

# ENFORCEMENT REGISTER INFORMATION SHEET

E/ 505.

APPEAL yes ☒

Plan's Ref N/88/1713/2NF

## ADDRESS

LAND AT  
SWALETT GATE  
DAUNTSALL

## BREACH of CONTROL

THIS MATERIAL CHANGE IN THE USE  
OF THE LAND FROM AGRICULTURAL  
IN RELATION TO DOG KENNELS  
TO A USE FOR TROOP PURPOSES AND,  
IN ADDITION, THE LOCATION OF THE  
RESIDENTIAL OCCUPATION OF A  
CARAVAN

Issuing Authority

Date Issued 14.4.88

## STOP NOTICES

Date Served

Date(s) served

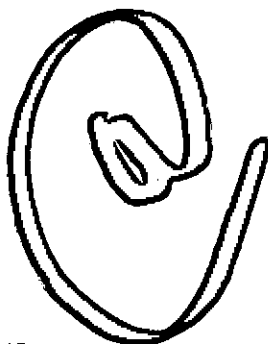
15.4.88

Requiring

Takes effect 19.5.88



505



Compliance by 19.9.88

Dates Extended by  
Secretary of State

Enforcement quashed.  
Personal Permission for  
3 years. Notice attached

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

(i) TO CEASE THE RESIDENTIAL USE  
OF THE LAND

(ii) TO REMOVE THE SAID CARAVAN

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

Ray

# 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

Our ref **E** 505

Enquiries to Mr McDonald

Your ref

14th April, 1988

Dear Sir/Madam,

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

# ● ENFORCEMENT NOTICE

Land at Swallett Gate, Dauntsey, 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,

Assistant District Secretary

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 19 May, 1988

To:

Harold W. Butler  
Hi Kennels  
Swallett Gate  
Dauntsey  
Chippenham  
Wilts.  
SN15 4HE

Reasons for issue:-

1. Mobile Homes, including residential caravans are treated in the same mannner as permanent housing and subject to the same controls (Policy H20, Western Wiltshire Structure Plan, 1981).
2. The location of a caravan or caravans on the land is interpreted as a new separate residential use in an area taken to be countryside and outside any defined settelement.
3. The location of a caravan or caravans on the land represents an isolated and sporadic form of development which harms visual amenity within the countryside.

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

Land at Swallett Gate, Dauntsey, Chippenham, Wiltshire

WHEREAS :

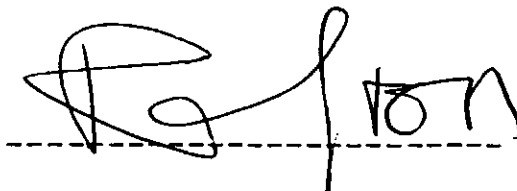
- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("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 FOUR 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 19 May, 1988

ISSUED 14th May, 1988

Signed



Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land including a former railway line at Swallett Gate, Dauntsey, 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 in relation to dog kennels to a use for those purposes and, in addition, the location of and residential occupation of a caravan.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

