

ENFORCEMENT REGISTER INFORMATION SHEET

E/461

APPEAL

yes

no

Plan's Ref N/87/3081/20F

ADDRESS

5 LONG ACRE
PURTON.

BREACH of CONTROL

Issuing Authority

Date Issued 3. 9. 86

STOP NOTICES

Date Served

Date(s) served

3. 9. 86

Requiring

Takes effect 10.10.86



461

Quashed

Compliance by 10.12.86

Dates Extended by
Secretary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

- (i) THE CHOISING UP OF THE WINDOW TO THE SOUTH ELEVATION OF THE PERMITTED EXTENSION TO THE BUILDING.
- (ii) THE RESTORATION OR COMPLETION OF THE SOUTH ELEVATION AT UPPER FLOOR LEVEL IN BLOCK WORK TO MATCH EXISTING WORK.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

Appeal upheld - Enforcement Quashed.

"Condition 2"

No window openings shall be inserted in the south side elevation at first floor level without the prior approval in writing of the local planning authority."

31701
31702
31703
31704

IMPORTANT -

**THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

District Secretary's Department,
G. C. Betteridge, LL.B., (Solicitor),
District Secretary



**North Wiltshire
District Council**

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

Our ref **E** 461

Enquires to Mr McDonald

Your ref

3rd September, 1986

Dear Sir/Madam,

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

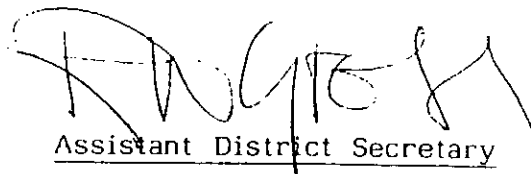
5 Long Acre, Purton, Wiltshire

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 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,


Assistant District Secretary

DATE ON WHICH NOTICE TAKES EFFECT
AND BEFORE WHICH ANY APPEAL
MUST BE RECEIVED 10th October, 1986

To:

Dr. S.S. Kular,
5 Long Acre,
Purton,
Swindon,
SN5 9BQ

A N N E X - (This does not form part of the Enforcement Notice)

Reason for Issue

The window detracts from the privacy and amenities of residents of adjoining property.

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

5 Long Acre, Purton, Wiltshire.

WHEREAS :

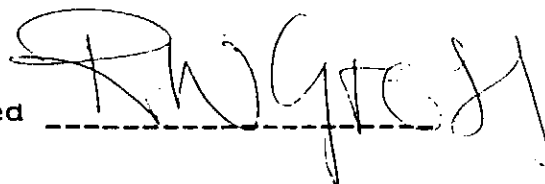
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of four years before the 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 to make the development comply with the terms of the planning permission which has been granted in respect of the land within the period of two 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 10th October, 1986

ISSUED 3rd September, 1986

Signed _____



Monkton Park,
Chippenham SN15 1ER

/SCHEDULE 1
(over)

SCHEDULE 1 - Land or premises to which this notice relates

No. 5 Long Acre, Purton, Swindon, Wiltshire 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 N85/1474/F) for extension to the dwelling, 5 Long Acre was granted on 11th September, 1985 to wit:-

"Condition 2

No window openings shall be inserted in the south side elevation at first floor level without the prior approval in writing of the local planning authority."

SCHEDULE 3 - Steps required to be taken

- (i) the closing up of the window added to the south elevation of the permitted extension to the dwelling.
- (ii) the restoration or completion of the south elevation at upper floor level in blockwork to match existing work.



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

Scale 1:2500

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

NS



Department of the Environment and
Department of Transport

Common Services

Room 41 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 936

Switchboard 0272-218811

GTN 2074

Council Ref E461 AD/819

Appeal Upheld

Mr P N Riddle
Morrison and Masters
Solicitors
20 Commercial Road
SWINDON
Wiltshire SN1 5NR

Your reference

PNR

Our reference

T/APP/J3910/C/86/3664/P6

Date

20 MAR 87

PLANNING DEPT.	
27 MAR 1987	
9	DATE REC.

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY DR SOHAN SINGH KULAR
LAND AND BUILDINGS AT 5 LONG ACRE, PURTON, SWINDON

1. 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 have considered all the representations made by you and by the Council, by Purton Parish Council and also those made by other parties and I inspected the site on 23 February 1987.

