

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 441		
APPEAL	yes	no
Plan's Ref		

ADDRESS

C.W.S. THE CREAMERY
CIRKENCSTRA RD
KATTON.

BREACH of CONTROL

Issuing Authority N W D C

Date Issued 29.4.85

STOP NOTICES

Date Served 30.4.85.

Requiring

CASSATION OF ALL
ACTIVITIES COMPRISSED IN
THE ENFORCEMENT NOTICE

Date(s) served

30.4.85.

Takes effect 7.6.85.

Compliance by 7.7.85

Dates Extended by
Secretary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

To cease the use of the land for the movement and storage of material, plant and vehicles and the stationing and use of temporary office buildings in relation to the construction of a pipe-line.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)



441

The making of a material change in the use of the land from use for the purpose of a milk collection and distribution depot and creamery to use for that purpose and, in addition, the movement and storage of material, plant and vehicles and the stationing and use of temporary office buildings in relation to the construction of a pipe-line.

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

C.W.S. Creamery, Cirencester Road, Latton, Wiltshire

To: The Secretary,
Costain Civil Engineering Ltd.
111 Westminster Bridge Road,
London SE1 7UE

Costain-Spie-Capag, J.V.
c/o C.W.S. Creamery
Cerne Wick, Wiltshire

AND

c/o Costain Civil
Engineering Ltd.
111 Westminster Bridge Rd.,
London SE1 7UE

The Secretary,
C.W.S. Ltd.,
P.O. Box 53
New Century House,
Manchester, M60 4ES

WHEREAS :

1. The North Wiltshire District Council (hereinafter referred to as "the Council") being the Local Planning Authority for the purposes of Section 90 of the Town and Country Planning Act 1971 in this matter have served copies of an Enforcement Notice as described in the Schedule hereto and requiring a breach of planning control to be remedied.
2. The Council considers it expedient to prevent before the expiry of the period allowed for compliance with the said Enforcement Notice the carrying out of any activity comprised in the alleged breach of planning control described in the said Enforcement Notice.

NOW THEREFORE the Council in pursuance of its powers under the said Section 90 and all other powers it enabling
HEREBY PROHIBITS and requires the cessation of all activities comprised in the said alleged breach of planning control on and after the date when this Stop Notice becomes effective which date shall be 9th May, 1985

DATED this 30th April, 1985

Monkton Park,
Chippenham, SN15 1ER.

S C H E D U L E

The Enforcement Notice issued on 29th April, 1985 alleging change of use of land and premises at C.W.S. Creamery, Cirencester Road, Latton, Wiltshire.

A T T E N T I O N is drawn to the copy of the Enforcement Notice which is attached hereto and to Section 90 of the Act which is reproduced overleaf

Stop notices

90.—(1) Where in respect of any land the local planning authority—

- (a) have served a copy of an enforcement notice requiring a breach of planning control to be remedied; but
- (b) consider it expedient to prevent, before the expiry of the period allowed for compliance with the notice, the carrying out of any activity which is, or is included in, a matter alleged by the notice to constitute the breach.

then, subject to the following provisions of this section, they may at any time, before the notice takes effect serve a further notice (in this Act referred to as a "stop notice") referring to, and having annexed to it a copy of, the enforcement notice and prohibiting the carrying out of that activity on the land, or any part of it specified in the stop notice.

(2) A stop notice shall not prohibit—

- (a) the use of any building as a dwellinghouse, or
- (b) the use of land as the site for a caravan occupied by any person as his only or main residence (and for this purpose "caravan" has the same meaning as it has for the purposes of Part I of the Caravan Sites and Control of Development Act 1960), or
- (c) the taking of any steps specified in the enforcement notice as required to be taken in order to remedy the breach of planning control;

and where the period during which an activity has been carried out on land (whether continuously or otherwise) began more than twelve months earlier, a stop notice shall not prohibit the carrying out of that activity on that land unless it is, or is incidental to, building, engineering, mining or other operations or the deposit of refuse or waste materials.

(3) A stop notice shall not take effect (and so cannot be contravened) until such date as it may specify, being a date not earlier than three nor later than twenty-eight days from the day on which it is first served on any person.

(4) A stop notice shall cease to have effect when—

- (a) the enforcement notice is withdrawn or quashed, or
- (b) the period allowed for compliance with the enforcement notice expires, or
- (c) notice of the withdrawal of the stop notice is first served under subsection (6) of this section;

and a stop notice shall also cease to have effect if or to the extent that the activities prohibited by it cease, on a variation of the enforcement notice, to be included in the matters alleged by the enforcement notice to constitute a breach of planning control.

