

**ENFORCEMENT REGISTER  
INFORMATION SHEET**

<b>E/</b> 580		
APPEAL	yes	no
Plan's Ref		

**ADDRESS**

LAND AT  
UPPER SWINLEY FARM  
KINGTON ST MICHAEL

**BREACH of CONTROL**

THE SITING OF A DOMESTIC  
OIL TANK AND TWO CONCRETE  
SUPPORTS ON AGRICULTURAL LAND  
IN POSITION INDICATED ON  
PLAN

Issuing Authority

Date Issued 5.9.90

**STOP NOTICES**

Date Served

Requiring

Date(s) served

5.9.90

Takes effect 10.10.90

Compliance by 10.12.90

Dates Extended by  
Secretary of State

Date withdrawn

**REQUIREMENTS of ENFORCEMENT**

TO DISMANTLE AND REMOVE FROM THE LAND THE  
SAID OIL TANK AND CONCRETE BLOCK SUPPORTS

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) 443322  
Ext. 593

Our **E** 580

Your  
Ref:

Enquiries to:

Mr. Cox

Dear Sir/Madam,

5th September 1990

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

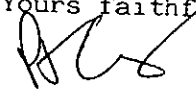
Land at Upper Swinley Farm, Kington St. Michael, Wiltshire

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 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 10th October 1990

To: Mr. A. J. Stowey  
Oak Lodge Cottage  
Chesley Hill  
Bridgegate  
Bristol BS1 5NE

Mrs. C. E. Stowey  
Oak Lodge Cottage  
Chesley Hill  
Bridgegate  
Bristol BS155 NE

E580

ANNEX - (This does not form part of the enforcement notice)

The removal of the oil tank is considered necessary in the interests of the special character of the building and the appearance and character of this rural area.

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

Land at Upper Swinley Farm, Kington St. Michael, 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 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 TWO 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 10th October 1990

ISSUED 5th September 1990

Signed

DISTRICT SECRETARY

Monkton Park,  
Chippenham, SN15 1ER.

/ SCHEDULE 1 . . . . .

(over)

E580

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Upper Swinley Farm, Kington St. Michael, Chippenham, Wiltshire  
shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

