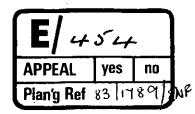
NORTH WILTSHIRE DISTRICT COUNCIL

### **ENFORCEMENT** INFORMATION SHEET

## REGISTER



**ADDRESS** 

ADDINGTON GARDING GLANTAN CRUDWALL

BREACH of CONTROL

Issuing Aluthority NW 1 c

Date Issued 11.9.85

STOP NOTICES

Date Served

Requiring

Date(s) served

11. 9.85

Takes effect 17.10.85

Compliance by 17.1.86

Dates Extended by retary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

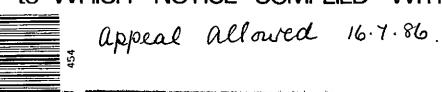
1 TO CHASH THE USE OF THE ABOUSE TO ROAD A429

ANS WILE

2 TO PURMANUNELY CLOUD FULL ACCUSS TO THI ROAL BY MARAS OF A H FAST HIGH CONTINUOUS POST AND RAIL FUNEY AND HANTHORN HOLGE.

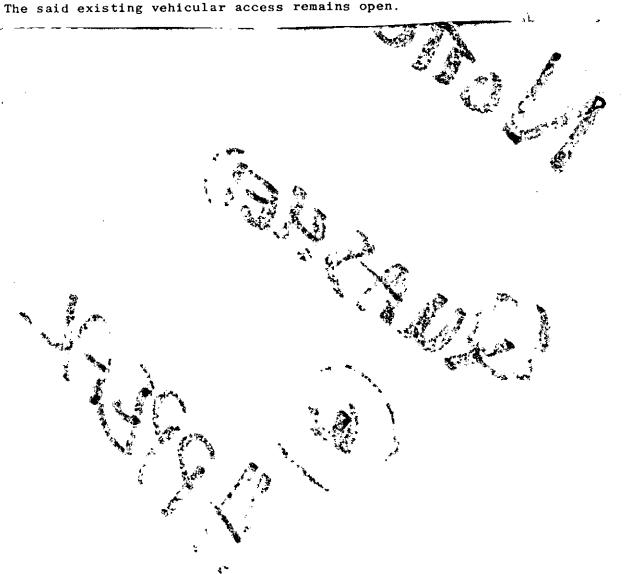
3 TO RUSTORY THIS GRASS VARGED. CUTUPE 2 AID 3 DUSCRIBUD ON DRAWING & 454/PI ASTACEND

EXTENT to WHICH NOTICE COMPLIED WITH (dates)



The failure to comply with conditions subject to which planning permission (reference N.83.1789.F) for the change of use from nursery to garden centre was granted on 29th November 1983, to wit

- The new access hereby permitted shall be brought into use prior to the occupation or use of the development hereby permitted.
- Before the vehicular access hereby permitted is first used, the existing vehicular access shall be permanently stopped up in a manner which has been submitted to, and approved in writing by, the local planning authority."



### IMPORTANT ~

## THIS COMMUNICATION AFFECTS YOUR PROPERTY

District Secretary's Department
B. J. Quoroll, LL.B., (Solicitor) District Secretary



#### North Wiltshire District Council

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

Our ref



Enquiries to

Mr. McDonald

Your ref

Dear Sir/Madam,

11th September, 1985

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

Addington Garden Centre, Crudwell Road, Malmesbury, 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,

4-13/14

rfct Sec

DATE ON WHICH NOTICE TAKES EFFECT and BEFORE WHICH ANY APPEAL MUST BE

RECEIVED -

17th October, 1985

FEE WHICH MUST ACCOMPANY
APPEAL -

etary

\_\_\_\_\_

£27.

To: The Secretary,
Addington Nurseries Ltd.,
Kingsway Nursery,
Corston,
Malmesbury,
Wiltshire.

SN16 OHW

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

#### Reasons for issue:-

The use and the availability for use of the access to the A429 road (for which a new access was substituted by the permission of November 1983) promotes traffic movements to the danger and inconvenience of users of this Class I road.



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

Addington Garden Centre, Crudwell Road, Malmesbury, 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 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 three months from the date on which this Notice takes effect:

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act, on \_\_\_17th October, 1985\_\_\_\_\_

ISSUED 11th September, 1985

harmi?

