

ENFORCEMENT REGISTER INFORMATION SHEET

E/463

APPEAL yes no

Plan's Ref N/86/2466/ENF

ADDRESS

OLD NETHERMERE PIT.
NAISH HILL
LACOCK
CHILPSHAM.

BREACH of CONTROL

THE MATERIAL CHANGE IN THE USE
OF LAND FROM AGRICULTURAL
LAND TO A USE FOR THAT
PURPOSE AND, IN ADDITION, THE
STATIONING AND RESIDENTIAL
OCCUPATION OF A CARAVAN

Issuing Authority

Date Issued 3.10.86

STOP NOTICES

Date Served

Requiring

Date(s) served

3.10.86

Takes effect 21.11.86

Compliance by 21.5.87

Dates Extended by
Secretary of State

appeal upheld - Notice
quashed - Permission
granted to D.J. Edwards?
27/8/87.



463

Date withdrawn

REQUIREMENTS of ENFORCEMENT

- (i) TO CLOSE THE RESIDENTIAL USE
OF THE LAND.
- (ii) TO REMOVE THE SAID CARAVAN.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

[Faint, illegible handwritten text]

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** 463

Enquiries to Mr McDonald

Your ref

3rd October, 1986

Dear Sir/Madam,

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

Old Nethermore Pit, Naish Hill, Lacock, Chippenham, 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,

DATE ON WHICH NOTICE TAKES EFFECT
AND BEFORE WHICH ANY APPEAL
MUST BE RECEIVED **21st November 1986**


Assistant District Secretary

To:

Mr. D.J. Edwards,
Old Nethermore Pit,
Naish Hill,
Lacock,
Chippenham,
Wiltshire.

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

Reasons for Issue:-

1. *The use amounts to isolated and sporadic development within open countryside to the detriment of the character of the immediate area and rural amenity of the locality.*
2. *The use affords a precedent for further similar undesirable proposals.*
3. *The site lies outside the limits of any established settlement, or its reasonable extension, in an area in respect of which it is the policy of the local planning authority, in the interests of the rural amenity of the area, that existing uses shall remain for the most part undisturbed and that only development essential to agricultural need shall be approved.*

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

----- Old Nethermore Pit, Naish Hill, Lacock, Chippenham, Wiltshire -----

WHEREAS :

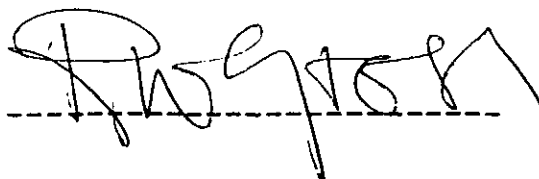
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("the land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said Section 87, for the reasons set out in the ANNEX to this Notice.

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken in order to remedy the breach within the period of six months from the date on which this Notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act, on 21st November, 1986

