

**ENFORCEMENT REGISTER
INFORMATION SHEET****E/** 472

APPEAL

yes

Plan's Ref UPHSLD

ADDRESS

58A LONDON RD
CANNON

BREACH of CONTROL

THE PLACING AND FIXING OF
A WOODEN PANEL FENCE OF A
HEIGHT IN EXCESS OF ONE METRE
AT THE LONDON RD AND UNSLOAN RD
ROAD FRONTAGE OF LAND.

Issuing Authority

N.W.D.C.

Date Issued 16.1.87

Date(s) served

16.1.87

Takes effect 23.2.87

Compliance by 23.11.87

Dates Extended by
Secretary of State

P.P. Grant by DOE 13.7.87.

STOP NOTICES

Date Served

Requiring



472

Date withdrawn

REQUIREMENTS of ENFORCEMENT

TO TAKE DOWN THE SAID FENCE.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

10/10/10

10/10/10

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

472

Enquires to

Mr McDonald

Your ref

16th January, 1987

Dear Sir/Madam,

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

58A London Road, CALNE, 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 23rd February, 1987**

To:

Ivor G. Billett,
58a London Road,
Calne,
Wiltshire

and to (courtesy) Messrs. Spackman, Dale & Hood, Solicitors (RMH/CFD/3)
Market Hill House,
Calne,
Wiltshire
SN11 0EG.

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

The fence is considered unsightly and detracts from the appearance of the locality at a prominent corner site.

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

58A London Road, CALNE, Wiltshire

WHEREAS :

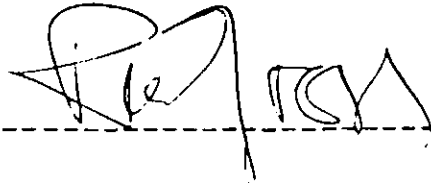
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of four years before the 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 carrying out of the building, engineering, mining or other operations 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 nine 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 23 February 1987

ISSUED 16 January 1987

Signed



Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

SCHEDULE 1 - Land or premises to which this notice relates.

Garden land at 58A London Road, Calne, Wiltshire
shown stippled on the attached plan.

SCHEDULE 2 - Alleged breach of planning control.

The placing and fixing of a wooden panel fence of a height in
excess of one metre at the London Road and Shelburne Road
frontages of the land.

SCHEDULE 3 - Steps required to be taken

To take down the said fence.

NOTE (not forming part of the Enforcement Notice)

The local planning authority considers that the situation
calls for a wall of appropriate design and materials and
would entertain an application for this purpose.



Department of the Environment and
Department of Transport

Common Services

Room 1410 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 938

Switchboard 0272-218811

GTN 2074

Council Reference MCD/KP

E 472.

I G Billett Esq
58A London Road
CALNE
Wiltshire
SN11 0AB

Your reference
E472

Our reference
T/APP/C/87/J3910/0002/P6

Date

13 JUL 87

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY YOURSELF
LAND AT 58A LONDON ROAD, CALNE, WILTSHIRE

Enforcement
Quashed
P.P. Gaudin

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against an enforcement notice issued by the North Wiltshire District Council concerning the above mentioned land. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 22 June 1987.

2. a. The date of the notice is 16 January 1987.

b. The breach of planning control alleged in the notice is that, within the period of 4 years before the date of issue of the notice, garden land at 58A London Road, Calne, Wiltshire, shown stippled on the plan attached to the notice, has been developed by the carrying out of building, engineering, mining or other operations, namely, the placing and fixing of a wooden panel fence of a height in excess of 1 m at the London Road and Shelburne Road frontages of the aforesaid land, without the grant of planning permission required for that development.

c. The requirement of the notice is to take down the said fence.

d. The period for compliance with the notice is 9 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. I observed on my visit that on No 58A's London Road frontage, the height of the subject fence is 1.75 m and its length 8.68 m. On No 58A's Shelburne Road frontage there is only a 1.82 m length of this fence. This fencing has been erected on the outside of iron railings about 1.16 m which are mounted on a low brick wall. To the north-east of the section of fencing on No 58A's Shelburne Road frontage there is a brick wall with a maximum height of 1.12 m and a gated access to a parking space within No 58A's curtilage. I have noted that there is no other amenity space at No 58A other than that which fronts London Road and Shelburne Road. I also saw on my visit that, on the No 58A's and No 60's London Road frontage, the footway on the east side of this road is 2 m wide in the vicinity of the junction of London Road with Shelburne Road. The width of this footway, in my opinion, affords adequate visibility in both directions along London Road for the drivers of a vehicle leaving Shelburne Road to do so safely. There is a pillar box at the rear of the footway on the north-east side of this junction. A slit has been cut in the subject fence to accommodate the top flange of this pillar box.