Monkton Park, Chippenham SN15 1ER

ENFcon 1

#### SCHEDULE 1 - Land or premises to which this Notice relates

Land and premises at Addington Garden Centre, Crudwell Road, Malmesbury, Wiltshire shown stipple edged on the attached plan.

#### SCHEDULE 2 - Alleged breach of planning control

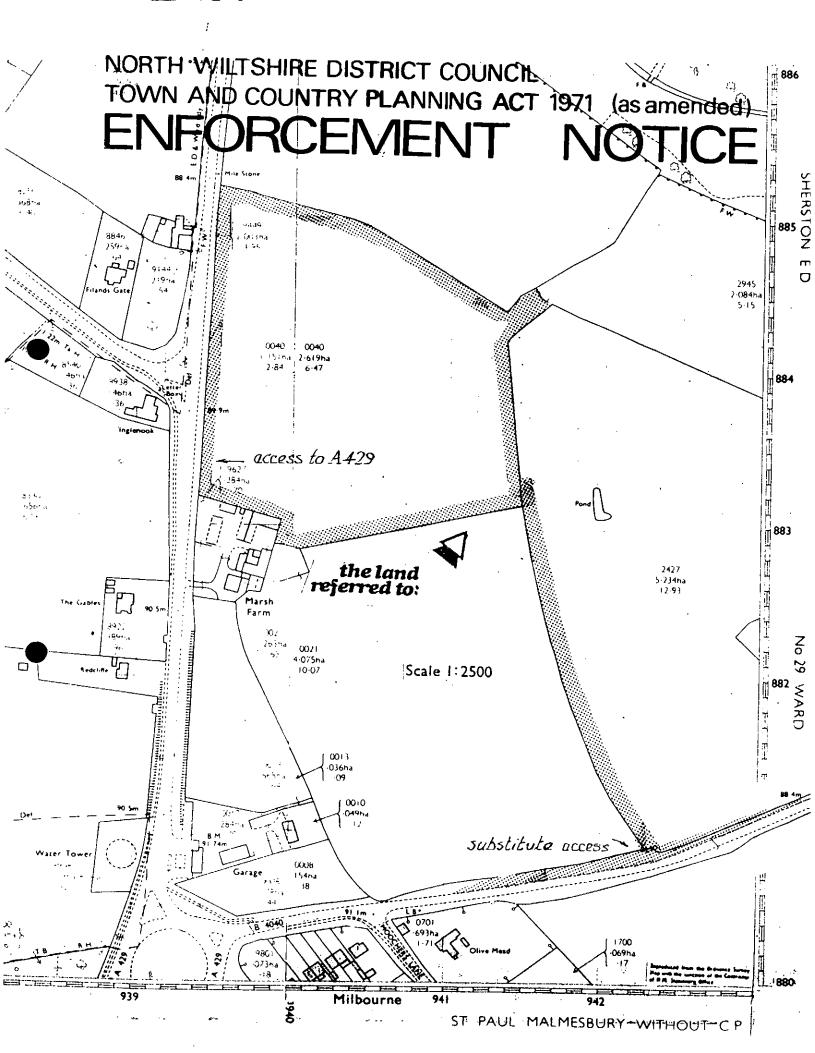
The failure to comply with conditions subject to which planning permission (reference N.83.1789.F) for the change of use from nursery to garden centre was granted on 29th November 1983, to wit -

- "1. The new access hereby permitted shall be brought into use prior to the occupation or use of the development hereby permitted.
- Before the vehicular access hereby permitted is first used, the existing vehicular access shall be permanently stopped up in a manner which has been submitted to, and approved in writing by, the local planning authority."

The said existing vehicular access remains open.

#### SCHEDULE 3 - Steps required to be taken

- 1. To cease the use of the access to the road A429.
- 2. To permanently close the access to the road A429 by means of a 4 feet high continuous post and rail fence and hawthorn hedge.
- 3. To restore the grass verge.
  (steps 2 and 3 described on drawing E454/PI attached).