(5) A stop notice may be served by the local planning authority on any person who appears to them to have an interest in the land or to be engaged in any activity prohibited by the notice; and where a stop notice has been served in respect of any land, the authority may display there a notice (in this section referred to as a "site notice") stating that a stop notice has been served and that any person contravening it may be prosecuted for an offence under this section, giving the date when the stop notice takes effect and indicating its requirements.

(6) The local planning authority may at any time withdraw a stop notice (without prejudice to their power to serve another) by serving notice to that effect on persons served with the stop notice and, if a site notice was displayed in respect of the stop notice, displaying a notice of the withdrawal in place of the site notice.

(7) If any person contravenes, or causes or permits the contravention of, a stop notice—

- (a) after a site notice has been displayed, or
- (b) if a site notice has not been displayed, more than two days after the stop notice has been served on him.

then, subject to subsection (8) of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, or on conviction on indictment to a fine; and if the offence is continued after conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £100 for each day on which the offence is continued, or on conviction on indictment to a fine.

(8) In proceedings for an offence under this section it shall be a defence for the accused to prove that the stop notice was not served on him and that he did not know, and could not reasonably have been expected to know, of its existence.

(9) A stop notice shall not be invalid by reason that a copy of the enforcement notice to which it relates was not served as required by section 87(5) of this Act if it is shown that the local planning authority took all such steps as were reasonably practicable to effect proper service.

(10) Any reference in this section to the period allowed for compliance with an enforcement notice shall be construed in accordance with section 89(6) of this Act.

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** 441 Enquiries to Mr. McDonald

Dear Sir/Madam,

29th April, 1985

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

C.W.S. Creamery, Cirencester Road, Latton, 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 - 7th June 1985

FEE WHICH MUST ACCOMPANY
APPEAL -
NIL

To: The Secretary,
Costain Civil Engineering Ltd.
111 Westminster Bridge Road,
London SE1 7UE

Costain-Spie-Capag, J.V.
c/o C.W.S. Creamery,
Cerne Wick
Wiltshire

AND
c/o Costain Civil Engineering Ltd.
111 Westminster Bridge Road,
London SE1 7UE

The Secretary
C.W.S. Ltd.
P.O. Box, 53
New Century House,
Manchester M60 4ES

E441

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

The increase in movement of vehicles onto and off this fast, busy stretch of trunk road represents an unacceptable risk to road safety.

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

C.W.S. Creamery, Cirencester Road, Latton, Wiltshire.

WHEREAS :

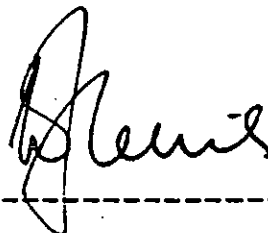
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 7th June 1985

