

**IMPORTANT -**  
**THIS COMMUNICATION AFFECTS**  
**YOUR PROPERTY**

District Secretary's Department,  
G. C. Betteridge, LL.B., (Solicitor),  
District Secretary



538



**North Wiltshire**  
**District Council**

Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 443322  
Ext. 592

Our ref **E** 538

Enquiries to Mr McDonald

Your ref

Dear Sir/Madam,

12th March 1990

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

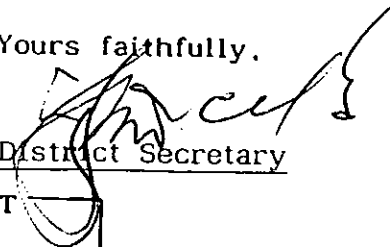
Land at Common Platt, Purton, Wiltshire

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,

  
District Secretary

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 20th April 1990

To: The Secretary  
Clarke Homes Ltd.  
Access 2  
Headless Cross Drive  
Redditch, Worcs.  
B97 5 EV

Basil Edward Baker Walters  
Oxhouse Farm  
Rowde  
Devizes, Wiltshire  
David Gerald Waters  
Cook's Barton, Yarford  
Kingston St. Mary  
Taunton TA2 8 AN

Josephine Barnes  
139 Moredon Road  
Swindon  
Development & Planning &  
Design Services  
(for information only)  
5 Devizes Road, Old Town  
Swindon SN1 4 BJ

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

The removal of a well established hedgerow from the highway frontage of the land has damaged the visual amenity rreasonably to be expected in this rural location.

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

Land at Common PLatt, Purton, Wiltshire

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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 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 failure to comply with conditions or limitations subject to which planning permission was granted, that permission and the relevant condition being more fully described in Schedule 2 below.
- (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 20th April 1990

ISSUED 12th March 1990

Signed



Monkton Park,  
Chippenham SN15 1ER

### SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Common Platt, Purton, Wiltshire shown stippled on the attached plan.

### SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

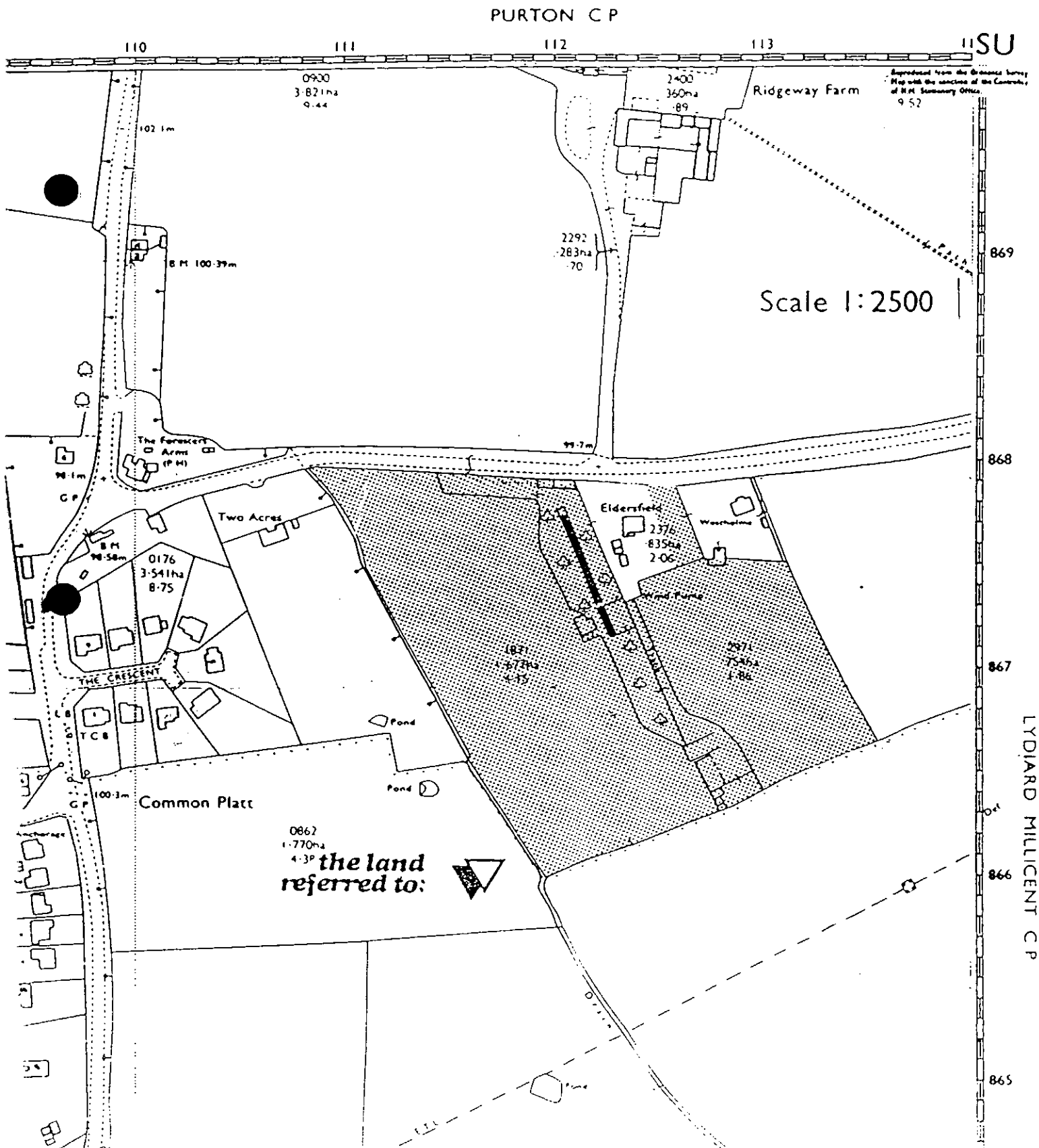
The cutting down of the hedgerows fronting the highway and, as such, the failure to comply with a condition imposed on a planning permission granted on appeal (APP/J3910/A/87/069679) on 9th February 1988 to wit:-