Mrs. J. Dard

17 JUL 1986

#### Department of the Environment and Department of Transport



Common Services

Tollgate House Houlton Street Bristol BS2 9DJ Room 1410 Telex 449321

0272-218 938 Direct line Switchboard 0272-218811



Mr E Drewe 3 Church Street Widcombe BATH

PLANNII Gouncil Refence: McD/KP DEPT. 22JUL 1986 DATE GEC. PASSED TO

Our reference T/APP/J3910/C/85/3718/P6 Date

16 JUL 86

E454

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9 LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981 APPEAL BY ADDINGTON NURSERIES LIMITED LAND AND BUILDINGS AT ADDINGTON GARDEN CENTRE, CRUDWELL ROAD, MALMESBURY, WILTSHIRE

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against an enforcement notice issued by the North Wiltshire District Council concerning the above mentioned land and buildings. I held an inquiry into the appeal on 8 May 1986. I have considered all the representations made by you and by the Council and I inspected the site on the day of the inquiry.
- The date of the notice is 11 September 1985.
  - The breach of planning control alleged in the notice is failure to comply with conditions Numbers 1 and 2 subject to which planning permission was granted.
  - The permission (No\_N\_83.1789.F) was granted on 28 November 1983 and was for the change of use from Nursery to Garden Centre.
  - The conditions which are alleged not to have been complied with are as follows:
    - the new access hereby permitted shall be brought into use prior to the occupation or use of the development hereby permitted;
    - 2. before the vehicular access hereby permitted is first used, the existing vehicular access shall be permanently stopped up in a manner which has been submitted to, and approved in writing by, the local planning authority;
  - e. It is alleged that the conditions have not been complied with in that the said vehicular access remains open.
  - The requirements of the notice are:-
    - to cease the use of the access to the road A429;
    - 2. to permanently close the access to the road A429 by means of a 4 ft high continuous post and rail fence and hawthorn hedge;
    - 3. to restore the grass verge. Steps 2 and 3 described on Drawing No E454/Pl.

- g. The period for compliance with the notice is 3 months.
- h. The appeal was made on grounds 88(2)(a).

It was brought to my attention at the inquiry that the notice required by Rule 4(3) of the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules1981 was not affixed to some object on the land. It appears that although notices were sent, you did not receive them having changed address. In my view, your client's interest has not been prejudiced as a result, and, therefore, I am not taking any action on it.

#### THE APPEAL SITE AND THE SURROUNDINGS

3. The appeal land is situated on the east side of the A429 Class I road near the north edge of Malmesbury and opposite the junction with a Class 3 highway which leads to Filands, the B4014, and Tetbury. The site is in use as a garden centre with a greenhouse and poly tunnels, a sales building and coffee shop. Shrubs, plants and sundries are also stored in the open together with walling blocks and fencing panels. An area of land to the north is used for the display of garden buildings. There is a car park near the main road and a reserve car park to the east of the main building (total capacity 70-80 cars). The access for vehicles and pedestrians is on to the A429 road. An unmade road leads eastwards from the main site and then southwards alongside a field boundary to the B4040 where a paved junction has been formed. There is some scattered development on the frontage of the A429 near the appeal site but the surroundings generally are rural in character.

#### BACKGROUND

- Ten years ago the appeal site was an open field but in 1979 a previous owner developed the site as a horticultural nursery using an existing field access gateway as an entrance into the site. A planning application to improve the access to a proposed "horticultural nursery" was refused by the local planning authority on 30 July 1979. A subsequent application for the "widening of the existing agricultural access" was also refused, but was later permitted on appeal (Document 4) on 22 October 1980. In October 1983 an application was made to the planning authority for a "change of use from nursery to garden centre, with alterations to vehicular access". This application sought to close the access onto the A429 and construct a new access to the south onto the B4040. Planning permission was granted for this change of use on 28 November 1983 and the present enforcement notice relates to non-compliance with the 2 conditions which were attached to that permission. conditions were imposed in the interests of highway safety. A proposal to discharge the requirements of condition No 2 was refused on 1 July 1985. Wiltshire County Council issued a direction of refusal relating to the discharge of this condition. Enforcement notice was authorised by the planning committee on 12 August 1985. following the failure of your client and the authority to reach agreement.
- 5. The County Council carried out a highway improvement scheme on the frontage of the appeal site to provide a central right turning lane at the Filands Lane junction. This work was completed in September 1985. The protective cross hatched central carriageway approach markings begin about 75m to the south of the appeal site access. The cross hatched central area of carriageway at the appeal site access is approximately 3.5m wide with north and south bound lanes approximately 4m wide.