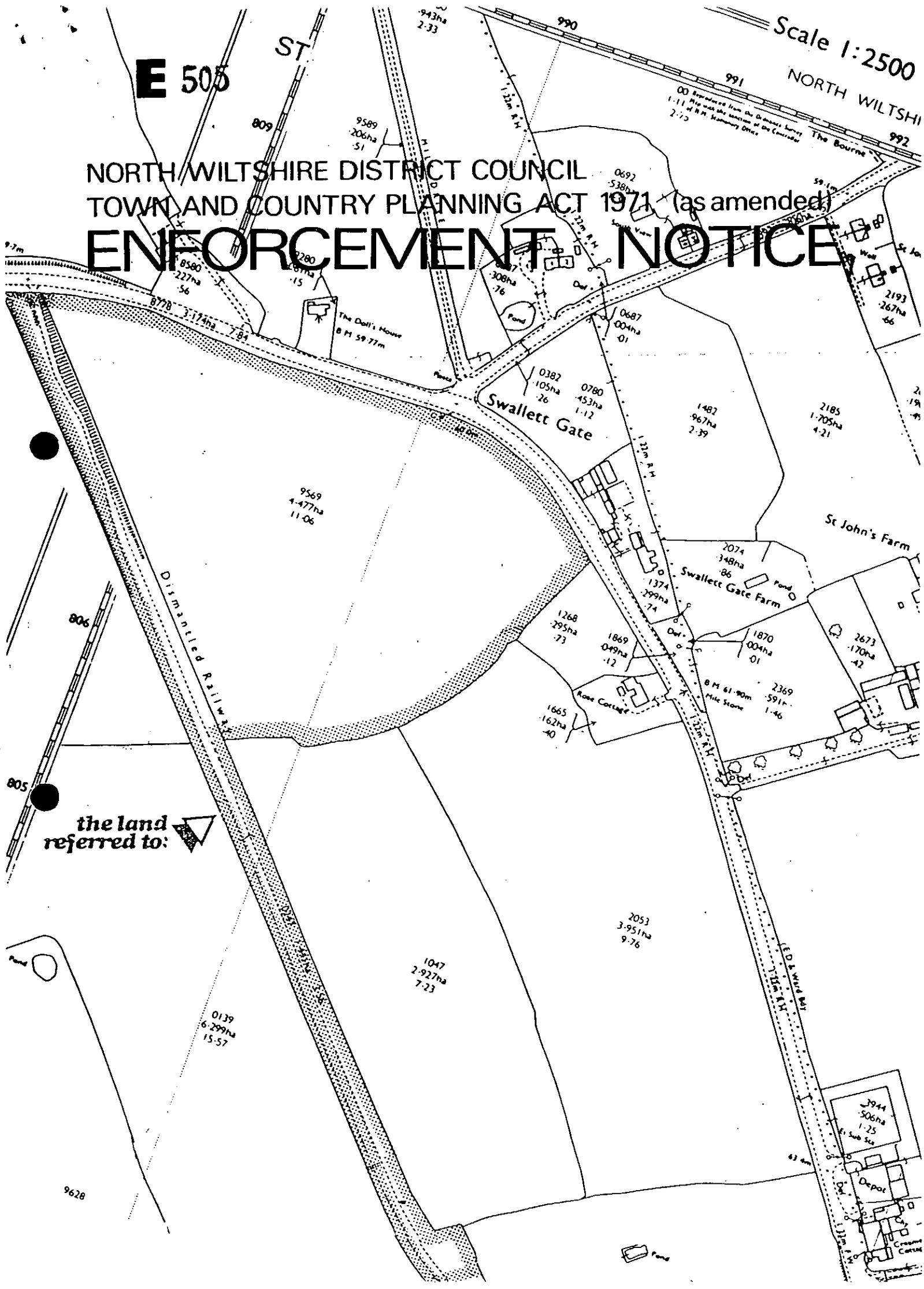
- (i) To cease the residential use of the land.
- (ii) To remove the said caravan.

**E 505**

ST

Scale 1:2500  
NORTH WILTSHIRE

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



**Planning Inspectorate  
Department of the Environment**

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

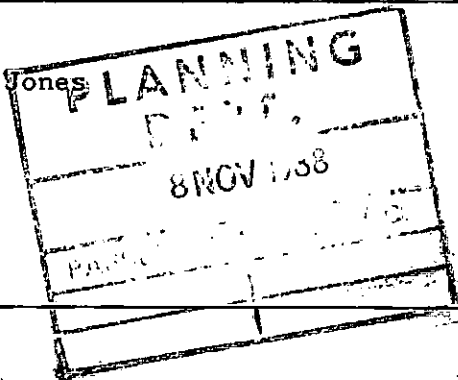
Direct Line 0272-218915

Switchboard 0272-218811

GTN 2074

E 505

Messrs Fielder & Jones  
10 Oxford Street  
MALMESBURY  
Wiltshire  
SN16 9AZ



Your Reference  
WGS/MRF  
Our Reference  
T/APP/C/88/J3910/13/P6  
Date  
1 NOV 88  
LPA Ref: McD/KP AD/018

*Enforcement quashed.  
Personal Permission  
granted for 3 years  
for date of this letter.*

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY MR H W BOULTER  
LAND AND BUILDINGS AT SWALLETT GATE, DAUNTSEY, CHIPPENHAM, WILTSHIRE

1. As you know, I have been appointed by the Secretary of State for the Environment to determine this appeal, which is against an enforcement notice issued by the North Wiltshire District Council concerning the above-mentioned land and buildings. I have considered all the representations made by you and by the Council, and also those made by the Dauntsey Parish Council (including the letter from the Chairman of that Council dated 6 September 1988) and by other interested persons. I visited the site on 17 October 1988.

2. a. The notice was issued on 14 May 1988.

b. The breach of planning control alleged in the notice is the making of a material change in the use of the land from agricultural in relation to dog kennels to a use for those purposes and, in addition, the location of 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 specified for compliance with the notice is four months.

e. Your client appealed against the notice on the ground set out in Section 88(2) (a) of the 1971 Act as amended by the Act of 1981.