ISSUED 3rd October, 1986

Signed



Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

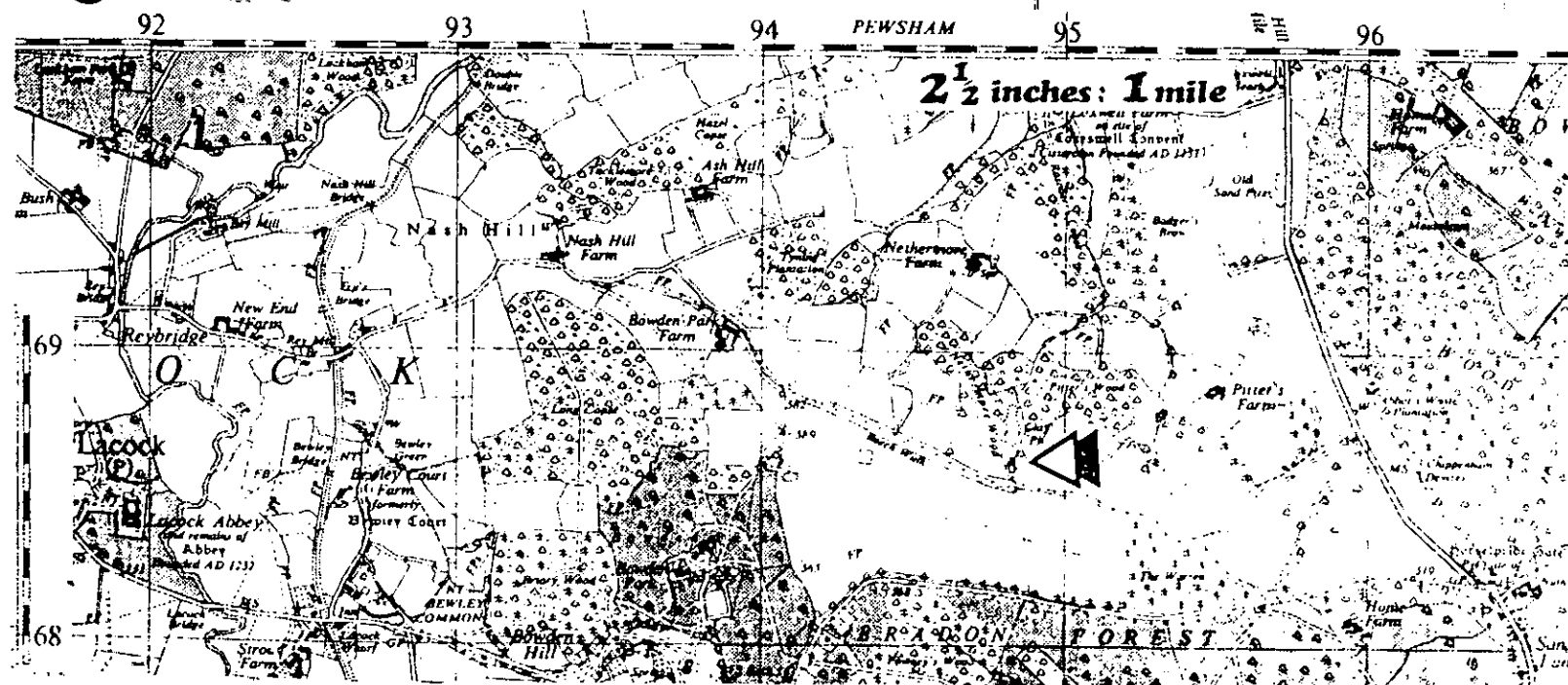
Land at Old Nethermore Pit, Naish Hill, Lacock, Chippenham, Wiltshire shown stipple-edged on the attached plan.

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The material change in the use of the land from agricultural land to a use for that purpose and, in addition, the stationing and residential occupation of a caravan.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the residential use of the land.
- (ii) To remove the said caravan.





Department of the Environment and
Department of Transport

Common Services

Room 1410 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218936

Switchboard 0272-218811

GTN 2074

Council Ref: AD/824 E.463 N/86/1696/E

PLANNING

DEPT

- 2 SEP 1987

Mr D R Pearce BSc ARICS
Black Horse Agencies - Tilley & Noad
14 Market Place
CHIPPENHAM
Wiltshire
SN15 3HG

Your reference

Our reference

T/APP/J3910/C/86/4051/P6

Date

27 AUG 87

Enforcement quashed

*appeal upheld.
Permission given
personal to Mr. D. J. Edwards*

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY MR D J EDWARDS
LAND AT OLD NETHERMORE PIT, NAISH HILL, LACOCK

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. I held an inquiry into the appeal on 14 July 1987.

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

b. The breach of planning control alleged in the notice is a material change in the use of the land at Old Nethermore Pit, Naish Hill, Lacock from agricultural land to a use for that purpose and in addition the stationing and residential occupation of a caravan.

c. The requirements of the notice are (i) to cease the residential use of the land, (ii) to remove the said caravan.

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

e. The appeal was made on the grounds set out in Section 88(2)(a) and (h) of the 1971 Act as amended.

3. The evidence was not taken on oath.

THE APPEAL SITE AND ITS SURROUNDINGS

4. The appeal site is a former sand pit, now filled, about 2.82 acres (1.14 ha) in area, which fronts on the north side of the unclassified road, some 3.5 miles long, which connects the A342 with the A350; the site is approximately 2.5 miles east of the junction with the A350 and 1 mile west of the junction with the A342. The road is single-track and winding and largely bounded by banks. The countryside in the vicinity of the appeal site is heavily wooded or under pasture. The appeal site is roughly triangular in area and consists of an accessway and a grass area adjacent to the road and sloping away from it, beyond which is an unsurfaced yard. The yard contains a large workshop, a portable office unit, an open shed against the eastern boundary and sand and gravel stored both loose and in