2. a. The date of the notice is 3 September 1986.

b. The breach of planning control alleged in the notice is failure to comply with condition No. 2 subject to which planning permission was granted.

c. The permission (No. N/85/1474/F) was granted on 11 September 1985 and was for an extension to the dwelling.

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

No window openings shall be inserted in the south side elevation at first floor level without the prior approval in writing of the local planning authority.

e. It is alleged that the condition has not been complied with in that a window has been inserted in the south side elevation at first floor level.

f. The requirements of the notice are (i) the closing up of the window added to the south elevation of the permitted extension to the dwelling, (ii) the restoration or completion of the south elevation at upper floor level in blockwork to match existing work.

g. The period of compliance with the notice is 2 months.

h. The appeal was made on grounds 88(2)(a) and (g).

3. The appeal site is a substantial detached dwellinghouse situated at the end of a cul de sac in such a way that it is at an angle to its neighbour at No. 6 Long Acre. The appeal house has been substantially extended on the side

nearest No. 6, so that its front corner, which is its nearest point to No. 6, is in my estimation only about 2 m from the flank wall of that house. The window which breaches the condition is in the side wall of the appeal house and overlooks the garden of No. 6 at comparatively close quarters, including that part of the garden adjacent to the rear of the house. There is no window in the gable wall of No. 6 facing the appeal house.

4. The window in question is about 0.6 m wide and lights a shower room. There is a wash hand basin immediately in front of it. The window contains obscured glass; its main pane is fixed and there is an opening transom light in its upper part, about 0.2 m high. The transom is difficult to open because of the presence of the basin; when it is open, all that can be seen through it is part of the wall of No. 6, but nothing of the garden or the windows of that house.

The appeal on ground 88(2) (a)

5. The reason given by the council for issuing the enforcement notice is that the window detracts from the privacy and amenities of the residents of adjoining property, which must refer to No. 6. If the window were glazed with clear glass or were fully opening, it would badly affect the privacy of the occupants of that house, but while it remains as it is now I cannot see that it does so. I recognise that the window was made in disregard of the condition, but that in itself is not a sufficient reason for enforcement, as the existence of this ground of appeal testifies. It would be possible to light and ventilate the shower room artificially, but the existence of the window has advantages over taking that course, so far as the amenities of the appeal house are concerned. I am satisfied that the privacy and amenities of the occupants of No. 6 can be safeguarded by deciding this appeal in such a way that the window is permitted to remain, but subject to a planning condition requiring obscure glazing.

6. I have taken into account all the other matters raised in the written representations, including the presence of windows in the side walls of other houses in Long Acre. None of those matters induce me to alter my views on the planning considerations on which my decision is based.

The appeal on ground 88(2) (g)

7. As I intend to allow the appeal on ground 88(2) (a), subject to a condition, no decision is required on this ground.

FORMAL DECISION

8. For the above reasons, and in exercise of the powers transferred to me, I allow this appeal, quash the enforcement notice and grant permission on the application deemed to have been made under Section 88B(3) Act for the retention of the extension at No. 5 Long Acre, Purton without complying with Condition 2 on the planning permission No. N/85/1474/F dated 11 September 1985, but subject to the following conditions:

1. Except for the window lighting the shower room, no window openings shall be inserted in the south side elevation at first floor level.

2. The window lighting the shower room shall be permanently glazed with obscure glass.

9. This decision does not convey any approval or consent required under any enactment, byelaw, or regulation other than Section 23 of the Town and Country Planning Act 1971.

RIGHT OF APPEAL AGAINST DECISION

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

I am Sir
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'C. Clayton'.

C CLAYTON MA LLM Barrister
Inspector

ENC

NORTH WILTSHIRE DISTRICT COUNCIL

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 461		
APPEAL	yes	<input checked="" type="checkbox"/>
Plan's Ref		

ADDRESS

5 LONG ACRE.
PULTON

BREACH of CONTROL

Issuing Authority NWDC

Date Issued 3.9.86

STOP NOTICES

Date Served

Requiring

Date(s) served

3.9.86

Takes effect 10.10.86

Compliance by 10.12.86

Dates Extended by
Secretary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

- (i) the closing up of the window added to the south elevation of the permitted extension to the dwelling.
- (ii) the restoration or completion of the south elevation at upper floor level in blockwork to match existing work.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

APPEAL UPHELD

The failure to comply with a condition subject to which planning permission (reference N85/1474/F) for extension to the dwelling, 5 Long Acre was granted on 11th September, 1985 to wit:-

"Condition 2

No window openings shall be inserted in the south side elevation at first floor level without the prior approval in writing of the local planning authority."

