council therefore granted planning permission in 1979 knowing that vehicles associated with the building's permitted use as a workshop and store would be parked and manoeuvre in the road near these premises.

15. It is disputed that only the appellants' vehicles have been seen by local residents to be parked outside the site. There are no parking restrictions in the vicinity of the site, the traffic flow along Cuttle Lane is not high, though no traffic count has been made, and the number of pedestrians passing the site, who might be inconvenienced if a vehicle was parked outside, must be very few.
16. The Council, before issuing the notice, did not have regard to the guidance given in DOE Circular 22/80 that an alternative solution should be sought before an enforcement notice is served. More regard appears to have been paid to the fact that planning Conditions have been breached than to any consideration of the acceptability of the existing use of this site. The level of disturbance created by the present use of the appeal site cannot affect the enjoyment of nearby residential property to an unacceptable extent.
17. The Highway Authority's witness refers to DCPN6 published 1969, but the latest relevant advice is contained in DOT Advice Note TA20/84. The visibility distances required are 90 m for a measured speed of up to 60 kph at major/minor road junctions and not 300-400 ft as stated by this witness. The Cuttle Lane/Slaughterford Road junction is a junction which carries much less traffic than a major/minor road junction. Vehicles parked in front of the appeal premises do not affect the visibility distances obtainable from vehicles emerging from Slaughterford Road. Any vehicles parked outside dwellings near the site in Slaughterford Road would be likely to slow down vehicles entering this road from Cuttle Lane rather than create any traffic hazard.
18. The evidence submitted at the inquiry and information obtained from the Corsham Police has not substantiated the occupiers of 16 Cuttle Lane's complaint that vehicles parked outside the site create any significant problem, or that an accident has occurred recently in the vicinity of the site. The views of Mr French of 2 Slaughterford Road are at variance with Governmental advice and current planning policies. Mr Chaplin's complaints are surprising as 1 Slaughterford Road is empty. The use of the building does not create a fire hazard as he claims. No electricity is installed and no mechanical activity takes place. It is to be noted that the Parish Council did not object to the appellants' planning application made in November 1984 to use the appeal building to store timber and plasterboard. The appellants' detailed comments on the many letters submitted to Mr Gell appear in Document 13. Mr Gell has been involved in a boundary dispute with the appellants. Mr Gell purchased 1 Slaughterford Road after permission had been granted for the appeal building's use as a workshop and storage. Some of Mr Gell's evidence is disputed. He appears to be concerned more with alleged breaches of Conditions occurring on the site than with any seriously adverse effect of the site's use on local residential amenity. His fears are unfounded.
19. If the notice is upheld Mr C G Goodchild will be forced to order Messrs L J Hayden and Sons, a light engineering business, to vacate a building at his firm's base at North Wraxall. Messrs Hayden have rented this building since 1978. The upholding of the notice is not likely to create employment opportunities. Any sites available nearby are expensive and any forced move to an alternative site would add considerably to the appellants' business overheads. The period for compliance of 6 months is too short. A period of one year is required for Mr Goodchild to locate and occupy alternative premises.
20. The evidence in this case shows that there are no overriding objections either on planning or highway grounds to the continuation of the present use of this site. The present use of the site, which is less than that for which planning permission was granted in 1979, has created no significant problems.
21. If planning permission is granted the following Conditions are acceptable: The use hereby permitted shall be carried on only by C G Goodchild and C G Goodchild Limited. The building shall not be used other than for the storage of hard and

softwood timber, plasterboard and insulation material without agreement in writing by the local planning authority. No storage of goods or materials shall take place outside the building. Work shall only be carried out during the hours of 8.00 am to 5 pm Mondays to Fridays and between 8.00 am and 12 noon on Saturdays and not at all on Sundays or Public Holidays.