4 storage bays. At the time of my site inspection a lorry, marked V J Edwards - Plant Hire, Naish Hill, and a mechanical shovel were on this part of the site, as well as other vehicles, the shovel being in the open shed. Along most of the width of the rear of the yard there is a grassed bank some 12 ft (3.66 m) high. The access track continues up a slope to the west of that bank, which forms a right angle and runs alongside it for about 30 ft (9 m), diminishing to a relative height of about 4 ft 6 ins (1.4 m) at its northern end, where the track gives access to a garden plot about 0.2 acres (0.081 ha) in extent behind the bank, on which the appellant's 16 ft 6 ins (5 m) caravan is stationed on a concrete base 20 ft x 45 ft (6 m x 13.7 m) in size. The garden plot is under grass, planted with shrubs and contains an ornamental pond, a greenhouse and a garden shed; the bank is grassed and planted with cupressus lawsoniana, sycamore and ornamental shrubs. Trees have also been planted in the hedgerow along the western boundary of the site. Beyond the caravan the filled sand pit is down to grazing. The boundaries of the site are fenced with posts and barbed wire and there is a sheet metal entrance gate. The land is wooded beyond the eastern boundary of the site and on the far side of the road. To the west, the land is occupied by a telecommunications mast and an associated building. The caravan is partly visible from the road to those approaching from the west until their view is blocked by the workshop; otherwise the caravan would not appear to be prominent in the landscape. Visibility from the site access in both directions is adequate, so long as it is possible to see through the post and wire fence along the highway boundary of the neighbouring land to the west.

THE APPEAL ON GROUND (a)

5. The relevant policies form common ground between the parties and are as follows:- the Development Plan is made up of the approved Western Wiltshire Structure Plan of 1981 and the recently adopted Chippenham Local Plan. Being outside any settlement, the policies relevant to the appeal site are those which relate to dwellings in the open countryside. Under Policy H15 of the Structure Plan new dwellings in the countryside unrelated to any established village will not normally be permitted unless justified in connection with the needs of agriculture or forestry. Policy H20 of that plan establishes that mobile homes and residential caravans will be treated in the same manner as permanent housing. Policies H6 and H9 of the Local Plan reiterate Policies H15 and H20 of the Structure Plan. The site lies within a Special Landscape Area and an Area of High Ecological Value designated in the Structure Plan.

THE CASE FOR THE APPELLANT

6. The appellant is 66 years of age and lives with his companion in the residential caravan at the appeal site. He is a longstanding resident of the Chippenham area and in 1954 he purchased an agricultural holding known as Kilima Farm, Naish Hill, which is some 36 acres in extent and contains sand deposits. The appellant improved that holding from its previously derelict state and in 1967 he bought the appeal site. In addition to his smallholding, he operated an agricultural contracting business based initially at Kilima Farm.

7. Prior to the appellant's purchase of the appeal site it had been quarried for sand and had been virtually worked out. Part of the land was being used for the tipping of rubber tyres. Immediately after purchase, the appellant stopped the tipping and started to restore the site with a view to returning it to agricultural use. However, a fire within the tipped rubber delayed the restoration of the land for 7 years, but it is now completed. At the time of purchase there were 3 storage buildings at the appeal site which were used to store plant and equipment and agricultural implements connected with the agricultural contractor's business then

being run from Kilima Farm. However vandalism caused 2 of the storage buildings on the appeal site to become unusable and they were removed.

8. In 1983 the land and buildings at Kilima Farm were sold and the agricultural contracting business was run entirely from the appeal site, although sand continued to be taken under licence from Kilima Farm by the business. The business was and is run by the appellant's son Vivian who lives at Derry Hill some 3 miles from the site; at that time the appellant was living either with his son or with friends. The business was concerned with mowing, fencing, groundwork, ditching, clearance - in effect any work of that sort required by farmers other than building. For a short period following the sale of Kilima Farm livestock was also kept at the appeal site. The appellant or his son had to visit the site a number of times throughout the day and into the late evening in order to take care of the plant and equipment there. Even with these visits, trespass was not entirely prevented.