4. During my visit I noted that, in London Road, in the vicinity of No 58A, the character and appearance of development fronting this road is very mixed. Some dwellings abut the rear of the footways on either side of this road, and, where front gardens abut the footways, retaining walls are often of stone, artificial stone, blocks or brick and sometimes surmounted by metal railings of various design. At No 60, which dwelling stands on higher ground to the south-east of the London Road/Shelburne Road road junction, there is a stone wall surmounted by brick piers between which there are sections of wood fencing. I also walked along the length of Shelburne Road to the point where it rejoins London Road about 150 m to the south of No 58A and I saw that there are several residential properties fronting this road where wood fences, about 2 m high, have been erected in positions which adjoin the footway.

5. Although I recognise the personal and financial reasons which have prompted you to submit your appeal, following my site inspection, it seems to me that the principal point at issue in this case is whether the appearance of the subject fence has a significantly adverse effect on the appearance of the streetscape in the immediate vicinity of the London Road/Shelburne Road junction.

6. I accept that, in London Road, in the immediate vicinity of the appeal site, there is no similar fence to that erected at No 58A. Although I appreciate that the Council is concerned to maintain the traditional character of the appearance of the London Road's frontage in this locality, as the centre of Calne is approached, I do not find that the appearance of this fence is unreasonably unsightly, even if the construction and material is dissimilar to nearby development fronting London Road. In my opinion this fence is likely to weather to a shade similar to that at No 60, which fence is located in close proximity to the subject fence, and therefore, be likely to become generally less noticeable in the context of the mainly light coloured stone built dwellings which front this part of London Road. I consider that the planning objection raised is not of sufficient weight to justify a refusal of planning permission. My opinion is reinforced by the fact that the occupants of dwellings situated near No 58A state that they have no objection to the appearance of the subject fence. Your appeal on ground (a) therefore succeeds and ground (h) does not fall to be considered. I intend to grant planning permission on the application deemed to have been made under Section 88B(3) of the 1971 Act as amended for the retention of the fence.

7. I have taken into account all the other points mentioned in your and the Council's representations and in local residents letters, but these matters do not alter my decision.

FORMAL DECISION

8. 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 on the deemed application for the retention of the fence as erected on land at No 58A London Road, Calne.

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

RIGHT OF APPEAL AGAINST THE DECISION

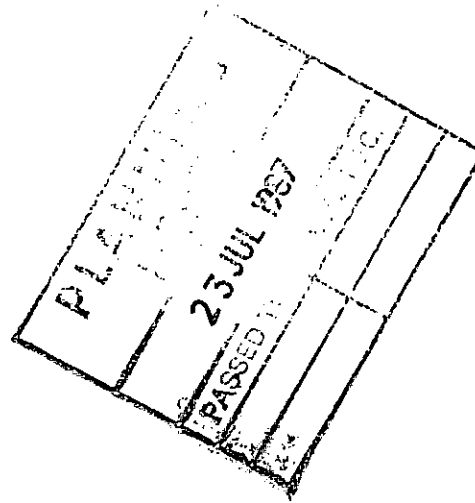
10. This letter is issued as the determination of the appeal before me.
Particulars of the rights of appeal against the decision to the High Court are
enclosed for those concerned.

I am Sir
Your obedient Servant



R N HARRISON OBE MA
Inspector

ENC



R. BURTON

472

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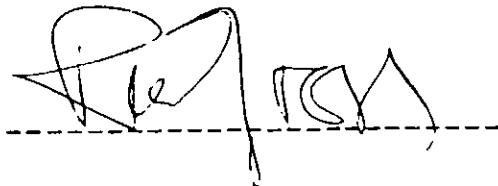
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