ISSUED 29th April, 1985

Signed



Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

E441

SCHEDULE 1 - Land or premises to which this notice relates

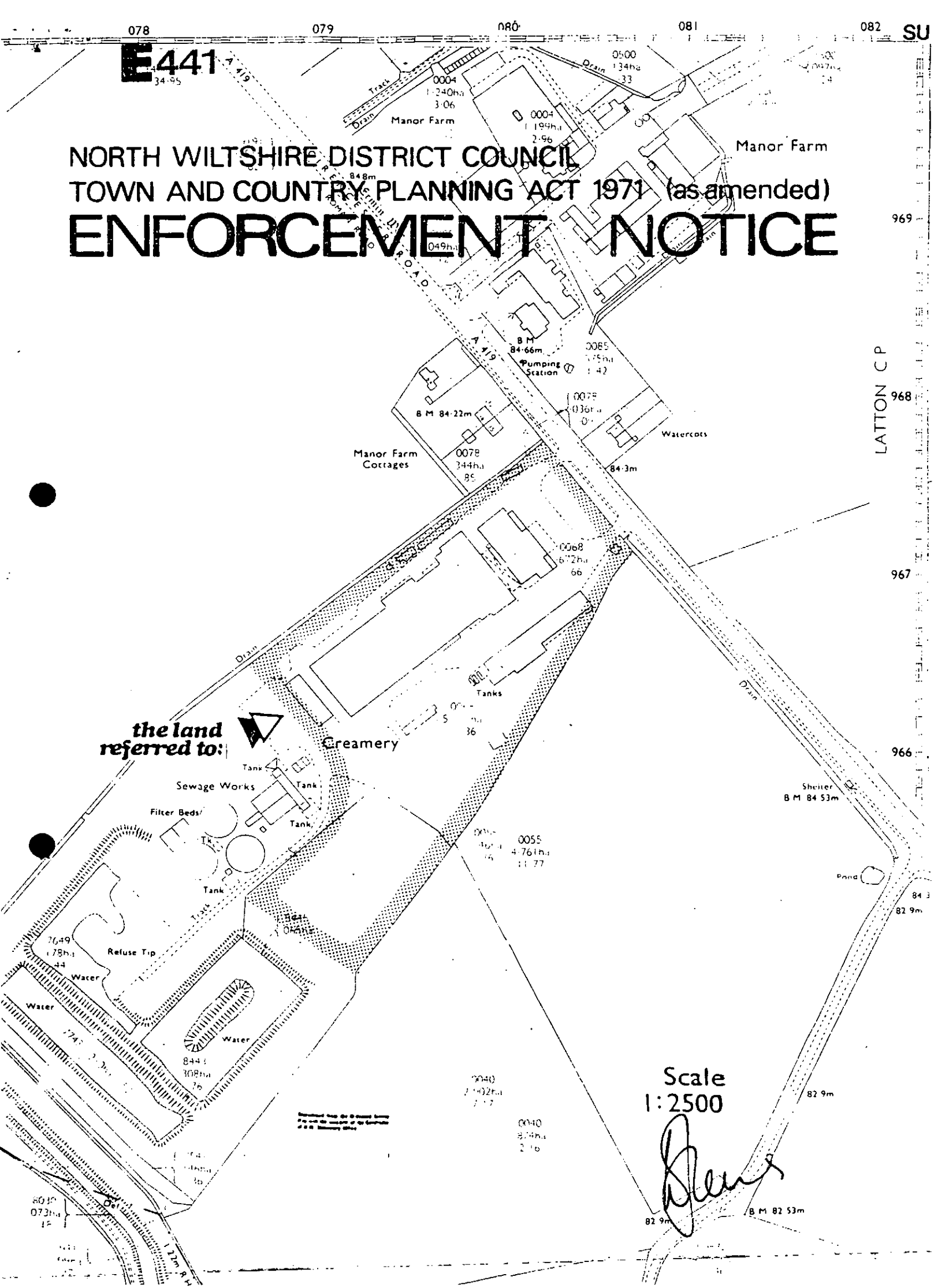
Land and premises known as C.W.S. Creamery, Cirencester Road, Latton, Wiltshire shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control

The making of a material change in the use of the land from use for the purpose of a milk collection and distribution depot and creamery to use for that purpose and, in addition, the movement and storage of material, plant and vehicles and the stationing and use of temporary office buildings in relation to the construction of a pipe-line.

SCHEDULE 3 - Steps required to be taken

To cease the use of the land for the movement and storage of material, plant and vehicles and the stationing and use of temporary office buildings in relation to the construction of a pipe-line.



LE 441

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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
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AND

c/o Costain Civil
Engineering Ltd.
111 Westminster Bridge Rd.,
London SE1 7UE

The Secretary,
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NOW THEREFORE the Council in pursuance of its powers under the said Section 90 and all other powers it enabling
HEREBY PROHIBITS and requires the cessation of all activities comprised in the said alleged breach of planning control on and after the date when this Stop Notice becomes effective which date shall be 9th May, 1985

DATED this 30th April, 1985



Monkton Park,
Chippenham, SN15 1ER.

SCHEDULE

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IMPORTANT -
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YOUR PROPERTY



North Wiltshire
District Council

Monkton Park,
Chippenham,
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Tel. Chippenham (0249) 654188.
Ext. 132

District Secretary's Department
D. F. Lewis
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Our ref **E** 441 Enquiries to Mr. McDonald

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29th April, 1985

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

C.W.S. Creamery, Cirencester Road, Latton, Wiltshire

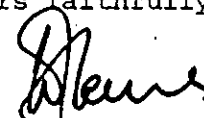
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Yours faithfully,


Solicitor

DATE ON WHICH NOTICE TAKES EFFECT and
BEFORE WHICH ANY APPEAL MUST BE
RECEIVED - 7th June 1985

FEE WHICH MUST ACCOMPANY
APPEAL -
NIL

To: The Secretary,
Costain Civil Engineering Ltd.
111 Westminster Bridge Road,
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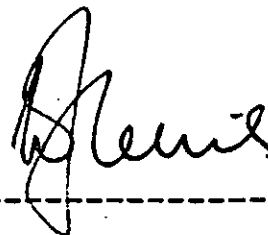
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ISSUED 29th April, 1985

Signed



Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - Land or premises to which this notice relates

Land and premises known as C.W.S. Creamery, Cirencester Road, Latton, Wiltshire shown stippled 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 the purpose of a milk collection and distribution depot and creamery to use for that purpose and, in addition, the movement and storage of material, plant and vehicles and the stationing and use of temporary office buildings in relation to the construction of a pipe-line.