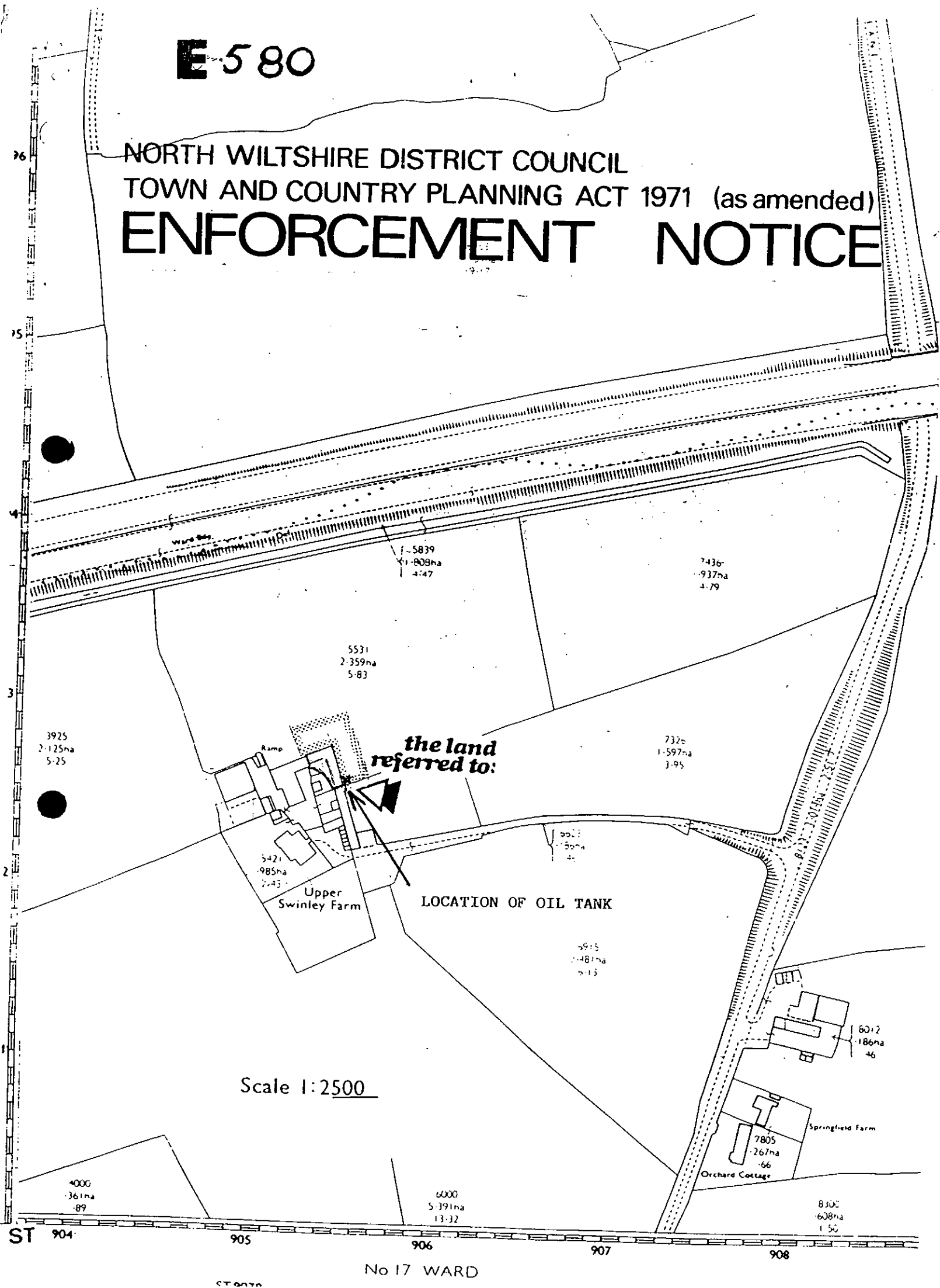
The siting of a domestic oil tank and two concrete block supports on  
agricultural land in the position indicated on the attached plan

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

To dismantle and remove from the land the said oil tank and concrete  
block supports

**E 580**

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





# Planning Inspectorate

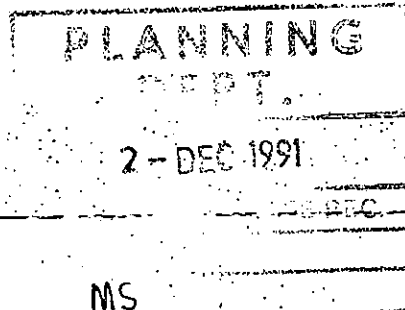
Department of the Environment

Room 1120(7) Tollgate House Houlton Street Bristol BS2 9DJ

Fax 0272-218782  
Telex 0272-449321

Direct Line 0272-218703  
Enquiries 0272-218075  
GTN 1374

Mr A J Stowey and Mrs C E Stowey  
Oak Lodge Cottage  
Chesley Hill  
Bridgegate  
BRISTOL  
BS15 5NE



Your Reference:  
E580  
Council Reference:  
McD/KP/E.580  
Our Reference:  
T/APP/C/90/J3910/27-28/P6