3. From the representations which have been made, and from what I saw during my visit, it seems to me that the main issues before me in considering this appeal are whether the stationing of a residential caravan on the appeal site has such a harmful effect on the visual amenity of the area, or constitutes so serious a breach of the policies affecting that area, as to outweigh the presumption in favour of allowing applications for development to which paragraph 15 of Planning Policy Guidance 1 draws attention.

4. So far as visual amenity is concerned, it seemed to me on my visit that the caravan to which the enforcement notice relates is not particularly conspicuous in its present position. It is set well back from the road, and it, like the pig shelters, the dog kennels and various other huts and equipment on the site, is quite well screened from most points of view by the high, thick hedgerows on either side of the disused railway line on which it is situated.

5. The policy arguments against allowing a continuation of the development enforced against are, however, strong. The Structure Plan policies, which provide that new dwellings (including mobile homes) in the countryside unrelated to any established village will not normally be permitted unless justified in connection with the needs of agriculture or forestry, are in line with well-established government policies, as Development Control Policy Note 4 makes plain. The appeal site is situated in a pleasant rural area in which it would be wrong to allow new sporadic housing on a permanent basis unless justified by sound reasons.

6. I saw nothing on my visit to call in question the Local Planning Authority's assertion that there is no agricultural justification for a dwelling on the appeal site. I note, however, that your client was granted planning permission many years ago for the erection of dog kennels on the site, and that he has run a greyhound training business there since 1958. While such a business is not "agriculture" for the purposes of the policies to which I have referred, I accept that such kennels are best situated in the countryside reasonably remote from residential development, and that the care and training of the dogs, and their security, makes it desirable that the manager of the business should live nearby. Bearing in mind the personal circumstances of your client, which made it necessary for him recently to sell his house just over the road from the site, it seems to me that the balance comes down in favour of granting planning permission, personal to your client, for the three year period for which he asks.

7. In addition to conditions making the permission personal and temporary, it is in my view necessary to impose a condition limiting the number of residential caravans on the site at any one time to one, so as to prohibit an intensification of the use which might, without constituting a material change of use from that permitted, have an unacceptably harmful effect on the environment. I have carefully considered the Local Planning Authority's suggestion that I impose a condition requiring improvement to the sight-lines from the access to the site, but it does not seem to me that such a condition would be justified by any probable increase in the attraction of traffic to the site, bearing in mind that the permission will be of limited duration.

8. In reaching my decision I have been strongly influenced by the views of the Parish Council; it seems to me that local knowledge and wisdom are of particular relevance in this sort of situation. I have considered all the other matters raised in the representations, including the fears expressed by some residents as to your client's pig-farming intentions; pig farming is, however, an agricultural activity not requiring planning permission, and these other considerations do not outweigh those which have led me to my decision.

#### FORMAL DECISION

9. For the reasons given above, and in exercise of the powers transferred to me, I hereby allow your client's appeal against the enforcement notice and direct that it be quashed. I 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 as amended for the use of the land at Swallett Gate, Dauntsey to which the notice relates for the location of and residential occupation of a caravan, subject to the following conditions:-



1. Not more than one caravan shall be stationed on the land for residential purposes at any one time.
2. The use hereby permitted shall be carried on only by Mr H W Boulter and shall be for a limited period being the period of three years from the date of this letter or the period during which the caravan the stationing of which is hereby permitted is occupied by Mr H W Boulter, whichever is the shorter.
3. When the caravan ceases to be occupied by Mr H W Boulter, or at the end of the period of three years from the date of this letter, whichever shall first occur, the use hereby permitted shall cease and the caravan shall be removed from the land.

10. 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.

#### RIGHT OF APPEAL AGAINST DECISION

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

I am Sir  
Your obedient Servant

*A. N. Marshall*

A N Marshall MA (Oxon) Solicitor  
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. 130

Our ref **E** 505

Enquiries to Mr McDonald

Your ref

14th April, 1988

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**TOWN AND COUNTRY PLANNING ACT 1971 (as amended)**  
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Yours faithfully,

  
Assistant District Secretary

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AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 19 May, 1988

To:

Harold W. Butler  
Hi Kennels  
Swallett Gate  
Dauntsey  
Chippenham  
Wilts.  
SN15 4HE

Reasons for issue:-

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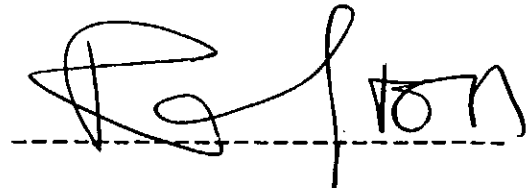
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ISSUED 14th May, 1988

Signed



Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

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SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

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

2500  
NORTH WILTSH

ST

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

St John's Farm