

# ENFORCEMENT REGISTER INFORMATION SHEET

E/ 489

APPEAL

yes

☒

Plan's Ref N/88/0025/45NF

## ADDRESS

HAZELBURY QUARRY  
BOX HILL  
CORSHAM. WILTS.

## BREACH of CONTROL

Issuing Authority NWDC

Date Issued 6.11.87

## STOP NOTICES

Date Served

Requiring



Date(s) served

6.11.87

Takes effect 11.12.87

Compliance by 11.3.87

Dates Extended by  
Secretary of State

appeal dismissed 16.6.88  
3 months compliance extended  
to 6 months

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

- (1) To cease the use of the land for the purposes of a plant hire business.
- (2) To cease the use of the land for the purposes of maintenance of plant and machinery other than ancillary to the permitted use.
- (3) To remove from the land plant and machinery other than required for the permitted use.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

The material change in the use of the land from a quarry and temporary site for tipping of waste material to a use for that purpose and, in addition, the operation of a plant hire business and the maintenance of plant and machinery in connection therewith.

# 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. 130

*See  
Entered  
11-11-87*

Our ref **E 489**

Enquiries to Mr McDonald

6th November, 1987

Your ref

Dear Sir/Madam,

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

Hazelbury Quarry, Box Hill, Corsham, 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,

*G C Betteridge*

District Secretary

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 11 December, 1987

To:

The Secretary,  
Roy Francis (Plant Hire) Limited  
The Firs  
Quarry Hill  
Box  
Corsham  
Wiltshire  
SN14 9HT

Royston G. Francis  
The Firs  
Quarry Hill  
Box  
Corsham  
Wiltshire  
SN14 9HT

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

Reasons for issue:-

- (1) use of the site for plant hire and maintenance inhibits the permitted development of restoration of the disused quarry by tipping builders' rubble and excavated materials (N82/1004/F - 6th January, 1983) which was estimated to take five years.
- (2) the use perpetuates a hazardous access route along inadequate narrow roads
- (3) the use conflicts with Structure Plan policies aimed at maintaining the quality and integrity of the Green Belt and Special Landscape Area.

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

Hazelbury Quarry, Box Hill, Corsham, 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 11th December, 1987

ISSUED 6th November, 1987

Signed

*G C Bettandge*

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Hazelbury Quarry, Box Hill, Corsham, 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 a quarry and temporary site for tipping of waste material to a use for that purpose and, in addition, the operation of a plant hire business and the maintenance of plant and machinery in connection therewith.

SCHEDULE 3 - STEPS TO BE TAKEN

- (1) To cease the use of the land for the purposes of a plant hire business.
- (2) To cease the use of the land for the purposes of maintenance of plant and machinery other than ancillary to the permitted use.
- (3) To remove from the land plant and machinery other than required for the permitted use.



**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

32 Box H  
County Junior

ST



# Department of the Environment Department of Transport

Common Services

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

 Direct line 0272-218915  
 Switchboard 272-218811

88 0025

D A Haigh MRTPI, MBIM

Highlands

Beechen Cliff Road

BATH

Avon

BA2 4QS

PLANNING DEPT.	
30 JUN 1988	
PASSED TO	DATE REC.

 Your reference 878/6  
 Council Ref McD/KP AD/963  
 Our reference  
 T/APP/C/87/J3910/8/P6  
 Date

16 JUN 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
 LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
 APPEAL BY ROY FRANCIS (PLANT HIRE) LTD  
 LAND AT HAZELBURY QUARRY, BOX HILL, CORSHAM, WILTS

*Enforcement*  
*appeal dismissed*  
*delete 3 months*  
*insert 6 months*

1. As you know 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 have considered the written representations made by you, by the Council, Box Parish Council and also those made by interested persons. I inspected the site on 10 May 1988.

2. a) The date of the notice is 6 November 1987.

b) The breach of planning control alleged in the notice is that, after the end of 1963, land at Hazelbury Quarry, Box Hill, Corsham, 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 a quarry and temporary site for tipping of waste material to a use for that purpose and, in addition, the operation of a plant hire business and the maintenance of plant and machinery in connection therewith, 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 the purposes of a plant hire business.

(ii) To cease the use of the land for the purposes of maintenance of plant and machinery other than ancillary to the permitted use.

(iii) To remove from the land plant and machinery other than required for the permitted use.