THE CASE FOR THE COUNCIL

22. The Council accepts that the area stippled black on the plan attached to the notice includes land not in the appellants' ownership or occupation, but considers that the plan can be corrected.
23. The appeal site is located within the Cotswolds Area of Outstanding Natural Beauty and within the limits of the designated Biddestone Conservation Area. Policies E5 and E6 of the Corsham Local Plan, though the former policy is not applicable in this case, are of similar effect to the extent that both policies state a presumption in favour of small-scale business developments.
24. The fact that the Council granted permission for the existing use of the site in 1979 is not crucial in this case. Although asked on a number of occasions the appellants have not changed the nature of their operations to comply with the terms of that planning permission.
25. The Council has reviewed the planning merits of this case carefully in the light of the site's use and other evidence. After a "trial run", it was decided that the present use has led to and is likely to create an unacceptable impact on local residential amenity and cause highway problems and danger for road users.
26. Letters of complaint from occupiers of properties in the vicinity of this site have been received. These have all been submitted at the inquiry.
27. It is acknowledged that the appeal building is a building which is worthy of retention. But it will be difficult to find an acceptable alternative use. The Council might consider again its suitability for residential use. It is accepted, however, that, except for the larger vehicles which arrive at the site, no other use is likely to generate so little vehicular movement to and from the site. Any light industrial use is likely to be as objectionable as the present use, but it would be difficult to find a less obtrusive use than the appeal building's present use. The amount of traffic generated by this use, albeit it occurs in a quiet rural location, is not sufficient, by itself to justify a refusal of planning permission.
28. The site's present use is a convenience, not a necessity. It does not create jobs. It is similar to a warehousing use rather than an industrial use. Such use, if taking place near residential property can be objectionable to local residents. If the appeal premises are occupied by a person or business, other than the appellants, the frequency of vehicular movement to and from the site could increase. The nature of the appellants' business may change and result in more frequent bulk deliveries of materials.
29. The Highway Authority, though not considering the highway problems raised are sufficient to justify a refusal in this case, is not in favour of the proposed development. The surfaced area in front of the appeal premises' frontage is part of the highway. It forms a useful footway for pedestrians, though it is not kerbed. If a vehicle is parked in this area pedestrians are obstructed and a hazard created. Vehicles can enter Slaughterford Road from Cuttle Lane at some speed as the junction of these roads, when approached from the south, is not acute. The visibility

distance obtainable to the south of the junction of these roads does not meet the requirements of DCPN6, 300-400 ft. There is little difference between these figures and those given in TA20/84. From a distance of 10 ft back from the carriageway of Cuttle Lane the visibility southwards is only 130 ft and would be reduced further if a vehicle is parked in front of the appeal premises. A vehicle parked in this position would also force a passing vehicle to move into the centre or on to the wrong side of Cuttle Lane.

30. Vans or lorries loading or unloading at the premises would be parked a few feet away from the site's entrance, partly on the carriageway of a Class III road. This creates a hazard for road users. It is confirmed, however, that no accidents have been reported as occurring in the vicinity of the appeal premises during the 3 year period up to February 1985. In the Highway Authority's witness opinion, although the parking of large vehicles for a long period of time opposite the site's entrance would create a traffic hazard, if such parking took place infrequently, that hazard alone would not justify a refusal of planning permission for the development proposed in this case.

31. The requirements of the notice are not excessive. At the end of an unsatisfactory trial period it is reasonable that the permitted use should cease. In the planning application made in November 1978 for the change of use of the appeal building it was stated that the building was vacant and that the last previous use of this building was as a Methodist Chapel. The Council would not object to an appropriate extension of the period specified for compliance, but there is an increasing amount of commercial floor space available within the District. The period of 6 months specified for compliance is reasonable.

CONCLUSIONS

32. As to the appeal on ground (f) there is no evidence that the notice was not issued as required by Section 87(5) of the Amended Act. The appeal under ground (f) therefore fails. At the inquiry the validity of the Condition cited in the notice was questioned. It is my opinion that that part of this Condition which requires the site to be reinstated to its former use, when, in fact, the site, prior to the implementation of the relevant permission was vacant, and the last previous use was that of a Methodist Chapel, goes beyond what might reasonably be expected to be able to be carried out by any occupier of the site. I do not consider, however, that this defect materially affects the substance of this Condition which imposes a time limitation on the permitted use. If the notice was being upheld the Condition could be varied by the deletion of the words "and the site reinstated to its former use to the satisfaction of the local planning authority" without injustice. I also find that the plan attached to the notice, if it was being upheld, could be corrected without injustice to accord with Plan B under the provisions of Section 88A(2) of the Amended Act.

33. As to the planning merits of the subject Condition, in so far as it relates to a time limitation imposed on the permitted use of the appeal premises as a workshop and for storage, I accept that at the time this Condition was imposed, it served a useful planning purpose for it gave the Council an opportunity to review the permission after the site's use for a period of time.