IMPORTANT -
THIS COMMUNICATION AFFECTS
YOUR PROPERTY

District Secretary's Department,
G. C. Attredge, LL B. (Solicitor),
District Secretary

812
Plotted
6-1-88

PLANNING DEPT.	
- 4 SEP 1986	
TO	DATE REC.
<i>✓</i> <i>USA</i> <i>Mr McDonald</i>	

Leah. SA
5.9.



2-10
JN for
file.
461

North Wiltshire
District Council

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

Our ref **E** 461

Enquires to

Your ref

3rd September, 1986

Dear Sir/Madam,

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

5 Long Acre, Purton, 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 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,

[Signature]
Assistant District Secretary

DATE ON WHICH NOTICE TAKES EFFECT
AND BEFORE WHICH ANY APPEAL
MUST BE RECEIVED 10th October, 1986

To:

Dr. S.S. Kular,
5 Long Acre,
Purton,
Swindon,
SN5 9BQ

A N N E X - (This does not form part of the Enforcement Notice)

Reason for Issue

The window detracts from the privacy and amenities of residents of adjoining property.

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

5 Long Acre, Purton, Wiltshire.

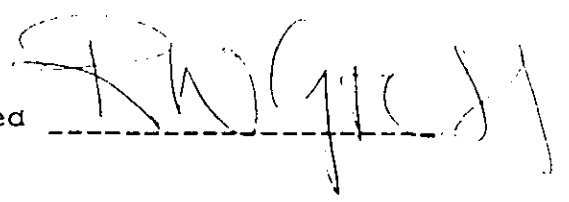
WHEREAS :

- (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 to make the development comply with the terms of the planning permission which has been granted in respect of the land within the period of two 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 10th October, 1986

ISSUED 3rd September, 1986

Signed 

Monkton Park,
Chippenham SN15 1ER

/SCHEDULE 1

(over)

SCHEDULE 1 - Land or premises to which this notice relates

No. 5 Long Acre, Purton, Swindon, Wiltshire 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 N85/1474/F) for extension to the dwelling, 5 Long Acre was granted on 11th September, 1985 to wit:-

"Condition 2

No window openings shall be inserted in the south side elevation at first floor level without the prior approval in writing of the local planning authority."

SCHEDULE 3 - Steps required to be taken

- (i) the closing up of the window added to the south elevation of the permitted extension to the dwelling.
- (ii) the restoration or completion of the south elevation at upper floor level in blockwork to match existing work.

E461

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

the land referred to:



Scale 1:2500

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

R. BURTOW
(For information)



DEPARTMENT OF THE ENVIRONMENT

Room TX 111

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 740

Switchboard 0272-218811

GTN 2074

10 OCT 1986
JMD

DISTRICT SECRETARY
NTH. WILTS DC
MONKTON PARK
CHIPPENHAM, WILTS
SNIS IER

Your reference	
PLANNING DEPT.	
Our reference	
Date	
23 OCT 1986	
PASSED TO	DATE REC.

APP/3910/C/86/3664
9/10/86

N86.1088.

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 88
TOWN AND COUNTRY PLANNING (ENFORCEMENT NOTICES AND APPEALS)
REGULATIONS 1981
APPEAL BY Dr. Sohan Singh Kular
LAND AT S. Long Acre, Wilton

401

1. I enclose a copy of an appeal to the Secretary of State, under section 88 of the Act, against an enforcement notice issued by your Council for this land, and of the Department's reply.