Date: 28 NOV 91

Sir and Madam

MS

## TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6 LAND AT UPPER SWINLEY FARM, KINGTON ST MICHAEL, CHIPPENHAM, WILTSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine your appeals against the 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 other persons. I inspected the site on 14 October 1991.
2. a. The date of the notice is 5 September 1990.  
b. The breach of planning control alleged in the notice is the siting of a domestic oil tank and two concrete block supports on agricultural land in the position indicated on the plan attached to the enforcement notice.  
c. The requirements of the notice are to dismantle and remove from the land the said oil tank and concrete block supports.  
d. The period for compliance with the notice is two months.  
e. The appeals were made on the ground set out in Section 174(2) (a) of the 1990 Act.
3. The site is situated in open countryside a short distance south of the M4 motorway north of the village of Kington St Michael. Upper Swinley Farm consists of a Grade II listed dwelling and Grade II listed outbuildings which have been converted into four dwellings. The oil tank and concrete block supports are located on agricultural land adjacent to the east elevation of unit three which is a former barn single storey in height constructed of natural stone with a natural stone tile roof. A feature of the building is its low set long plain simple lines with the absence of any external protrusions on the east elevation. This feature is acknowledged by the manner in which the windows in the east elevation of unit three have been recessed into the elevation in lancet form.

RIGHT  
11

4. Under a ground (a) appeal it is claimed that planning permission ought to be granted for the development to which the enforcement notice relates. The applications deemed to have been made under Section 177(5) of the 1990 Act are for the retention of the domestic oil tank and the two concrete block supports on agricultural land. From my inspection of the site and its surroundings and from the representations made, I consider the main issues to be whether the development would harm unacceptably the special character and setting of the listed building it adjoins and the appearance and character of this rural area.

5. The site is affected by policies in the approved Western Wiltshire Structure Plan and adopted Chippenham Local Plan which seek to secure the preservation of buildings of architectural or historic interest. The Draft North Wiltshire Local Plan 1990 includes similar policies which seek to secure the preservation of buildings of special architectural or historic interest (listed buildings) and their character and setting. Development within or around the curtilage of a listed building will normally only be permitted where it does not harm the character or setting of the listed building. I attach considerable weight to the policies in the Structure Plan and the Chippenham Local Plan because of their respective up-to-date approved and adopted status. While I attach less weight to the North Wiltshire Local Plan because of its draft status, its policies reflect national guidance in Circular 8/87 and Planning Policy Guidance Note 7 referred to by the Council.

6. Because of the absence of any external protrusions on the east elevation of the listed building, it is my view that the oil tank and its concrete block supports appear stark and intrusive against the plain simple lines of the wall of the building. It is clearly visible from the new approach drive to the Farm and from the adjoining agricultural land. While the view from the M4 motorway is more distant, the tank is still clearly visible. The painting of the tank in a brown colour has not in my view reduced its impact significantly. It is therefore my finding that retention of the oil tank and its concrete supports adjacent to the east elevation of the barn would harm unacceptably the special character and setting of this listed building contrary to the planning policies for the area and national guidance.

7. I also consider that because of its elevated hillside location, the development appears unacceptably intrusive in this open landscape area, harming to an unacceptable degree the appearance and character of this rural area. I further consider that because of the plain simple lines of the east elevation of the barn any attempt at landscaping or enclosing the tank and its concrete supports would only serve to draw attention to its intrusiveness.

8. While from my consideration of your representations and my inspection the choice of alternative locations for siting the oil tank in such a manner so as not to harm the special character and setting of the listed buildings, would seem to be limited, this is not a sufficient reason to override my conclusions on the planning issues raised. In reaching my conclusions I have also considered your representations on another tank in the area. However, my concern is the merits of the case before me and for the reasons given I find the development unacceptable.

9. I have considered all the other matters raised in the written representations, but I find nothing of sufficient importance to outweigh the considerations which lead me to my conclusion that planning permission should not be granted on the deemed applications. Your appeals on ground (a) therefore fail.

#### FORMAL DECISION

10. I hereby dismiss your appeals, uphold the notice, and refuse to grant planning permission on the applications deemed to have been made under Section 177(5) of the 1990 Act.



RIGHT OF APPEAL AGAINST DECISION

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

I am Sir and Madam  
Your obedient Servant

*E. C. Anne Parkhill*

MISS E C A PARKHILL BA LLB DipTP MRTPI  
Inspector