34. Having seen the appeal site and its surroundings it seems to me that the principal points which have to be considered in an assessment of the appropriateness of the continuation of the site's permitted use in this location beyond the permitted date, notwithstanding that use has not been implemented in full, are whether the continuation of this permitted use would affect significantly the residential enjoyment of nearby properties and whether vehicles visiting the site would create unacceptable hazards for road users in the vicinity of the Slaughterford Road/Cuttle Lane road junction.

35. I accept that the loading and unloading of commercial vehicles near the appeal building's entrance must create some disturbance, but as the evidence is that delivery vehicles have visited this site during the past few years on very few occasions and that the visits of small vehicles also take place infrequently, I am not convinced on the evidence, including that contained in local residents' letters, that any disturbance created by the operation of unloading building materials or of loading building materials, has either been so disturbing or has occurred so frequently as to constitute a significant nuisance to the owners of immediately adjacent dwellings. I also do not consider that the appearance of commercial vehicles visiting this part of Biddestone on an irregular and infrequent basis has emphasised in visual terms the use of this site for business purposes to an extent which has had an unacceptable impact on the appearance and character of that part of the Biddestone Conservation Area in which the site is located, or the residential enjoyment of nearby property.

36. I saw on my site visit that a vehicle parked close to the entrance to the appeal building, depending on its position and size, could impede pedestrians passing along the west side of Cuttle Lane in the vicinity of this road's junction with Slaughterford Road. I saw too that a vehicle so parked could impede the forward visibility distance along Slaughterford Road obtainable by a driver in a vehicle moving north in Cuttle Lane and also be likely to impair the visibility southwards along Cuttle Lane by a vehicle egressing from Slaughterford Road. This situation leads me to the conclusion that vehicles parked near the site's entrance could create hazards for road users. But I noted too that drivers of vehicles egressing from Slaughterford Road have to exercise care because of the limited visibility distance obtainable along Cuttle Lane in either direction, that a vehicle parked close to the site's entrance would only partly obstruct the west side of the carriageway in Cuttle Lane and that the evidence is that the Slaughterford Road/Cuttle Lane junction is only lightly trafficked. I take the view therefore, that, though it is undesirable from a road safety point of view, the occasional temporary parking of a vehicle outside the site's entrance would not constitute the continuing type of road safety hazard which justifies a refusal of planning permission for the use of the appeal premises as permitted. In this connection I have noted that the hazard is not considered by the Highway Authority to be so great as to require parking restrictions to be instituted. I accept that the nature of the appellants' business might change, but have noted that the use of this site has been made personal to Mr C G Goodchild and his son and that no change in the present use of the site is currently envisaged. Bearing in mind that this former Methodist Chapel can serve as a useful adjunct to the appellants' business, that it is a building which it is wished to conserve, and mindful of the guidance given in DOE Circulars 22/80 and 14/85, my conclusion is that the permitted use should be allowed to continue. The appeals on ground (a) therefore succeed and grounds (g) and (h) do not fall to be considered. The notice will be quashed and planning permission will be granted for the continuation of the use of the appeal premises without compliance with the Condition enforced against.

37. I have also taken in account all the other matters mentioned at the inquiry and the submissions made by local residents, but the points made do not alter my decision.

FORMAL DECISION

38. In exercise of the powers transferred to me I hereby allow these appeals and direct that the enforcement notice be quashed. I also grant planning permission for the continued use of the former Methodist Chapel, Cuttle Lane, Biddestone, Chippenham, Wiltshire for workshop and storage use under the terms of permission No N/78/1567/F granted by the North Wiltshire District Council on 9 April 1979 but without compliance with Condition 1 imposed on that consent.

39. This letter is issued as the determination of the appeals before me. Details of the rights of appeal to the High Court are enclosed.

40. The application for costs submitted on the appellants' behalf has been reported to the Secretary of State.

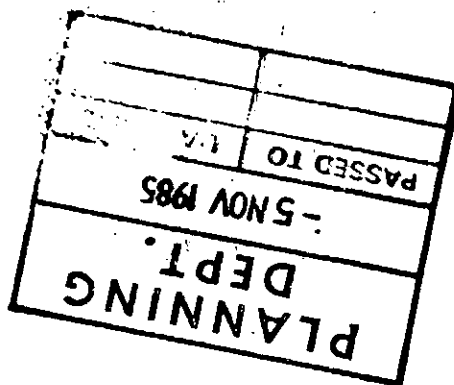
41. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation, other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