SCHEDULE 3 - Steps required to be taken

To cease the use of the land for the movement and storage of material, plant and vehicles and the stationing and use of temporary office buildings in relation to the construction of a pipe-line.

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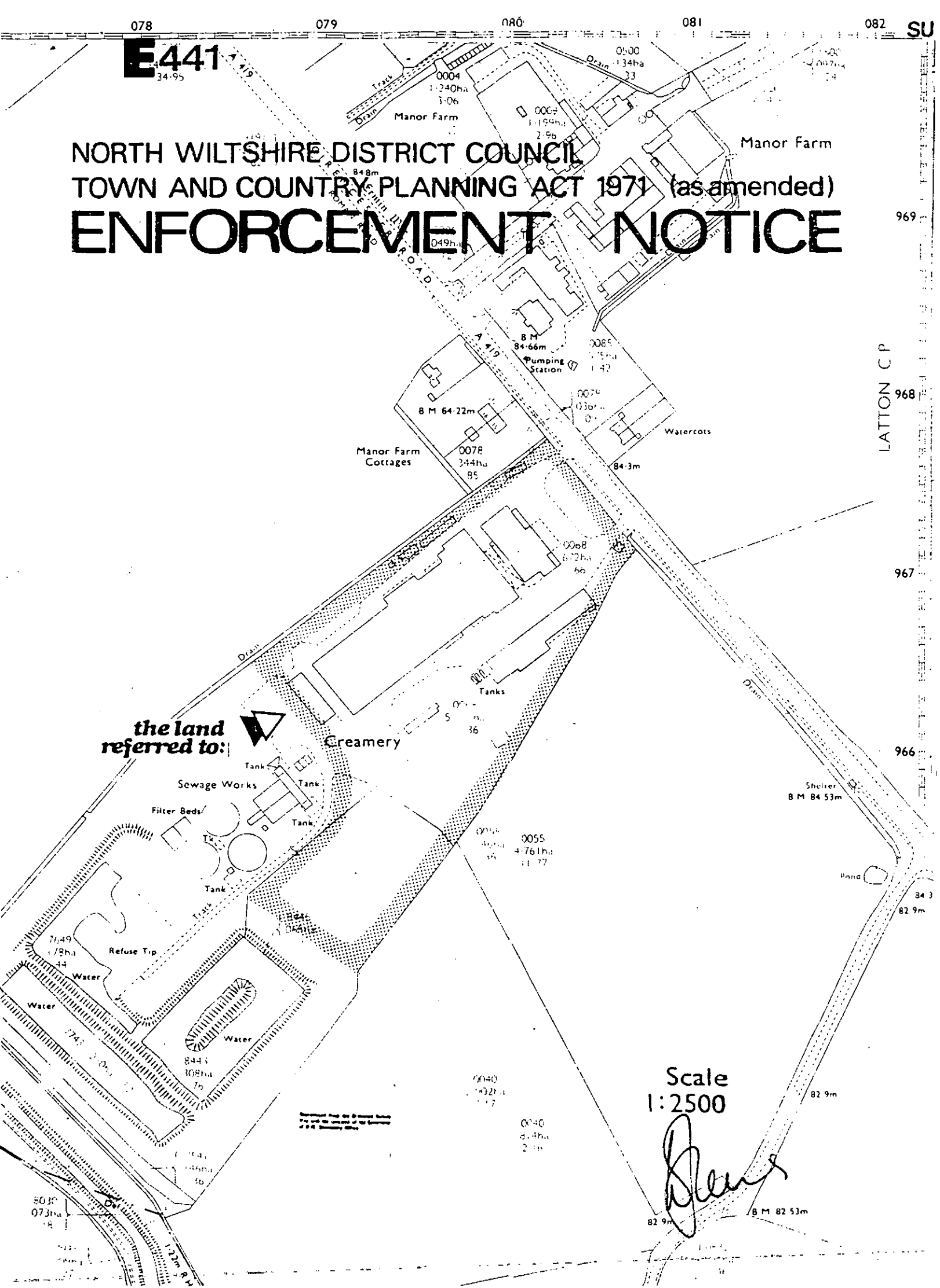
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E441
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NORTH WILTSHIRE DISTRICT COUNCIL TOWN AND COUNTRY PLANNING ACT 1971 (as amended) ENFORCEMENT NOTICE



the land referred to:



Creamery

Sewage Works

Filter Beds

Refuse Tip

Water

Water

Water

Water

Water

Water

Water

Water

Water

Water

Water

Water

Water

**Scale
1:2500**

S. Jones