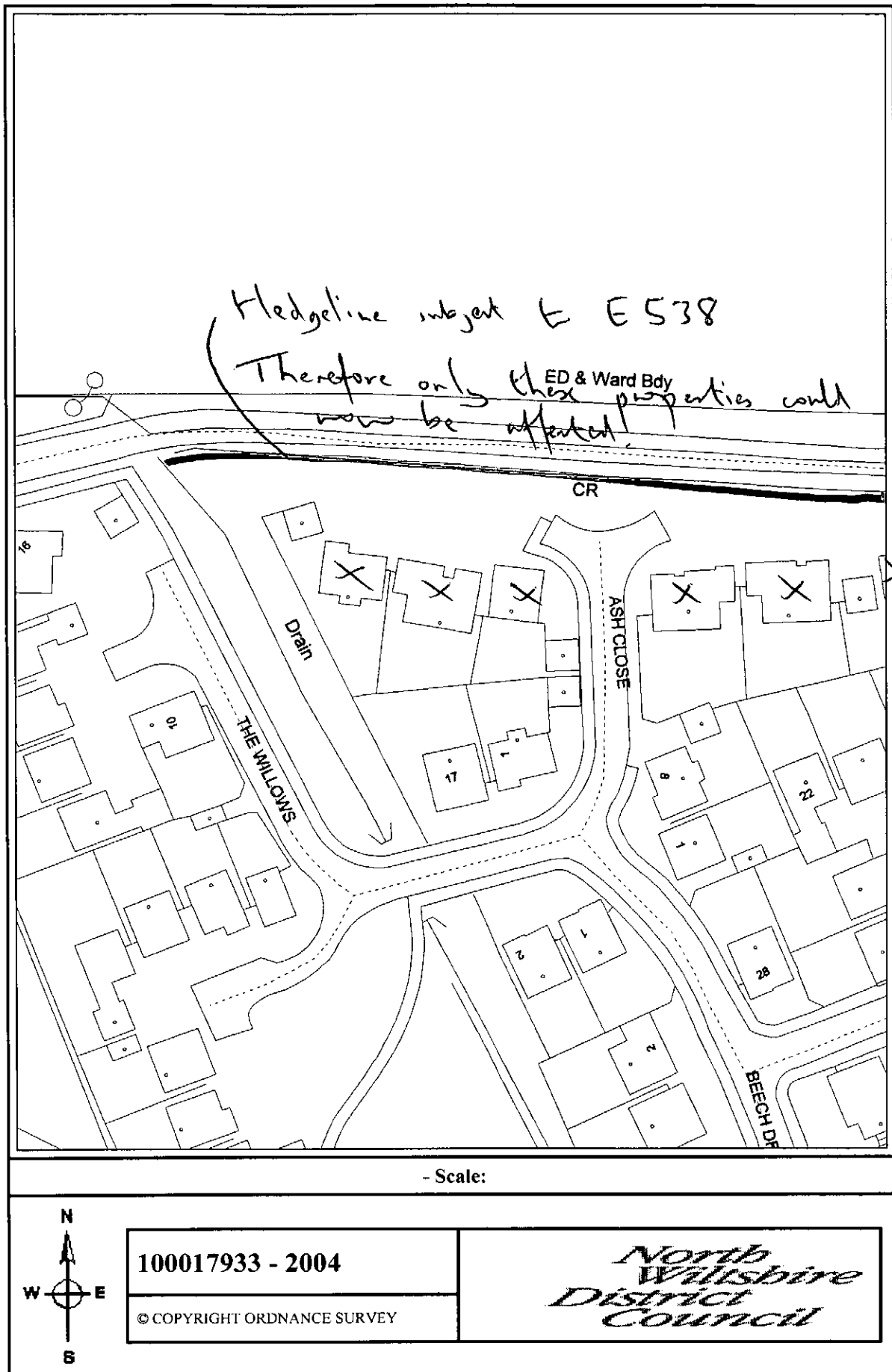
- "4. the details of landscaping required by condition 1 shall include the treatment of the site's boundaries and indicate all existing trees and hedgerows on the land, with a schedule of those to be retained and measures to protect them during the course of development; and no tree within the site shall be cut down, uprooted, topped, lopped or destroyed, or any hedge cut down or grubbed out, without the prior approval in writing of the local planning authority".

### SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

To plant a hedge along the highway frontage to the land of a species and with support enabling it to become established to the satisfaction of the local planning authority.

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





Our Ref: E 538/NO307181

Your Ref: LYN0081/AGD/SC

Enquiries to: Mr Robin Williams

Date: 14<sup>th</sup> September 2004

Chief Executive: Bob Marshall

Strategic Manager: Alun Davies

Pooley Dale & Co  
DX 400903  
Swindon 6

Planning Services  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

Tel: 01249 706640  
Fax: 01249 460810  
email: [rwilliams@northwiltshire.gov.uk](mailto:rwilliams@northwiltshire.gov.uk)  
[www.northwiltshire.gov.uk](http://www.northwiltshire.gov.uk)

Dear Sirs

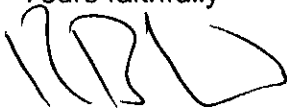
8 Linden Way, Common Platt, Swindon SN5 5DE

I refer to your letter dated 11<sup>th</sup> September 2004.

I can confirm that the requirements of enforcement notice E.538 issued 12<sup>th</sup> March 1990 does not now impose obligations specifically on the owners of 8 Linden Way, Common Platt and may be disregarded concerning this particular property.

The North Wiltshire District Council is not the Highway Authority and does not act as such therefore I suggest you address your question relating to the Highways Act 1980 to the Wiltshire County Council.

Yours faithfully



Robin Williams  
Principal Planning Officer

# Pooley Dale & Co.

Bristol & West House  
10 - 15 Regent Circus  
Swindon SN1 1PP

SOLICITORS

Telephone (01793) 488848  
DX 400903 SWINDON 6  
FAX (01793) 511209  
E-Mail: mail@pooleydale.co.uk

Our ref:

Your ref:

North Wiltshire District Council  
Planning Department  
DX 34208  
CHIPPENHAM

Date: 11th September 2004  
Your Ref: NO307181  
Our Ref: LYN0081/AGD/SC



Dear Sirs,

8 Linden Way, Common Platt, Swindon SN5 5DE  
Search Number 307181

We act for the proposed purchasers of the above property and refer to the above search. This shows a planning charge being and enforcement notice (E.538) issued 12<sup>th</sup> March 1990 and registered 15<sup>th</sup> March 1990. It also shows a Notice under the Highways Act 1980 (section 220(1)) requiring £258,000.00 from Westbury Homes. This was registered on 11<sup>th</sup> March 1997. We obviously have to explore both of these. Could you please inform us whether the enforcement notice has been enforced, and if not, whether it is anticipated that any action will be taken after this length of time. With regard to the Notice under the Highways Act, can you please confirm that payment has been made, or that the Council have no intention of making enforcement against the owners of 8 Linden Way.

Yours faithfully,

Pooley Dale & Co

*I can confirm that the requirements of enforcement notice E.538 issued 12th March 1990 does not impose obligations on the owners of 8 Linden Way, Common Platt and may be disregarded concerning this particular property.*

M. R. S. de Bertodano - Member of the Society of Trust and Estate Practitioners

A. G. Dale

N. J. J. Buckley - Member of the Law Society Personal Injury Panel

B. W. S. W. Robinson - Member of the Law Society Family Law and Children panels SFLA

Associate Solicitor - K. P. Heffernan

Community  
Legal Service



Family

Regulated by The Law Society