R N HARRISON OBE MA
Inspector

ENC



R. Burton

IMPORTANT -

THIS COMMUNICATION AFFECTS
YOUR PROPERTY

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



E 416

North Wiltshire District Council

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

Our ref **E** 416

Enquiries to Mr. McDonald

Dear Sir/Madam,

7th January, 1984

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

FORMER METHODIST CHAPEL, BIDDESTONE

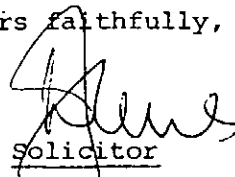
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Yours faithfully,


Solicitor

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BEFORE WHICH ANY APPEAL MUST BE
RECEIVED - 11TH FEBRUARY 1985

FEE WHICH MUST ACCOMPANY
APPEAL -
NIL

To:

CYRIL GEORGE GOODCHILD
THE ORCHARD,
NORTH WRAXALL,
CHIPPENHAM, WILTS

SYLVIA GOODCHILD,
THE ORCHARD,
NORTH WRAXALL,
CHIPPENHAM, WILTS

PAUL GOODCHILD,
THE ORCHARD,
NORTH WRAXALL,
CHIPPENHAM, WILTS.

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

REASONS FOR ISSUE :-

1. The use has been found to be detrimental to the amenities of nearby residential properties.
2. The use has resulted in loading, unloading and parking of vehicles where there is insufficient space clear of the highway, forcing pedestrians to walk in the carriageway and restricting visibility. Further, vehicles manoeuvring in the carriageway at and near the road junction restrict visibility and represent a traffic hazard.

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

FORMER METHODIST CHAPEL, BIDDESTONE

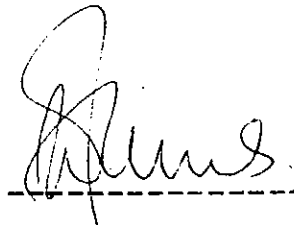
WHEREAS :

- (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 failure to comply with conditions or limitations subject to which planning permission was granted, that permission and the relevant condition being more fully described in Schedule 2 below.
- (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 11TH FEBRUARY, 1985

ISSUED 7th January, 1985.

Signed  -----

Monkton Park,
Chippenham SN15 1ER

/SCHEDULE 1;
(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

The former Methodist Chapel, Cuttle Lane, Biddestone, Chippenham, Wilts shown stippled on the attached plan.

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The failure to comply with a condition subject to which planning permission (reference N/78/1567/F) for workshop and storage use was granted on 9th April 1979, to wit :-

"Condition 1. The use hereby permitted shall be discontinued and the site reinstated to its former use to the satisfaction of the local planning authority at or before the expiration of a period ending the 9th April, 1984",