9. The business grew and the value of the plant and equipment kept at the appeal site increased; the time spent at the site in attempting to prevent theft and vandalism increased accordingly. Three haulage vehicles were added to the equipment used in the agricultural contracting business. The business now conducted at the appeal site consists of haulage, plant hire, agricultural contracting and running cattle. The appellant's part in that business is now that of a caretaker and part-time consultant and assistant. The business is run by his son Vivian and employs up to 5 people. The equipment now kept at the appeal site consists of 3 ploughs, cultivators, a hay bob and Bamford muller for turning hay, harrows, a spreader, hand tools, chain saw, welding gear, industrial steam-cleaning equipment, jacks, compressors, batteries and chargers, 2 large loading shovels, tractors, a 6-wheeler and two 4 ton lorries, a JCB and 2 Massey Ferguson excavators, spares, fuel, gas and lubricants.

10. ~~The quarry use on the appeal site appears to have started in about 1950, and by 1963 that enterprise was commercially virtually finished. However its proprietor~~ was a haulage contractor and before the end of 1963 was keeping a lorry in a shed on the appeal site, with a petrol pump and tank there. He brought the rubber waste from Melksham to tip in the pit and also conducted a general haulage business, although it is not clear whether he ran the haulage business from the quarry.

11. In 1982 the appellant applied for planning permission to erect a bungalow for an agricultural worker on part of the appeal site. The application was refused and an appeal against the decision was dismissed, the agricultural justification argument being rejected. However, trespass, vandalism, theft and unlawful tipping took place at the appeal site despite the regular visits that were made and the assistance of a substantial padlocked gate and fencing. It was not unusual to pick up a trailer-load of tipped rubbish in a day and on one occasion oil sludge was dumped by a firm from Avonmouth. Accordingly in July 1986 the appellant applied for planning permission to station a mobile home on the site in order to supervise it. He formed the view that planning permission was likely to be granted because of the needs of the business and therefore, as the matter was urgent, he put a caravan on the site between making the application and its decision. The application was refused in September 1986, on the grounds that it would be an isolated development in open countryside which would spoil the character of the area and rural amenity in general and set a precedent, and on policy and highway grounds. Following that refusal, work connected with the stationing of the caravan ceased. However, the appellant continued to live in the caravan on the site as he has no other residence.

12. Since the appellant started to live on the site, unlawful tipping, trespass, vandalism and theft have come to an end. There has thus been demonstrated a need for a residential presence on the site if the business is to be conducted satisfactorily.

13. The agricultural contractor's and haulage business is not out of keeping with a rural situation. Although the appellant and his son are licensed for general haulage, in practice the haulage carried out by the business is confined to carrying aggregates from quarries or products made from aggregates. The caravan, although at present visible from the road, is well sited for purposes of visual amenity and will be completely screened when the recently planted trees have grown.

14. On the issue of highway safety, the County Council accepts that there is no increase in danger from a single caravan on the site and that their concern relates to an increase in the number of residential units along Naish Hill following the grant of a planning permission in this case. The circumstances of this appeal are unique and provide no basis for such an expectation.

THE CASE FOR THE COUNCIL

15. The siting of a residential caravan on the appeal site is clearly contrary to the aims and provisions of the approved and established planning policies for the area which seek to resist new dwellings in open countryside except where a case of agricultural need is proven. No firm agricultural need has been offered or proved and the small haulage operation on the site does not have the benefit of a formal planning permission, whether it has established use rights or not. The caravan on the site is clearly visible from the road.

16. In dismissing the appeal for a bungalow on land adjacent to the appeal site in 1983, the Inspector stated that "there is insufficient evidence to show that for reasons of safeguarding livestock and property, or to cope with emergencies on the day-to-day maintenance and management of the site as an agricultural unit, that it is essential for anyone to live there". The circumstances of the current appeal are comparable to the previous appeal and that decision is pertinent in these proceedings.

17. On the highway safety issue, Naish Hill is a narrow winding rural road with a very steep section with a carriageway mainly only 2.4-2.7 m wide, for the most part bordered by banks. Access to the appeal site consists of a gate 4.6 m wide approximately 5.5 m back from the edge of the carriageway. From a distance of 2 m back along the centre of the access visibility to the west is about 49 m through the fence fronting the adjacent land and about 82.3 m to the east. During the 3 year period 1 October 1983-30 September 1986 a total of 2 traffic accidents were reported to the police on the 1½ mile section of Naish Hill west of the A342. Both accidents involved skidding causing a collision between vehicles travelling in opposite directions and no personal injuries resulted. The highway authority's concern is that if a residential development were allowed without a special need it could be repeated on other sites on Naish Hill and the resulting increase in traffic would increase the likelihood of the type of accident described.