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

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

DISTRICT SECRETARY	
20 JUN 88	
REF TO	McD



RECYCLED PAPER



3. I observed on my visit that the appeal site, Hazelbury Quarry, is situated on high ground on the east side of the settlement at Box Hill. A narrow road bounds the site's west boundary. Beyond this road, to the north and west, the land falls away steeply towards the A4 road. There is a network of narrow lanes serving dwellings on this part of the hill side. The site's north boundary adjoins a well treed area. The south boundary adjoins open land. A large concrete block built building adjoins the site's east boundary. An area near this building is used for parking vehicles and plant. That site is occupied by an agricultural contractor. The access track for the agricultural contractor's business joins the road bordering the appeal site's west boundary at the same point as the access to the appeal site. The site's access-track then runs north-eastwards along the site's south boundary. A terrace of dwellings is located about 100 m to the south of the site's south-west corner.

4. Immediately to the north of the junction of the above access the road bounding the site's west boundary is 3.04 m wide. This road broadens out as it runs towards the crossroads about 150 m to the south at Tunnel Inn and is 3.65 m wide in the narrowest part of this stretch. At Tunnel Inn a terrace of dwellings is situated on the north side of the crossroads. The visibility distances obtained along Boxfield Road from a point on the centre line of the road leading to the site's access, 2 m back from the edge of the carriageway, is 14.33 m to the north-east and about 137 m to the south-west. Visibility to the north-east from this junction is restricted by the end wall of a dwelling at Tunnel Inn.

5. The appeal site comprises three distinct parts. On the eastern third of the site the land is level with adjoining land to the north, east and south. On the west side of this area there is a track which runs from the site's north-east corner, where there is a levelled area about 23 m by 28 m in extent, to the access at the site's south-west corner. To the west of this track the land falls away to the central part of the site which is grassed. Beyond this area the land falls away steeply to what appears to be the original quarry level. This lowest, western part of the site, is used by you client in connection with his plant hire business.

6. At the north end of the western part of the site there is a semi-circular roofed building 7.62 m by 15.08 m, and about 4.27 m high, with a lean-to extension at its north end. This building is used as a workshop for the repair of vehicles and plant. To the south of this building, on either side of the central roadway I saw numerous items. These items included a stone crusher, located on top of the low cliff on the east side of this area, 5 tanks for various types of fuel, a caravan used as a rest room, 5 tipper lorries, 3 service vans, 2 flatbed lorries, dumpers, both tracked and wheeled, a generator and compressor, charging motors, numerous mini-excavators, a cement mixer, portaloo, pedestrian controlled road roller, many kinds of plant attachments, oil drums, old fuel tanks and a small quantity of building materials.

7. Following my inspection of the site and its surroundings it seems to me that the principal points at issue in this case are the impact of the present use of the appeal site on the character and appearance of the locality in which the site is located: an area designated as Green Belt and as a Special Landscape Area, whether unacceptable hazards to road users would be created by the use of the roads leading to the site by vehicles associated with your client's business, and whether the advantages and employment opportunities derived from the establishment of your client's business on this particular site merit the making of an exception to the Council's rural planning policies.

8. As to the first issue, I saw on my visit that the lowest part of the appeal site occupied by your clients is well screened from the west by the thick hedge on the site's western boundary and by the low cliff on its east side. Trees have also been planted on top of the low bank which borders the south-east side of the

southern part of the track which runs from the south-west to the north-east across the site. There is also a hedge and trees growing on the site's east boundary. In these circumstances, even though the present use of the lowest part of the site is inevitably unsightly, that use is visually unobtrusive because it takes place on ground which is much lower than that in the central and west parts of the site. Nevertheless I am in no doubt that the disturbance made by the comings and goings of commercial vehicles, sometimes loaded with plant, to and from this site, especially when moving in the vicinity of the site's access, would be noticed by persons living in nearby dwellings. Local residents' letters confirm that the movement of heavy vehicles visiting the site and the running of engines on the site are a source of annoyance. I have noted also that occupants of nearby dwellings also have to tolerate the much more obvious movement of vehicles to and from the agricultural contractor's site. Furthermore, although the hours of business on the site could be controlled by a planning Condition, the frequency of movement to and from the site could not be so controlled. I conclude, therefore, that, although many of the activities now taking place on this site are well screened, the overall impact of the site's present use impairs the quiet rural atmosphere and appearance of this particular area which local residents might reasonably expect to be safeguarded, for it is designated as Green Belt and as a Special Landscape Area.