#### THE CASE FOR THE APPELLANT

6. In support of your client it was stated that 50% of the sales at the garden centre were generated by themselves at their nurseries 4 miles south of the appeal site at Corston. To that extent, the garden centre is an extension of the nursery. The access road to the south was constructed before your client took over the site. He considers that visibility to the right at the B4040 junction is reasonable but the visibility to the left is not good.

- 7. Traffic surveys on the site frontage of the A429 were undertaken by your client in the Autumn of 1985 and Spring 1986 and are summarised at Document 3. It was pointed out that about 2.3% of the total 2-way traffic flow, (9 am-5 pm on a weekday) turned into the site. The comparable figure on an average Sunday being 3.7% (10 am-5pm). Your client indicated that the number of vehicles southbound which turned right into Filands Lane was similar to the total volume of traffic entering the site from all directions. He also said that the peak hours for vehicle movements on the main road did not correspond with the peak hours for vehicle movements into the garden centre. There had been no accidents at the access road junction onto the A429 but if the access were to be closed there would be hesitancy and danger as well as a mile diversion for customers. A significant number of right turning movements into the Marsh Farm group of buildings and the petrol filling station and garage to the south of the appeal site take place each day.
- 8. In cross-examination, your client accepted that the site could be more intensively developed as a garden centre than it is at present and that it could exist independantly without reliance on the nursery supplies from Corston. He saw the site nevertheless as an extension of Corston and indicated that he had no plans to develop the site into a large scale garden centre.
- 9. Mr Clark, in support for your client, said that the brow of the hill is approximately 140 m north of the site access on the A429 and that visibility was adequate, although visibility to the south was better. He considered that right turning vehicles leaving the site could wait on the central cross-hatched markings. He considered that the traffic situation and layout had improved since the appeal decision in 1980 (Document 4). He regards the site at present as being (in planning terms) between a nursery garden and a garden centre but he accepted that it could expand. He noted that the south access road junction with the B4040 did not have such good visibility as the A429 access and he pointed out that the appellant did not have control of all the necessary land. He said that it was important that the access to the site should be as near to the main business area as possible.
- 10. In further support of your client's case you indicated that there had been no local representation in support of the council. You also said that although your client sought permission for 2-way access onto the A429, he had offered an 'in only' access with a mechanical device on the access road surface to prevent outward return movements. He also offered to construct a left turn deceleration lane into the site subject to the presence of any statutory undertakers plant under the existing verge.

#### THE CASE FOR THE COUNCIL

11. The Council said that their reasons for taking enforcement action were that the use of the access promotes traffic movements to the danger and inconvenience of users at the A429. They drew support from the appeal decision letter of 22 October 1980 (Document 4) particularly paragraph 4 in which the inspector said that, in her opinion the site was unsuitable for more intensive use which would generate a substantial increase in traffic using the access. The proposed development at that time was considered to be tantamount to the establishment of a garden centre. The Council said that the panel beating repair shop use and the milk depot at Marsh Farm to the south were both subject to temporary permission in anticipation of an eventual relocation to the nearby industrial estate which is under construction. The garage and petrol filling station to the south has a long established use and it would have been unreasonable not to have granted planning permissions for extensions there over the last 8 years.

