

ENFORCEMENT REGISTER INFORMATION SHEET

 APPENDED
7.8.91

E/ 45 639 B		
APPEAL	yes	no
Plan's Ref		

ADDRESS

LAND AT
FOUL OAKS
HYDRAID PLOT
HYDRAID MINNICHNO

BREACH of CONTROL

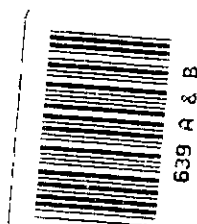
Issuing Authority NWDC

Date Issued 15.5.91

STOP NOTICES

Date Served

Requiring



Date(s) served

15.5.91

Takes effect 1.7.91

Compliance by 1.10.91

 Dates Extended by
Secretary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

(i) To cease the use of the land for the stationing of caravans for the purpose of providing residential accommodation, domestic storage and for the parking of motor vehicles and trailers

(ii) To remove from the land the said caravans, motor vehicles and trailers

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

The making of a material change of use of the land from agricultural to use for agriculture and in addition:-

- (i) The stationing of caravans for the purpose of providing residential accommodation and domestic storage
- (ii) The parking of motor vehicles and trailers

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. 598

Our **E** 639A

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

15th May 1991

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

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, 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.

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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,

G.C. Betteridge
District Secretary

DATE ON WHICH NOTICE TAKES EFFECT AND
BEFORE WHICH ANY APPEAL MUST BE
RECEIVED 1st July 1991

To: Mr. T. Skeet
Caravan at
Four Oaks
Lydiard Plain
Lydiard Millicent
Swindon

Mr. Frederick Hughes
Caravan at
Four Oaks
Lydiard Plain
Lydiard Millicent
Swindon

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

Reasons for issue:-

1. The development is contrary to Policies H19 and H24 of the North East Wiltshire Structure Plan which state that new mobile homes and dwellings in the countryside will not normally be permitted unless justified in connection with the needs of agriculture or forestry. Although the situation in connection with the requirements to provide gypsy accommodation has been considered, the Planning Authority is of the opinion that the need is insufficient in this instance to override normal planning policy restricting new residential development outside established settlements.
2. Having regard to the prominent location of this site in close proximity to the road in a flat area of landscape it is considered that the proposed use of the site to accommodate gypsy families, with their caravans and associated domestic trappings would have an adverse effect on the visual amenity and rural character of the area and set a precedent for further similar development.
3. The proposal is sporadic residential development along a Class II road where there is no special speed limit and vehicles entering and leaving the carriageway would be detrimental to the safety of road users. Also, if approved, the proposal would create a precedent for further similar development in the vicinity of the site to the further detriment of highway safety.

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

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, 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 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 1st July 1991

ISSUED 15th May 1991

Signed

G.C. Bettelidge

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

E639A

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, Wiltshire, shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

1. The laying of hardcore on the land
2. The erection of a garden shed

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

1. To remove the hardcore from the land except and in so far as may be authorised by the provisions of planning permission No. N.90.2989.F dated 11th January 1991
2. To remove the garden shed from the land
3. To restore the land to its condition and appearance immediately prior to the operations and development described in Schedule 2 hereto by spreading topsoil, and seeding with grass, sufficient to sustain the use of the land for pasture

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. 598

Our **E** 639B
Ref:

Your
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Enquiries to:
Miss Hind

Dear Sir/Madam,

15th May 1991

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Yours faithfully,

G.C. Betteridge
District Secretary

DATE ON WHICH NOTICE TAKES EFFECT AND
BEFORE WHICH ANY APPEAL MUST BE
RECEIVED 1st July 1991

To: Mr. T. Skeet
Caravan at
Four Oaks
Lydiard Plain
Lydiard Millicent
Swindon

Mr. Frederick Hughes
Caravan at
Four Oaks
Lydiard Plain
Lydiard Millicent
Swindon