CONCLUSION

18. The evidence and argument presented at the inquiry together with the written material before me lead me to conclude that the main issues in this appeal are whether the continued stationing of the caravan on the appeal site would undermine the objectives of the planning policies referred to and be injurious to the appearance of the surrounding countryside; whether the presence of the caravan would lead to increased danger on the highway; and whether those considerations are outweighed by any advantages in retaining the caravan as a means of providing security for the business on the appeal site.

19. In considering those issues I take into account the advice in Development Control Policy Note 4 regarding isolated residential development in the countryside, and in Circulars 22/80 and 14/85 which seek to minimise the restrictive economic effects which the planning system can have and make the point that development plans are but one of the material considerations to be taken into account. I also bear in mind the advice in those Circulars that there is a presumption in favour of development unless there are sound and clear-cut reasons for refusing permission and unless the development would cause demonstrable harm to interests of acknowledged importance. I also take into account the advice in Circular 16/87.

20. It is clear both from the evidence and from my site inspection that the appeal site is in an isolated situation in the open countryside away from any established settlements. No agricultural justification for the development was put forward by the appellant and therefore the appeal development would appear to be contrary to the terms of the Structure Plan and Local Plan policies. The objectives of those policies are to prevent sporadic residential development in the countryside which is not related to rural activities and it seems to me that the appeal development would have the effect of undermining those objectives unless it can be clearly shown that there is a special reason for it.

21. On the question of its effect on the appearance of the locality it is at present partly visible from the road, although I am satisfied that it could in time be satisfactorily screened by a combination of the existing banks and tree growth, provided that the caravan continues to be sited in its present position. While the screening may itself not succeed in blending happily with a rural background, the fact that the site as a whole is obviously not being used for a rural function makes that possibility less objectionable. Therefore I regard the development as being acceptable in terms of visual amenity and my decision turns on whether I consider that the special reasons advanced for allowing this residential presence in the countryside are sufficient to avoid causing harm to the objectives of the council's countryside policies, which I consider to be interests of importance in this appeal.

22. I am satisfied that trespass involving vandalism and, more particularly, a considerable amount of regular unlawful waste tipping took place on the site before the appellant took up residence in the caravan and that his presence has substantially ended those activities. In my opinion those facts constitute a good reason for someone to live at the site. Further, I consider that the circumstances, if not unique, are unusual and unlikely to be repeated in the area. While the present business activities on the site are not, I believe, of a kind which would be permitted by the council, I am not in possession of any information which leads me to conclude that their needs should not be taken into consideration. On highway matters, I am satisfied that permission for the development on the appeal site would not lead to more development of that kind along Naish Hill or nearby roads and that the presence of the caravan in itself does not give rise to any highway dangers.

23. I therefore consider that the continued use of the site for a mixed use involving the stationing of a residential caravan is acceptable provided that the occupation of the caravan is limited by planning condition to your client as suggested at the inquiry. I also consider that the siting of the caravan should be confined to its present position, so that it can be properly screened, and that the appellant should be required to provide landscaping for that purpose. I have considered whether the permission should be limited in time, as was also suggested at the inquiry, but I am not persuaded that any planning objectives would be met by a condition of that nature. In reaching the decision to allow this appeal subject to conditions I have taken account of the decision in the previous planning appeal and I note that the primary issue before the Inspector in that appeal was one of agricultural justification for a dwelling;

he was not apparently invited to consider the security needs of a business on the site. As that is the main argument for the appellant in this appeal, I consider that there is a clear distinction between the 2 appeals.

THE APPEAL ON GROUND (h)

24. As I propose to allow the appeal on ground (a), the appeal on ground (h) need not be considered.

25. I have taken into consideration all the other matters raised at the inquiry and in correspondence and they do not cause me to alter my views on the planning considerations upon which my decision is based.