2. Would you please send to me by 23/10/86 the documents listed below and also provide the other information requested:-

a. ~~a true copy of the enforcement notice (including the statement of reasons why the Council considered it expedient to issue the notice), and~~ a list of the names and addresses of all the persons on whom a copy was served under section 87(5) of the Act. If more than one notice has been issued in respect of the appeal site, please attach a copy of each notice.

b. if a plan was attached to the enforcement notice, a true copy of it endorsed to that effect. If the original plan was coloured, the copy should be coloured identically.

c. a simple plan or sketch to enable the location to be identified on an Ordnance Survey map, if the plan attached to the notice is not sufficient for this purpose. The grid reference, if known, is also requested.

d. if the enforcement notice relates to building, engineering or mining operations, the site area (in hectares) and, where appropriate, the amount of gross floor space (in square metres) created by the development.

e. if the enforcement notice relates to the erection of a building or buildings, is the building, or are the buildings, to be used for the purposes of "agriculture" on land used for agricultural purposes, albeit not necessarily "agricultural land" comprised in an "agricultural unit" as statutorily defined in the Agriculture Act 1947?

f. if the enforcement notice relates to the erection of, or the change of use of, a building, is the building a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations?

g. where the change of use enforced against relates to a single private dwellinghouse, does it involve the creation of two or more single private dwellinghouses, each as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations?

h. if the enforcement notice relates to a change of use

i. to a use of land for the disposal of refuse or waste materials;

ii. to a use of land for the deposit of material remaining, after minerals have been extracted from the land; or

iii. to the use of land for the storage of minerals in the open,

the area of the site in hectares.

i. a copy of any planning permission previously granted in respect of the development, or containing the condition which is the subject of the enforcement notice, together with any other documents necessary for its interpretation, eg as appropriate, the plans accompanying the application, or any other correspondence about the application.

j. i. whether the appeal site is within 67 metres of a trunk road.

ii. whether the appeal site is Crown land (as defined in section 266(7) of the Act).

iii. whether the appeal site is situated within a Conservation Area (as defined in section 277 of the Act).

k. if the appellant has applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice, the date of the relevant application and date of the Council's decision, if any.

l. a note of any related cases (eg. appeals under section 36 or orders under section 51 of the Town and Country Planning Act 1971) currently before the Secretary of State and whether the appeal site is subject to a direction made under Article 4 of the Town and Country Planning General Development Order.


m. if the appeal site is subject to an Article 4 Direction, what "permitted development" rights are affected by the Direction?

n. if any "permitted development" rights have been restricted by means of a planning condition, even though the notice does not allege breach of condition please provide a copy of the relevant decision.

IMPORTANT

3. Your attention is drawn to the fact that, if the information requested in paragraph 2(a) above is not provided by the date indicated in this letter, in accordance with Regulation 8 the Secretary of State has power to quash the enforcement notice in accordance with section 88(6) of the Act.

Yours faithfully



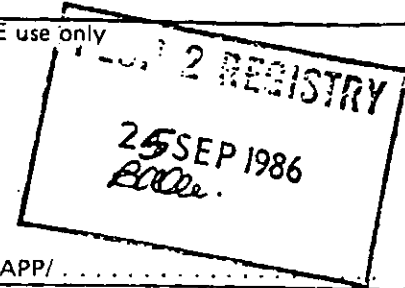
*Case Officer to delete items not applicable.

Enforcement notice appeal to the Secretary of State for the Environment

IMPORTANT: — your completed appeal form must be received in the Department before the date on which the Council have stated that the enforcement notice shall take effect.

— before you complete this form, please read the explanatory booklet "Enforcement Notice Appeals — A Guide to Procedure". If you do not have a copy, the Council can provide one.

For DOE use only



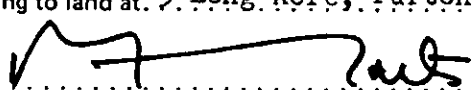
Opp/J391d d86/3664

Appellant's details (Please complete in block letters)

- 1(a) Full name & address. DR. SOHAN SINGH KULAR
5 Long Acre,
Purton,
Wiltshire Postcode SN5 9BQ
- (b) Telephone number. Swindon 771705 Reference number.
- (c) Name and address of any agent or professional representative to whom letters should be sent
Mr. P.N. Riddle
Morrison & Masters, Solicitors, 20 Commercial Road, Swindon,
Wiltshire Postcode SN1 5NR
- (d) Telephone number. 26601 Reference number. PNR

Appeal and grounds (Please appeal on a separate form for each enforcement notice)

2. I appeal, (on the appellant's behalf)* under section 88 of the Town & Country Planning Act 1971, (as amended) against the enforcement notice dated 3rd Sept. 1986 issued by North Wiltshire District Council relating to land at 5 Long Acre, Purton and I attach a copy of the relevant enforcement notice to this form.

