

ENFORCEMENT REGISTER INFORMATION SHEET

E/ 473

APPEAL yes no

Plan's Ref N/87/0731/ENF

ADDRESS

THE PIGGERS
OFF BATH RD
COWBRIDGE.

BREACH of CONTROL

THE MAKING OF A MATERIAL CHANGE
IN THE USE OF THE LAND FROM USE
FOR THE PURPOSE OF AGRICULTURE TO
USE FOR THAT PURPOSE, AND IN
ADDITION, THE STORAGE OF BUILDERS
MATERIAL AND PLANTS

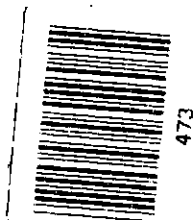
Issuing Authority NWDC

Date Issued 29.1.87

STOP NOTICES

Date Served

Requiring



Date withdrawn

Date(s) served

29.1.87

Takes effect 9.3.87

Compliance by 9.6.87

Dates Extended by
Secretary of State

3 months.

See N/87/0731/ENF.

REQUIREMENTS of ENFORCEMENT

- (1) TO CEASE THE USE OF THE LAND FOR
STORAGE OTHER THAN AGRICULTURAL STORAGE
- (2) TO REMOVE FROM THE LAND THE SAID BUILDERS
MATERIALS AND PLANTS.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

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

Our ref **E** 473

Enquiries to Mr McDonald

Your ref

29th January, 1987

Dear Sir/Madam,

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

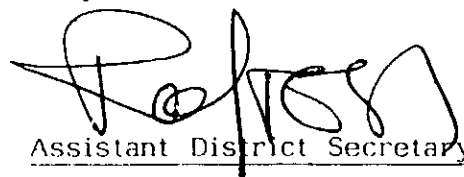
The Piggeries, off Bath Road, Colerne, Wiltshire

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 9th March, 1987

To:

Mr. Gideon A. Knight
Washmeres Farm
Colerne
Chippenham
SN14 8DQ

Mr. Anthony C. Bond
2 Market Place
Colerne
Chippenham
SN14 8DF

Mr. Richard A.K. Edmonds
19 Roundbarrow Close
Colerne
Chippenham
SN14 8EF

Mr. John E. Hipkin
7 Watergates
Colerne
Chippenham
SN14 8DP

Mr. Harold R. Rumble
Rooks Nest Farm
Bath Road
Colerne
Chippenham
SN14 8EQ

Mr. James J. Payne
Park Farm
Thickwood
Colerne
Chippenham
SN14 8BQ

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

REASONS FOR ISSUE:

1. The development and associated activities have a detrimental effect on the appearance of the locality and on residential amenity.
2. The development is incompatible with the Green Belt and the Area of Special Landscape Value within which it is located and there are no circumstances sufficient for the development to be treated as an acceptable exception.
3. Access, to, from and on the land is inadequate for the mixture of uses involved, resulting in an unacceptable risk to traffic safety.

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

The Piggeries, off Bath Road, Colerne, 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 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 9 March, 1987

ISSUED 29 January, 1987

Signed

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

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

Land known as The Piggeries, off Bath Road, Colerne, Chippenham
Wiltshire shown stipple-edged on the attached plan..

SCHEDULE 2 - Alleged breach of planning control

The making of a material change in the use of the land from
use for the purpose of agriculture to use for that purpose, and in
addition, the storage of builder's material and plant.

SCHEDULE 3 - Steps required to be taken

- (i) To cease the use of the land for storage other
than agricultural storage.
- (ii) To remove from the land the said builders' materials
and plant.

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

Colerne

E 473

**the land
referred to:**

Scale 1:5000

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CEG



**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 0272-21881

GTN 2074

Council reference N.87.0731

PLANNING DEPT.	
28 JUL 1987	
PROCESSED TO	DATE REC.
31. ENF.E.473	
Your reference	

R A K Edmonds Esq J E Hipkin Esq
19 Round Barrow Close Roman Cottage
Colerne 7 Watergates
CHIPPENHAM Colerne
Wilts CHIPPENHAM
 Wilts

Our reference

T/APP/C/87/J3910/0003 and 4/P6

Date

22 JUL 87

upheld

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9

LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981

APPEALS BY YOURSELVES

LAND AND BUILDINGS AT THE PIGGERIES, OFF BATH ROAD, COLERNE, CHIPPENHAM, WILTSHIRE

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your appeals. These appeals are against an enforcement notice issued by the North Wiltshire District Council concerning the above mentioned mentioned land and buildings. 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 29 January 1987.

b. The breach of planning control alleged in the notice is that, after the end of 1963, land known as The Piggeries, off Bath Road, Colerne, Chippenham, Wiltshire, shown stipple edged on the plan attached to the notice, has been developed by the making of a material change in the use of the land from use for the purpose of agriculture to use for that purpose and, in addition, the storage of builder's material and plant without the grant of planning permission required for that development.

c. The requirements of the notice are:-

i. To cease the use of the land for storage other than agricultural storage.

ii. To remove from the said land the said builder's materials and plant.

d. The period for compliance with the notice is 3 months.

e. The appeals were made on the grounds set out in Section 88(2) (a), (g) and (h) of the 1971 Act as amended.