- 12. The Council stressed that the change of use from a nursery to a garden centre which was granted planning permission in November 1983 was considered as submitted, with the old, A429 access closed and the new one in existence. They noted that the garden centre had not evolved as they had anticipated but they pointed out that many more activities could take place there which would be ancillary to the permitted use. The Council said that they see garden centres as the public generally understand them.
- 13. Highway evidence in support of the Council was given by the County Council. Visibility 8.5 m back from the kerb line of the A429 at the access is 200 m to the north and 170 m to the south although there is some obstruction by road signs. The highway authority have consistently opposed the formation of an access here and for properties to the south. The road is subject to the national speed limit of 60 mph there is no street lighting and between 1 December 1982 and 30 November 1985 there were 16 accidents at the Filands Lane junction, (one serious injury, 8 slight injury and 7 non-injury) one of the slight injury accidents occurred after the road improvement works had been carried out last year. These improvements abandoned the deceleration lane into Filands Lane from the south and provide a right turn waiting area for vehicles turning right into and out of Filands Lane. The cross hatched area in front of the access is of sufficient width for one vehicle only.
- 14. The highway authority consider the junction of the south access with B4040 to be of adequate width. They consider that visibility sightlines 4.5 m back should be satisfactory if they extend for 125 m to the east and west (a less vigorous stipulation than was included in the grant of planning permission). However 125 m visibility is not available at present. The highway authority would permit the removal of road side trees in the verge to achieve this visibility to the west. To the east there is a hedge which restricts visibility for part of the distance.
- 15. The access onto the A429 is not acceptable to the highway authority. They consider that it should be closed to accord with the grant of planning permission, they do not consider that an "in" only access would be acceptable. A deceleration lane into the access would not in their opinion show very much benefit, they are more concerned with the right turn into the site. They did agree that not allowing egress from the site onto the A429 would reduce their concern. The highway authority would be prepared to agree to the erection of advance signs (off the highway) indicating that the A429 access was closed. They also confirmed that the new white line markings at the junction have created an improved layout for motorists. The highway authorities representative did not dispute the traffic figures which you submitted and he accepted that traffic peaks on the highway and into the garden centre would not normally coincide, but he drew attention to the extended peaks on the A429 in summer evenings. He did not consider that any conditions could overcome the highway objections to the use of the access.

#### CONCLUSIONS

- 16. Having regard to the representations made, and from my inspection of the site and the surrounding area, it seems to me that the main issue here is whether the use of the access onto the A429 would be hazardous or likely to interfere with the free flow of through traffic to an unacceptable degree.
- 17. I have noted that there is no dispute between your client and the council concerning the level at which the garden centre is operating at the present time. However neither was it disputed that there could be an increase in the level of operation within the limitations of the current planning permission. This would clearly lead to an increase in vehicle movements to and from the site. The Council did not quote any traffic figures for A429 or B4040 but it was generally accepted that there was a lower level of traffic flow on B4040. I do not agree with your view that closing the access would lead to a highway safety problem on the site

frontage. There could initially be some hesitancy and indecision by drivers coming across the closed access, but this would be short lived and not in my view a long term problem.

- 18. I have looked carefully at the appeal decision letter of 22 October 1980 Document 4 which related to the widening of an existing agricultural access. Since that date however the Filands Road junction has been improved and the extensive white line marking extends to well south of the site entrance. This work would seem to have made a significant improvement to what was referred to as a dangerous stretch of road in Document 4.
- 19. I accept the view expressed on behalf of your client that ideally the access to the site should be as near the main business area of the garden centre as possible. The Garden Centre display signs front the A429 to attract the passing motorist. Visibility when leaving the access is adequate to the north and south but low signs which could not readily be relocated obstruct visibility, particularly to the north, the most critical direction. In consideration of the limited visibility, the likely growth of traffic and conflicting turning movements on the principal road it would seem to me that the continuing use of the access in both directions in and out would be hazardous and prejudicial to road safety.
- 20. In broad terms it was accepted that the peak hour traffic flows on the highway and into the garden centre did not coincide. The centre part of the carriageway at present cross hatched is wide enough for a vehicle to stand waiting to turn right into the site without impeding through traffic movements on the main road. The left turn into the site is wide and unobstructed. The concern expressed about obstructed visibility does not apply to traffic entering the site. I regard the level of parking provision here as adequate and unlikely to be in such demand as to create any build-up of traffic at the site entrance. All these factors seem to indicate that an entrance only access would be acceptable here and not likely to be hazardous or to interfere with the free flow of through traffic on the main road. I note that the deceleration lane from the south into Filands Lane opposite the site was dispensed with when the highway improvements were carried out. I see no particular benefit in stipulating that a deceleration lane should be provided into the access and to that extent I agree with the highway authority. Only if left turning movements increased to a very high level would such a deceleration lane be advantageous.
- 21. For such an entrance to be effective there should be free access well into the site and complete control of the access to prevent vehicles leaving site at that point. To ensure that this is incorporated into the design I have included an appropriate condition.
- 22. In relation to the access onto B4040 the highway authority stated during the inquiry that sightlines 4.5 m back from the kerb line extending 125 m in each direction would be adequate. This is a reduction from that shown on the approved plans but is not at present available on site. The west sightline should be established and the east sightline should be improved as soon as possible.
- 23. I have taken into account all the other matters included in the representations, but in my opinion none of them outweigh the considerations which have led to my decision.
- 24. Having considered all the evidence, I am of the opinion that your appeal under Ground 88(2)(a) should succeed and I propose to quash the enforcement notice and grant planning permission under Section 88B(3) of the 1971 Act, (as amended by the Local Government and Planning (Amendment) Act, 1981) to continue the use of the premises without compliance with the conditions enforced against ((i) that the new access hereby permitted shall be brought into use prior to the occupation or use of the development hereby permitted, and (ii) that before the vehicular access hereby permitted is first used, the existing vehicular access shall be permanently stopped