Signed  Date 23/9/86

I appeal on the ground(s) in section 88(2) of the 1971 Act indicated by a cross (X) in the appropriate box below:—

- | | |
|---|--|
| Ground (a) that planning permission ought to be granted for the development to which the enforcement notice relates or, as the case may be, that a condition or limitation alleged in the enforcement notice not to have been complied with ought to be discharged;
<input type="checkbox"/> | Ground (e) in the case of an enforcement notice not falling within ground (d) aside, that the breach of planning control alleged by the notice occurred before the beginning of 1964;
<input type="checkbox"/> |
| Ground (b) that the matters alleged in the enforcement notice do not constitute a breach of planning control;
<input type="checkbox"/> | Ground (f) that copies of the enforcement notice were not served as required by section 87(5) of the 1971 Act;
<input checked="" type="checkbox"/> |
| Ground (c) that the breach of planning control alleged in the enforcement notice has not taken place;
<input type="checkbox"/> | Ground (g) that the steps required by the enforcement notice to be taken exceed what is necessary to remedy any breach of planning control, or to achieve a purpose specified by the Council under section 87(10) of the 1971 Act;
<input type="checkbox"/> |
| Ground (d) in the case of an enforcement notice which, by virtue of section 87(4) of the 1971 Act may be issued only within the period of 4 years from the date of the breach of planning control to which the notice relates, that that period had elapsed at the date when the notice was issued;
<input type="checkbox"/> | Ground (h) that the period specified in the enforcement notice as the period within which any required step is to be taken falls short of what should reasonably be allowed.
<input type="checkbox"/> |

My statement of facts, in support of each of my grounds of appeal, as indicated above, is given overleaf in Item 6. (Failure to provide facts may result in the dismissal of the appeal or the refusal to consider a ground of appeal without supporting facts).

*delete as appropriate

Other appeals

3(a) Have you made any other appeals to the Secretary of State involving this or any related land? *(Please indicate by a cross (X) in the appropriate box).*

Yes

No

X

(b) If 'Yes', please complete the following table.

Type of appeal	Date of appeal	DOE reference No (if known)

Written representations

4. Do you agree to have your appeal dealt with on the basis of written statements by the parties and an inspection of the site by an officer of the Department? *(Please indicate by a cross (X) in the appropriate box).*

Yes

X

No

(Although you may agree to the appeal being dealt with by written representations, the Secretary of State may find it essential to hold a Public Local Inquiry).

Checking and despatching

5(a) Before you send this appeal to the Department, please check that you have:-

- (i) completed the whole form, including the statement of facts which is Item 6 on page 3, and
- (ii) enclosed a copy of the enforcement notice.

(b) Now send this appeal to the following address by first class post, and by recorded delivery if you wish to have proof of delivery.

Department of the Environment (PLUP2)
PO Box 326
Bristol BS99 7XF

NB This appeal must not be sent to the local Council. The appeal must arrive in the Department not later than the day before the date, stated by the Council, for the enforcement notice to take effect. If the enforcement notice takes effect on a Saturday, Sunday or Monday, the appeal must arrive in the Department not later than the preceding Friday. If the enforcement notice takes effect on a Bank Holiday, the appeal must arrive on the last working day before the Holiday.

Statement of facts

6. Please state here the facts in support of each one of the eight grounds of appeal (a) to (h) you have marked with an "X" in Item 2 on page 1 of this form. For each ground of appeal, please state the facts relevant to that ground.

The Applicants were aware that a condition was put in the Planning Permission granted to them on the 11th September 1986 ref. number N.85/1474/F that no windows should be put in the side elevation of the proposed extension. This Permission related to a two bedroom extension. However upon reflection the Applicants realised that they would have just one bathroom serving 5 bedrooms and decided by re-arrangement of the internal layout to put in a second bathroom between the new bedrooms. The window the question of the Enforcement Notice serves this new bathroom. The condition was originally imposed to preserve the privacy of the adjoining neighbour's property. The adjoining neighbour is Mr. Tony Wall a District Councillor for the Authority who granted the original Permission.

It is asserted by the Applicants that the window does not in any way violate the privacy of the adjoining property.

The window is small (0.6 m. x 0.8 m. with a very small top section opening 0.6 m. x 0.2 m.) and is glazed with obscure glass. It is situated high up in the wall and internally there is a vanity unit in front of the window which is 1 m. deep from front to back so that anyone standing on the floor in the bathroom would not be able to look out of that part of the window that they could (the bit that opens) without climbing onto the vanity unit and kneeling up. The purpose of the window was to ventilate and provide natural light for the bathroom and the completion of the window occurred on the 18th July 1986.