FORMAL DECISION

26. For the above reasons, and in exercise of the powers transferred to me, I hereby allow the appeal, direct that the enforcement notice be quashed and grant a personal planning permission for a limited period on the application deemed to have been made under Section 88B(3) of the 1971 Act for the change of use of land at Old Nethermore Pit, Naish Hill, Lacock to a use for agriculture and the stationing of a residential caravan, subject to the following conditions:-

1. the caravan shall be stationed in the position indicated on the plan annexed to this letter, and not elsewhere on the site;

2. ~~within 6 weeks of the date of this letter a landscaping scheme shall be submitted to the local planning authority for its approval which shall include~~ indications of all existing trees and hedgerows on the land and details of any to be retained;

3. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the giving of approval by the local planning authority and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation;

4. i. the use hereby permitted shall be carried on only by Mr D J Edwards and shall be for a limited period being the period during which the caravan is occupied by Mr D J Edwards.

ii. when the caravan ceases to be occupied by Mr D J Edwards the use hereby permitted shall cease and the caravan shall be removed from the land.

27. 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.

28. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in the 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

29. This letter is issued as the determination of the appeal 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
Inspector MA LLM Barrister

ENC

APPEARANCES

FOR THE APPELLANT

Mr D R Pearce Bsc(EstMan) ARICS

- Black Horse Agencies - Tilley &
Noad, 14 Market Place, Chippenham,
Wiltshire, SN15 3HG.

He gave evidence and called:

Mr D J Edwards

- The appellant.

FOR THE LOCAL PLANNING AUTHORITY

Mr J F McDonald

- Principal Administrative Officer,
North Wiltshire District Council.

He called:

Mr D J Auld MA DipTP MRTPI

- Assistant Chief Planning Officer,
North Wiltshire District Council.

Mr J M Lewis AMICE

- Assistant Engineer, Highways and
Transportation Department,
Wiltshire County Council.

DOCUMENTS

Document 1 - List of persons attending the inquiry.

Document 2 - Letter of notification of the inquiry and list of persons notified.

Document 3 - Letter of 30 June 1987 from Humberts as agents to the Bowden Park Estate.

Document 4 - Letter of 18 June 1987 from Rev Glyn P Evans, The Vicarage, Folly Lane, Lacock.

Document 5 - Letter of 30 June 1987 from Mr J E and Mrs E A Stratton, Kilima Farm, Naish Hill.

Document 6 - Letter of July 1987 from Mr J Hopkin, Ranch House, Folly Lane, Lacock.

Document 7 - Letter of 2 September 1986 from appellant to the council.

Document 8 - Officer's report to committee of 29 September 1986.

PLANS

Plan A - Enforcement notice plan.

Plan B - Same, showing site of previous planning application and Kilima Farm.