up in a manner which has been submitted to, and approved in writing by the local planning authority). I propose to substitute for those conditions a less onerous one requiring that the access onto the A429 shall not be used in a south-westerly direction to gain access from the site to the highway.

#### FORMAL DECISION

- 25. In exercise of the powers transferred to me, I hereby allow this appeal and direct that the enforcement notice be quashed. I also grant planning permission for the continued use of the land and buildings at Addington Garden Centre, Cradwell Road, Malmesbury as a Garden Centre under the terms of permission No N/83/1789/F granted by the North Wiltshire District Council on 28 November 1983 without compliance with conditions Nos 1 and 2 imposed on that consent but subject to the following condition:-
  - 1. The existing vehicular access onto the A429 shall be adapted by mechanical and/or physical means to ensure that vehicles are prevented from gaining access to the highway from the site. A scheme for the adaptation shall be submitted for approval to the local planning authority within 3 months of the date of this letter and the scheme shall be implemented within 3 months of such approval.
- 26. This decision does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.
- 27. Attention is drawn to the fact that an applicant for any consent, agreement, or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

#### RIGHT OF APPEAL AGAINST DECISION

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

I am Sir your obedient Servant

D A HILL BSc CEng MICE

ENC

Inspector

### (PORTAN

### THIS COMMUNICATION YOUR PROPERTY

District Secretary's Department B. J. Quoroll, LL.B., (Solicitor) District Secreta

AFFECTES	PASSED TO	DATE RECEIVED
PLANNING DEPARTMENT		
Νo		
12 SEP 1985		



#### North Wiltshire District Council

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

Ext. 132

Our ref

Your ref



Enquiries to

Mr. McDonald

Dear Sir/Madam,

11th September, 1985

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

Addington Garden Centre, Crudwell Road, Malmesbury, 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,

FEE WHICH MUST ACCOMPANY APPEAL

£27.

DATE ON WHICH NOTICE TAKES EFFECT and BEFORE WHICH ANY APPEAL MUST BE RECEIVED -

17th October, 1985

To: The Secretary, Addington Nurseries Ltd., Kingsway Nursery, Corston, Malmesbury, Wiltshire.

SN16\_OHW\_

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

#### Reasons for issue:-

The use and the availability for use of the access to the A429 road (for which a new access was substituted by the permission of November 1983) promotes traffic movements to the danger and inconvenience of users of this Class I road.

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

Addington Garden Centre, Crudwell Road, Malmesbury, 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 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 \_three months from the date on which this Notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act, on 17th October, 1985

ISSUED 11th September, 1985

Signed

Monkton Park, Chippenham SN15 1ER

/SCHEDULE 1. . . . . . . . (over)

ENFcon I

#### SCHEDULE 1 - Land or premises to which this Notice relates

Land and premises at Addington Garden Centre, Crudwell Road, Malmesbury, Wiltshire shown stipple edged on the attached plan.

#### SCHEDULE 2 - Alleged breach of planning control

The failure to comply with conditions subject to which planning permission (reference N.83.1789.F) for the change of use from nursery to garden centre was granted on 29th November 1983, to wit -

- "1. The new access hereby permitted shall be brought into use prior to the occupation or use of the development hereby permitted.
- 2. Before the vehicular access hereby permitted is first used, the existing vehicular access shall be permanently stopped up in a manner which has been submitted to, and approved in writing by, the local planning authority."

The said existing vehicular access remains open.

#### SCHEDULE 3 - Steps required to be taken

- 1. To cease the use of the access to the road A429.
- 2. To permanently close the access to the road A429 by means of a 4 feet high continuous post and rail fence and hawthorn hedge.
- To restore the grass verge.
   (steps 2 and 3 described on drawing E454/PI attached).