3. I observed on my visit that the appeal site comprises a rectangular shaped plot of land, about 40 m by 65 m in extent, which is located immediately to the south of the curtilages of dwellings fronting the south side of Bath Road, Colerne on the western outskirts of this village. The site also includes its access track which passes between the curtilages of the dwellings 'Windy Ridge' and 'Copper Oaks'. Open land in agricultural use adjoins the east, south and west sides of the site. All this land is located on ground which slopes down to the south and from which the open countryside around the Lid Valley can be seen.

4. In the southern part of the site there are 2 quite large agricultural buildings, 2 small wooden sheds and hoppers. The southernmost of the 2 larger buildings is jointly occupied by you both. In Mr Hipkin's part of this building I saw 3 cars, all his property, a boat on a trailer, domestic items and quantities of builder's materials and materials for electrical work. In this part of the buildings there was a compressor, small hand tools including electrically driven tools, woodworking and welding equipment and a bench saw. In Mr Edmonds' part of the building I saw a quantity of scaffolding timber, bricks, ridge tiles and window frames. This building also contained a quantity of small pieces of wood and car ramps, the property of a Mr Brain, and pig feeders and other agricultural equipment, the property of Mr Knight, the owner of the site. This building is constructed of concrete blocks under an asbestos roof and it has a concrete floor. Water and electricity supplies are connected up to the building.
5. The northernmost of the 2 larger buildings is occupied by Mr Edmonds and Mr Knight. This building is divided internally into pig pens. It is constructed of concrete blocks and has an asbestos roof. In this building I saw a pile of potatoes and fodder and domestic items, the property of Mr Knight. Mr Edmonds' items kept in the building consist mainly of plastic pipes and timber.
6. To the north of this second building there is a wooden shed, about 3.65 m by 4.87 m. This is used by Mr Edmonds to store plastic sacks and timber. In another, adjacent small wood shed, used by Mr Knight, pieces of timber are also kept. In the open parts of the site I saw, near the west end of the southern large building, quantities of tiles and pipes. To the north of the buildings on the site there are several piles of stone, the property of Mr Knight, and small piles of sand and gravel. At the time of my visit there was a small open bodied commercial vehicle on the site.
7. The site's access track joins the remainder of the site at its north-west corner. Here there is a gateway 3.8 m wide. The width of the site's access between the garden hedge of Copper Oaks and the wall at the west side of Windy Ridge's curtilage is 5.79 m (19 ft wide) near the gateway at the access track's south end, but this width is 4.03 (13 ft 4 ins) measured side wall to side wall at the access track's north end. Here there is a gateway with a passage width of just under 3.65 m. I observed that the visibility distances obtainable along Bath Road from a point on the centre-line of the site's access, 2 m back from the edge of the carriageway, are 17.37 m to the west and 40.23 m to the east.
8. Following my site inspection and having studied the written submissions it seems to me that the principle points at issue in this case are whether the use of the site for the storage of builder's materials and plant and the vehicular movement associated with this use would affect the residential enjoyment of nearby dwellings adversely, whether the site's access is adequate to cater for the proposed development, and whether your personal circumstances and any advantage to the local economy which may accrue from your use of the site and the buildings thereon, justify a relaxation of the severe planning constraints to which this site, which is located in a Green Belt, is subject.
9. As to the first issue, I accept that the storage of builder's materials and plant inside the buildings on the site would have no impact on the appearance of the site except so far as the use of these premises for non-agricultural purposes would be advertised by the coming and going of vehicles, including commercial vehicles, and the loading and unloading of materials, but the frequency of such activity, even though this may take place at present on very few occasions and does not involve very large vehicles, cannot be controlled effectively by a planning Condition. Activity on the open parts of the site can be seen from the curtilages of nearby dwellings, and, although the present occupants of some of these dwellings may not object, I am firmly of the opinion that the occupiers of

dwellings adjoining land in the Green Belt, which, in this case, has also been designated as being of Special Landscape Value, should not have to tolerate the adverse visual impact and disturbance caused by any non-agriculturally related vehicular movement on the site. I realise that the buildings on the site are in its southern part and situated at a lower level than the dwellings to the north, but I consider that these facts would not reduce significantly the adverse visual and aural impact created by the coming and going of vehicles to and from these buildings and associated activity. If one building was used as a pig and calf rearing unit as proposed in Major Hardy's letter of 23 June 1987, more vehicles could inevitably visit the site in connection with that permissible use. Any additional vehicular movement generated by the proposed use would only serve to emphasise visually that a non-agricultural use was also taking place on the site, to the detriment of visual amenity in this area.

10. Furthermore the access track leading to the site passes close to the sides of 'Copper Oaks' and 'Windy Ridge'. I noticed on my site visit that there are no windows in the side walls of these dwellings which are nearest to this track, but the disturbance created by the manoeuvring of commercial and other vehicles connected with the site present uses into and out of the site's access and the passage of these vehicles along the short section of track between 'Copper Oaks' and 'Windy Ridge', in my opinion, would not go unnoticed by the occupants of these dwellings, and would detract from their enjoyment. I conclude therefore that the proposed use would have a detrimental effect on the appearance of the locality and on that standard of visual and residential amenity which local residents might reasonably expect to be able to enjoy in this particular part of Colerne.