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

Reasons for issue:-

1. The development is contrary to Policies H19 and H24 of the North East Wiltshire Structure Plan which state that new mobile homes and dwellings in the countryside will not normally be permitted unless justified in connection with the needs of agriculture or forestry. Although the situation in connection with the requirements to provide gypsy accommodation has been considered, the Planning Authority is of the opinion that the need is insufficient in this instance to override normal planning policy restricting new residential development outside established settlements.
2. Having regard to the prominent location of this site in close proximity to the road in a flat area of landscape it is considered that the proposed use of the site to accommodate gypsy families, with their caravans and associated domestic trappings would have an adverse effect on the visual amenity and rural character of the area and set a precedent for further similar development.
3. The proposal is sporadic residential development along a Class II road where there is no special speed limit and vehicles entering and leaving the carriageway would be detrimental to the safety of road users. Also, if approved, the proposal would create a precedent for further similar development in the vicinity of the site to the further detriment of highway safety.

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

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, 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 1st July 1991

ISSUED 15th May 1991

Signed

G C Battenda

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

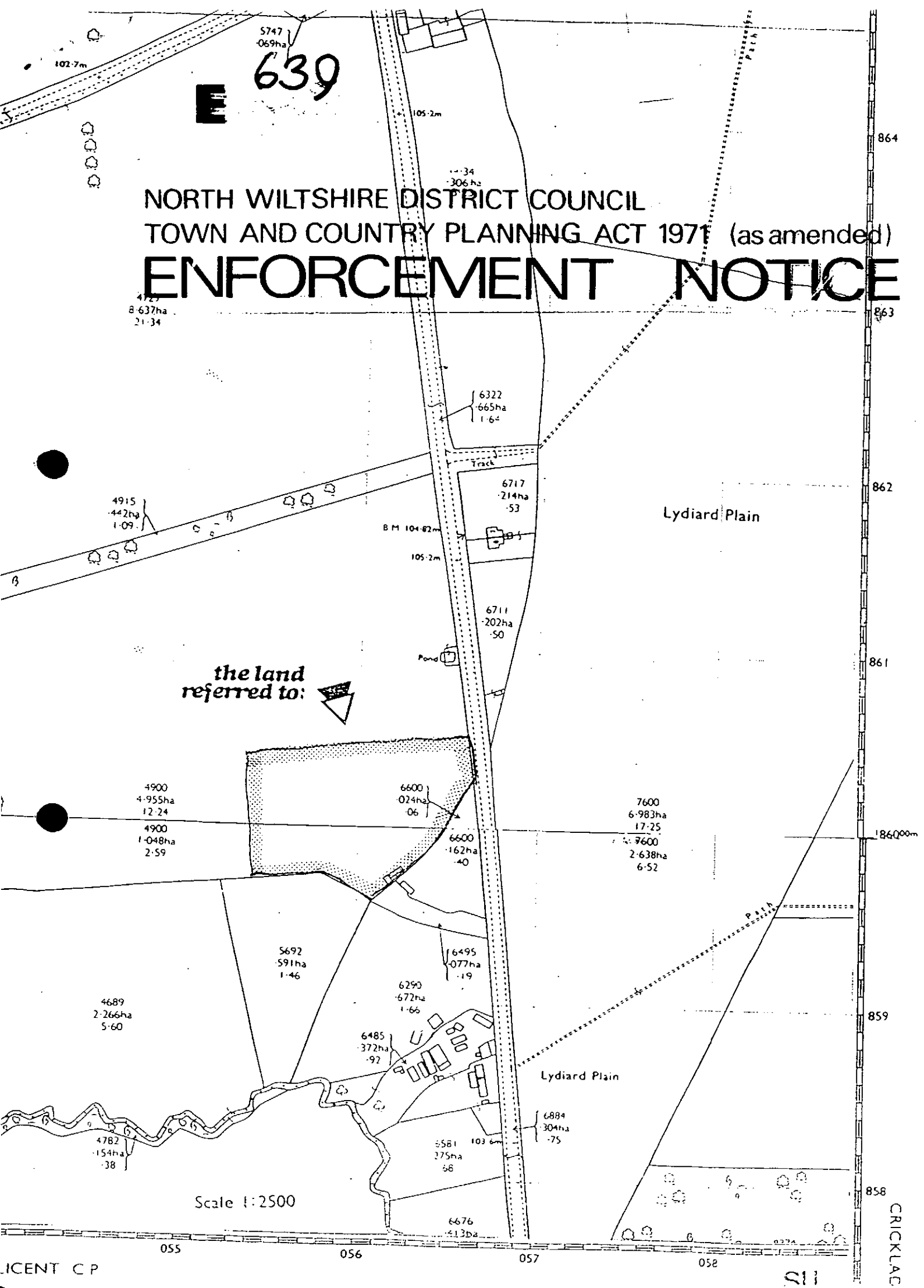
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NORTH WILTSHIRE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
ENFORCEMENT NOTICE