9. As to the second issue I am firmly of the opinion that the narrow and steep approach roads to the west and north of the site are unsuited for use by heavy vehicles. The evidence is that your clients' vehicles use the Boxfields Road approach and the crossroads at Tunnel Inn. There the proximity of the end wall of a dwelling limits very severely the visibility distance obtained along Boxfields Road in a north-easterly direction. Although the driver of a heavy vehicle, seated well forward, may have a better view of the road than a car driver, I consider that the lack of visibility to the north-east at this junction is very much sub-standard and that, in the interests of road safety, any potential increase in this junction's use, especially by commercial vehicles, should be kept to a minimum. I take the view that to grant planning permission in this case, knowing that to do so would perpetuate the use of the junction of Boxfields Road with the road leading to the site's access by more heavy commercial vehicles, is unacceptable from a road safety point of view.

10. 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 in cases which relate to small businesses. But the appeal site is located in an area where the quality of the landscape and rural environment is safeguarded specially in current development plans. I consider that the Council's rural planning policies deserve strong support. I have noted also in this particular case, that the County Council and the District Council both wish the filling in of the remaining unfilled part of Hazelbury Quarry to be completed. The completion of this scheme would clearly improve the present appearance of this former quarry area. The continuation of your clients' business on the site would frustrate the Council's objective. In these circumstances I take the view that there must be really compelling reasons to justify the continuation of your clients' business on the appeal site, a site which is outside the limits of any settlement. Although I appreciate that, for business viability reasons, your clients wish to have a base south of the M4 motorway between Bath and Chippenham, that their business has been based in the Box area for many years, and that it provides employment for 30 to 40 people, in view of the quite wide area of your clients' operations, the location of a base in this particular area seems to me more of a matter of convenience than of necessity. I consider, therefore, that the arguments advanced in support of your clients' case do not justify the making of an exception to the stringent development control policies applicable to an area designated as Green Belt. For the above reasons the appeal on ground (a) fails.

11. It is clear from the evidence submitted that efforts have been made to find an alternative site, unfortunately without success. I recognise that it may be difficult for your clients to find another suitable site at a price which they can afford. I have noted that a 1 - 3 acre site is desired. In these circumstances I consider that a period of 3 months, notwithstanding local residents' objections to the present use of the site, is an unreasonably short period to allow for an alternative site to be found and acquired. I consider that a period of 6 months would be more appropriate. I will, therefore, vary the notice to that effect. The appeal on ground (h) succeeds.

12. I have taken into account all the other matters raised in the written representations, and in interested parties' letters, but these do not alter my decision.

FORMAL DECISION

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

14. 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 Sir

Your obedient Servant



R N HARRISON OBE MA  
Inspector

Enc

**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. 130

Our ref **E 489**

Enquiries to Mr McDonald

Your ref

6th November, 1987

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

Hazelbury Quarry, Box Hill, Corsham, 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,

*G C Betteridge*

District Secretary

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED **11 December, 1987**

To:

The Secretary,  
Roy Francis (Plant Hire) Limited  
The Firs  
Quarry Hill  
Box  
Corsham  
Wiltshire  
SN14 9HT

Royston G. Francis  
The Firs  
Quarry Hill  
Box  
Corsham  
Wiltshire  
SN14 9HT

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

Reasons for issue:-

- (1) use of the site for plant hire and maintenance inhibits the permitted development of restoration of the disused quarry by tipping builders' rubble and excavated materials (N82/1004/F - 6th January, 1983) which was estimated to take five years.
- (2) the use perpetuates a hazardous access route along inadequate narrow roads
- (3) the use conflicts with Structure Plan policies aimed at maintaining the quality and integrity of the Green Belt and Special Landscape Area.

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

Hazelbury Quarry, Box Hill, Corsham, 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 11th December, 1987

ISSUED 6th November, 1987

Signed

*G C Battenden*

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Hazelbury Quarry, Box Hill, Corsham, 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 a quarry and temporary site for tipping of waste material to a use for that purpose and, in addition, the operation of a plant hire business and the maintenance of plant and machinery in connection therewith.

SCHEDULE 3 - STEPS TO BE TAKEN

- (1) To cease the use of the land for the purposes of a plant hire business.
- (2) To cease the use of the land for the purposes of maintenance of plant and machinery other than ancillary to the permitted use.
- (3) To remove from the land plant and machinery other than required for the permitted use.



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