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

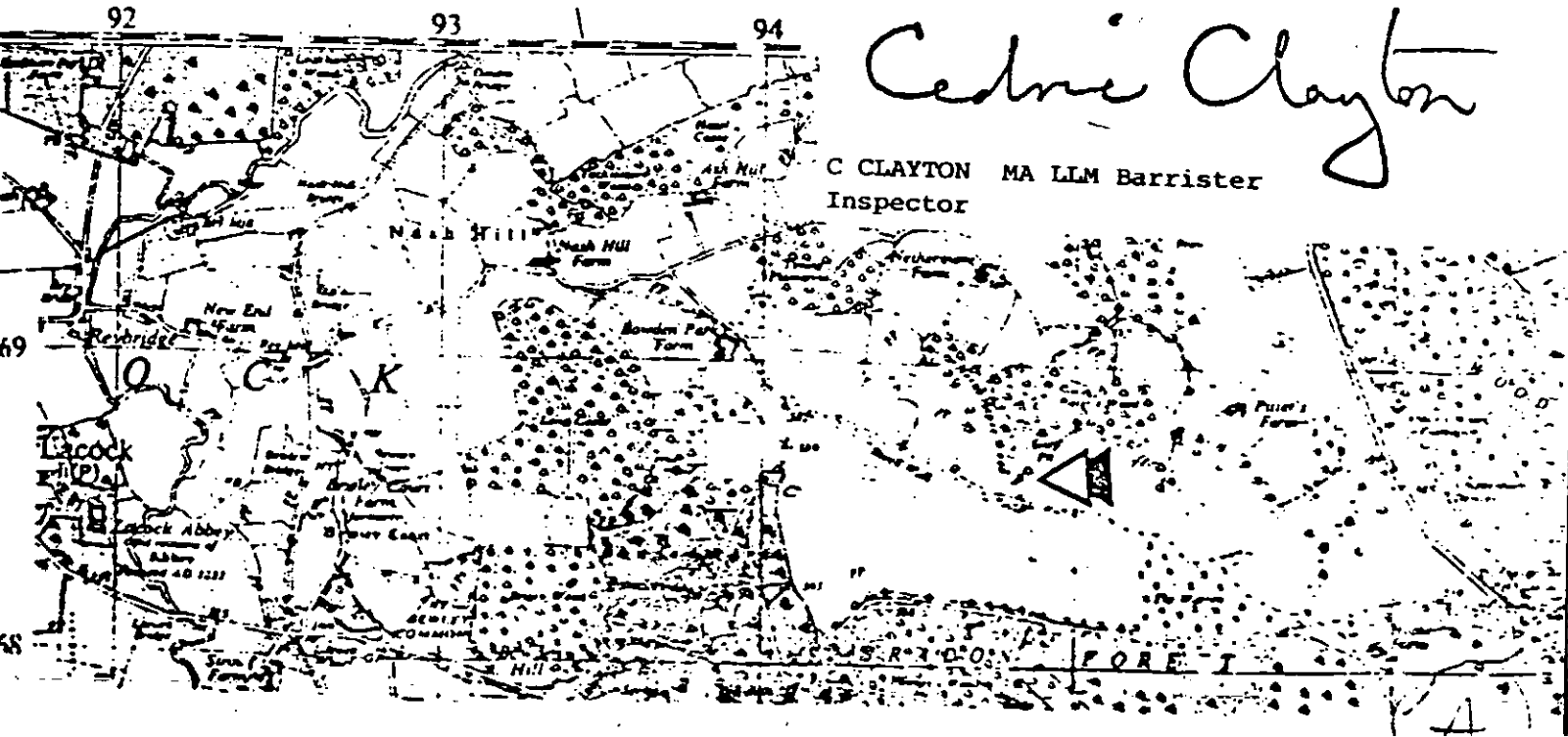
Scale 1:2500

This is the plan referred to in my decision letter (ref T/APP/J3910/C/86/4051/P6)

Date 27 AUG 87

Cedric Clayton
CLAYTON MA LL.M Barrister

C CLAYTON MA LLM Barrister
Inspector



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

R. BURTON

463

Our ref **E** 463

Enquiries to Mr McDonald

Your ref

3rd October, 1986

Dear Sir/Madam,

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

Old Nethermore Pit, Naish Hill, Lacock, Chippenham, 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,

DATE ON WHICH NOTICE TAKES EFFECT
AND BEFORE WHICH ANY APPEAL
MUST BE RECEIVED 21st November 1986


Assistant District Secretary

To:

Mr. D.J. Edwards,
Old Nethermore Pit,
Naish Hill,
Lacock,
Chippenham,
Wiltshire.

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

Reasons for Issue:-

1. *The use amounts to isolated and sporadic development within open countryside to the detriment of the character of the immediate area and rural amenity of the locality.*
2. *The use affords a precedent for further similar undesirable proposals.*
3. *The site lies outside the limits of any established settlement, or its reasonable extension, in an area in respect of which it is the policy of the local planning authority, in the interests of the rural amenity of the area, that existing uses shall remain for the most part undisturbed and that only development essential to agricultural need shall be approved.*

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

----- Old Nethermore Pit, Naish Hill, Lacock, Chippenham, Wiltshire -----

WHEREAS :

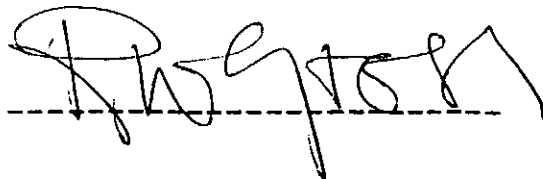
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("the land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said Section 87, for the reasons set out in the ANNEX to this Notice.

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken in order to remedy the breach within the period of six months from the date on which this Notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act, on 21st November, 1986

ISSUED 3rd October, 1986

Signed



Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Old Nethermore Pit, Naish Hill, Lacock, Chippenham, Wiltshire shown stipple-edged on the attached plan.

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The material change in the use of the land from agricultural land to a use for that purpose and, in addition, the stationing and residential occupation of a caravan.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the residential use of the land.
- (ii) To remove the said caravan.