11. As to the second issue I have taken note of the fact that a previous occupier of the site, whose use generated the movement of large vehicles to and from the site has left. I recognise too that the width of the entrance to the access track from Bath Road is now less than that shown as being conveyed to a previous owner. I acknowledge that a careful driver of a 3 ton Leyland Road Runner could negotiate the entrance to the access track; that the driver's position in some vehicles is nearer the front of that vehicle than in other vehicles, and that the visibility distances obtainable along Bath Road from this access are no worse than at other commercial premises in Colerne, as was demonstrated on my site visit, but the visibility distances obtainable both to the east and west of the access along Bath Road are much less than the standard required and Bath Road, opposite the site is only 5.2 m wide with a narrow .9 m wide verge on its north side. The Highway Authority's evidence also is that the entrance to the site requires careful negotiation by the driver of a commercial vehicle. I consider therefore that, although the width of the entrance to the site from Bath Road might be improved, it would be wrong to permit a development on the appeal site knowing that such development would generate the movement of load carrying commercial vehicles at this particular point in Bath Road where visibility distances from the access and the width of the road indicate that any increased manoeuvring of vehicles here should be avoided if possible in the interests of road safety.

12. As to the third issue, I am very much aware that it is Government policy that those concerned with planning problems should endeavour to act in a constructive manner, especially when such problems relate to small businesses, as in this case. But I consider that the appeal site, being located on high ground in the open countryside and in a position adjoining the limits of residential development on the western outskirts of Colerne, is in a particularly sensitive position from a planning point of view. In these circumstances, I consider that there must be specially compelling reasons to justify the making of an exception to the stringent planning policies applicable to this particular area. I appreciate that your businesses serve this locality and are not conducted on a large scale, but none of these reasons, in my opinion, are sufficient to outweigh the planning and highway objections raised in this case. The appeals on ground (a) therefore fail.

13. I consider that the requirements of the notice do not go beyond that which is required to be done to remedy the breach of planning control. The appeal on ground (g) fails. In my opinion, taking into account that it may not be easy to find and acquire suitable alternative premises, the period of 3 months specified for compliance with the notice is unreasonably short. I consider that a period of 6 months would be more appropriate. I will vary the notice accordingly. The appeal on ground (h) succeeds.

14. I have reviewed all the other matters raised in the written representations and in local residents' letters, but these do not alter my decision.

FORMAL DECISION

15. In exercise of the powers transferred to me, I hereby direct that in the penultimate paragraph of the notice the word 'three' be deleted and the word 'six' substituted. Subject to this variation I dismiss the appeals, uphold the enforcement notice and refuse to grant planning permission for the application deemed to have been made under Section 88B(3) of the amended Act.

16. This letter is issued as the determination of the appeals before me. Details of the right of appeal to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant



R N HARRISON OBE MA
Inspector

ENC

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** 473

Enquiries to Mr McDonald

Your ref

29th January, 1987

Dear Sir/Madam,
NORTH WILTSHIRE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
ENFORCEMENT NOTICE

The Piggeries, off Bath Road, Colerne, 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.

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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 **9th March, 1987**

To:

Mr. Gideon A. Knight
Washmeres Farm
Colerne
Chippenham
SN14 8DQ

Mr. Anthony C. Bond
2 Market Place
Colerne
Chippenham
SN14 8DF

Mr. Richard A.K. Edmonds
19 Roundbarrow Close
Colerne
Chippenham
SN14 8EF

Mr. John E. Hipkin
7 Watergates
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Rooks Nest Farm
Bath Road
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Chippenham
SN14 8EQ

Mr. James J. Payne
Park Farm
Thickwood
Colerne
Chippenham
SN14 8BQ

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

REASONS FOR ISSUE:

1. The development and associated activities have a detrimental effect on the appearance of the locality and on residential amenity.
2. The development is incompatible with the Green Belt and the Area of Special Landscape Value within which it is located and there are no circumstances sufficient for the development to be treated as an acceptable exception.
3. Access, to, from and on the land is inadequate for the mixture of uses involved, resulting in an unacceptable risk to traffic safety.

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

The Piggeries, off Bath Road, Colerne, 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 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 9 March, 1987

ISSUED 29 January, 1987

Signed

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

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

Land known as The Piggeries, off Bath Road, Colerne, Chippenham
Wiltshire shown stipple-edged on the attached plan.,

SCHEDULE 2 - Alleged breach of planning control

The making of a material change in the use of the land from
use for the purpose of agriculture to use for that purpose, and in
addition, the storage of builder's material and plant.

SCHEDULE 3 - Steps required to be taken

- (i) To cease the use of the land for storage other
than agricultural storage.
- (ii) To remove from the land the said builders' materials
and plant.

Scale 1: 6500

the land referred to:

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