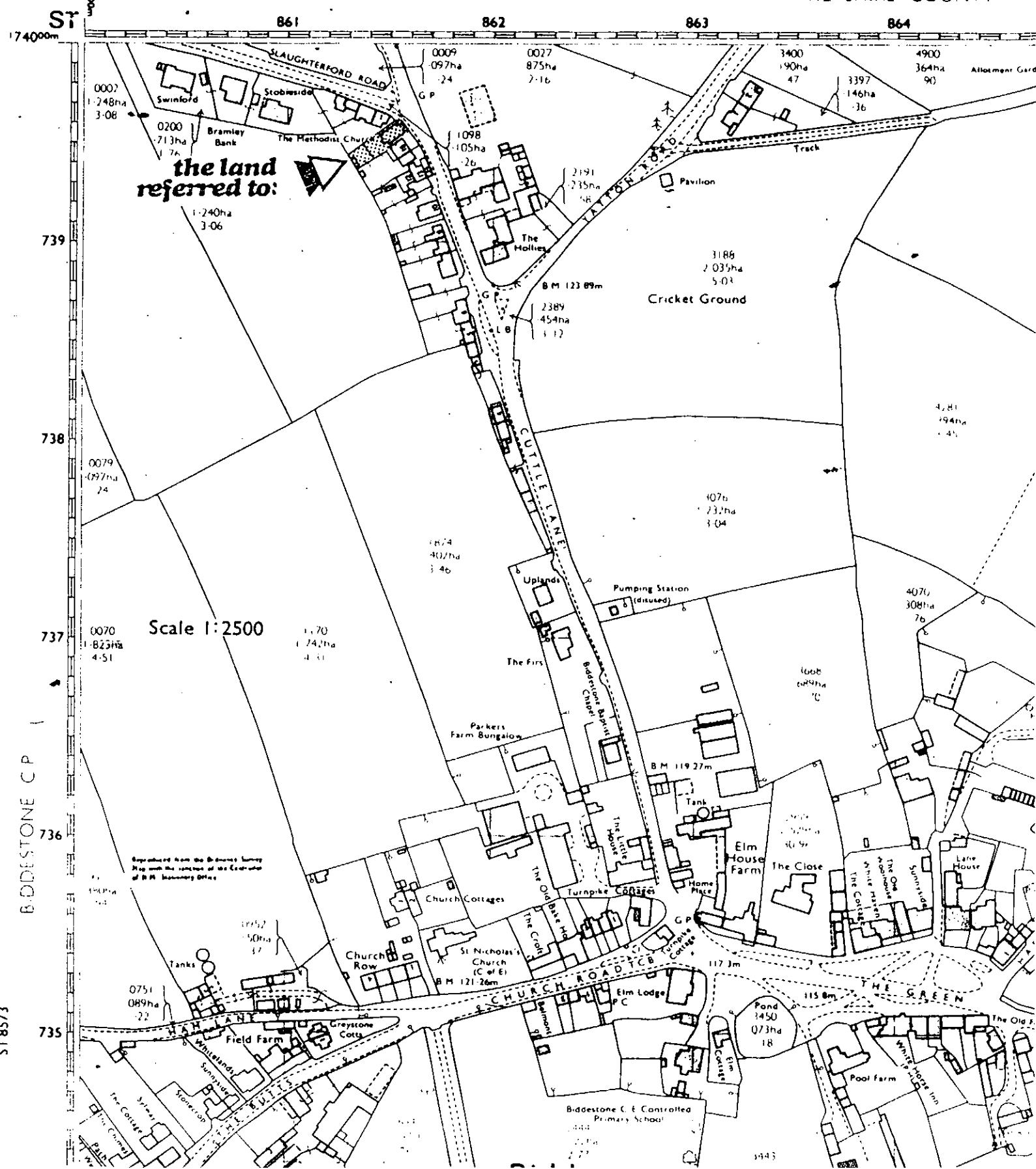
SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN:

- (i) To cease the use of the land for workshop and storage purposes
- (ii) To remove from the land the stored materials.

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

ENFORCEMENT NOTICE

WILTSHIRE COUNTY

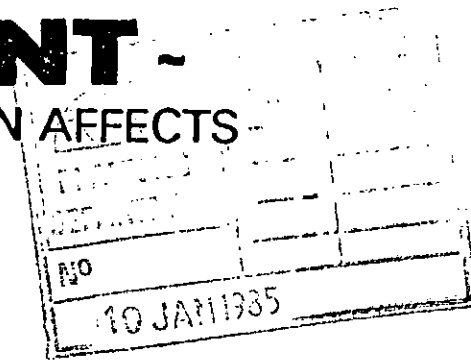


R. BULTON

IMPORTANT -

THIS COMMUNICATION AFFECTS YOUR PROPERTY

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



L 415

North Wiltshire District Council

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

Our ref **E** 415

Enquiries to Mr. McDonald

Dear Sir/Madam,

7th January, 1985

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

THE CROFT, BIDDESTONE, 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 - 11th February, 1985

FEE WHICH MUST ACCOMPANY
APPEAL -

£47

To:

Mr. A.L. Granger,
The Croft,
Biddestone,
Chippenham,
Wilts.

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

The use is undesirable in this predominantly residential location and results in severe loss of amenity to the several closely affected dwellings by reason of noise and visual intrusion.

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

THE CROFT, BIDDESTONE, WILTSHIRE

WHEREAS :

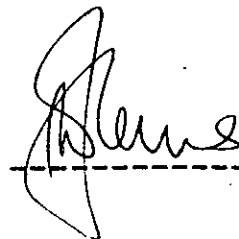
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 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 11th February, 1985.

ISSUED 7th January, 1985

Signed



Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at the rear of The Croft, Biddestone, Chippenham, Wilts
shown stippled-edged on the attached plan.

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The making of a material change in the use of the land from use
for purposes appurtenant to a dwellinghouse to use for those
purposes and, in addition, the stationing of a commercial vehicle used
for haulage.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the use of the land for the stationing of
a commercial vehicle.
- (ii) To remove the said commercial vehicle from the land.

E415

WILTSHIRE COUNTY

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

Scale 1:2500

the land
referred to:

Biddestone

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