The house is situated in a small cul-de-sac consisting of 7 properties. The Parish Council are known to have a policy of not allowing side windows but they have not enforced this in the past and all the other houses in the cul-de-sac except one have side windows. One of the exhibits herewith is a diagram showing all the properties that have side windows, it will be seen that the properties with obscure glass have the windows shown in red and those with clear glass have the windows shown in blue. At least two of the other houses have had side windows put in during recent extensions and it is assumed that Permission was granted for this despite objections from adjoining neighbours in at least one case. Only one neighbour living in the street has complained namely Mr. Tony Wall the District Councillor even though he himself has a larger side window overlooking his neighbours. One other person has complained a Mr. Metcalf. Mr. Metcalf does not live in the same street and is not in any way affected by the window.

The Applicants believe that the window does not detract from the amenity of the adjoining property and that Planning Permission should be granted for it. The Chief Planning Officer also confirms that the obscure glazed window does not affect the privacy and amenity of the adjoining neighbour and has recommended that the window be given Permission subject to the conditions of it being glazed with obscure glass and being of a small size. Again the attention is drawn of the Inspector to the document produced by the North Wiltshire District Council showing both the matter as it came before the Committee on the 18th August 1986 and the points made by the Applicants to the Committee in writing.

As soon as the Applicants decided to install a second bathroom they discussed the matter with the Planners. Originally it was thought an extractor fan would suffice but the Applicants were not keen on this for the practical reason that there would be no natural light in the room and that the ventilation of the room would rely purely upon the electric extractor fan. The Office of the Council have tried to help but the next door neighbour has proved himself extremely vocal in the matter. He has sought to enlist the assistance of other neighbours of the Applicants but who to the Applicants' knowledge have refused to be joined into the dispute.

It is the Applicants considered opinion that a visual inspection of the property would show that Mr. Wall's privacy is in no way endangered.

Please continue overleaf

The Applicants do not seek to say that Mr. Wall was present or voted on the Committee which decided the matter of the Applicants' Application for Planning Permission for the window or indeed with regard to the enforcement of the alleged breach of Planning Control Regulations.

PLANNING DEPT.		23 OCT 1986		PASSED TO		DATE REC.	

IMPORTANT -
THIS COMMUNICATION AFFECTS
YOUR PROPERTY

District Secretary's Department,
G. C. Betteridge, LL.B. (Solicitor),
District Secretary



C. DUK LON

461

North Wiltshire
District Council

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

Our ref **E** 461

Enquires to Mr McDonald

Your ref

3rd September, 1986

Dear Sir/Madam,

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

5 Long Acre, Purton, 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 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,

Assistant District Secretary

DATE ON WHICH NOTICE TAKES EFFECT
AND BEFORE WHICH ANY APPEAL
MUST BE RECEIVED 10th October, 1986

To:

Dr. S.S. Kular,
5 Long Acre,
Purton,
Swindon,
SN5 9BQ

A N N E X - (This does not form part of the Enforcement Notice)

Reason for Issue

The window detracts from the privacy and amenities of residents of adjoining property.

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

5 Long Acre, Purton, 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 to make the development comply with the terms of the planning permission which has been granted in respect of the land within the period of two 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 10th October, 1986 -----

ISSUED 3rd September, 1986 -----

Signed -----

Monkton Park,
Chippenham SN15 1ER

/SCHEDULE 1
(over)

SCHEDULE 1 - Land or premises to which this notice relates

No. 5 Long Acre, Purton, Swindon, Wiltshire 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 N85/1474/F) for extension to the dwelling, 5 Long Acre was granted on 11th September, 1985 to wit:-

"Condition 2

No window openings shall be inserted in the south side elevation at first floor level without the prior approval in writing of the local planning authority."

SCHEDULE 3 - Steps required to be taken

- (i) the closing up of the window added to the south elevation of the permitted extension to the dwelling.
- (ii) the restoration or completion of the south elevation at upper floor level in blockwork to match existing work.

E461

Purton

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

the land
referred to:



Reproduced from the O-Piece Survey
Map with the sanction of the Controller
of H.M. Stationery Office

Scale 1:2500

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