IMPORTANT

THIS COMMUNICATION AFFECTS
YOUR PROPERTY

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

PLANNING DEPT.	
16 MAY 1991	
RECEIVED	DATE REC.



North Wiltshire
District Council

Monkton Park,
Chippenham,
Wiltshire, SN15 1ER.
Tel. Chippenham (0249) 443322
Ext. 598

Our Ref: **E** 639A

Your Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

15th May 1991

NORTH WILTSHIRE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1971

Appeals dismissed
(as amended) 15-5-92

ENFORCEMENT NOTICE

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, Wiltshire

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Yours faithfully,

G.C. Betteridge
District Secretary

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BEFORE WHICH ANY APPEAL MUST BE
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To: Mr. T. Skeet
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Lydiard Millicent
Swindon

Mr. Frederick Hughes
Caravan at
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Lydiard Plain
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2. Having regard to the prominent location of this site in close proximity to the road in a flat area of landscape it is considered that the proposed use of the site to accommodate gypsy families, with their caravans and associated domestic trappings would have an adverse effect on the visual amenity and rural character of the area and set a precedent for further similar development.
3. The proposal is sporadic residential development along a Class II road where there is no special speed limit and vehicles entering and leaving the carriageway would be detrimental to the safety of road users. Also, if approved, the proposal would create a precedent for further similar development in the vicinity of the site to the further detriment of highway safety.

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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
ENFORCEMENT NOTICE

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WHEREAS :

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ISSUED 15th May 1991

Signed

G.C. Bateman

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

E639A

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

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SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

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G.C. Betteridge LL.B. (Solicitor)
District Secretary



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Our **E** 639B
Ref:

Your
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Enquiries to:
Miss Hind

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15th May 1991

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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
ENFORCEMENT NOTICE

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ISSUED 15th May 1991

Signed

G C Battledge

Monkton Park,
Chippenham, SN15 1ER.

DISTRICT SECRETARY

/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The making of a material change of use of the land from agricultural to use for agriculture and in addition:-

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The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

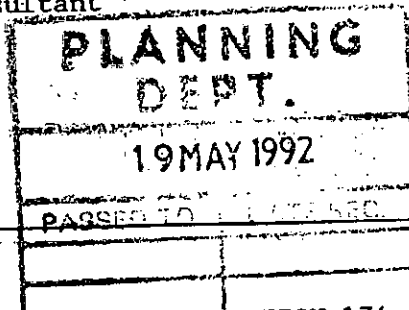
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218 711
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

Margaret Scott

15 MAY 92

Mr J Hill Planning Consultant
8 Fern Street
Gilfach Goch
PORTH
CF39 8TP



Your reference:

MJ161/E/A

Council reference:

E639A; E639B; AD1536;

Our reference:

T/APP/C91/J3910/609835-8/P6

Date: 15 MAY 1992

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEALS BY MR T SKEET AND MR F HUGHES
LAND AT FOUR OAKS, LYDIARD PLAIN, LYDIARD MILLICENT

1. I have been appointed by the Secretary of State for the Environment to determine your clients' appeals against two enforcement notices issued by the North Wiltshire District Council concerning the above mentioned land. I held an inquiry into the appeals on 31 March 1992.

NOTICE A

2. a. The notice was issued on 15 May 1991.

b. The breach of control alleged in the notice is:-

"1. The laying of hardcore on the land.

2. The erection of a garden shed."

c. The requirements of the notice are:-

"1. To remove the hardcore from the land except and in so far as may be authorised by the provisions of planning permission No.90.2989.F dated 11 January 1991.

2. To remove the garden shed from the land

3. To restore the land to its condition and appearance immediately prior to the operations and development described in Schedule 2 hereto by spreading topsoil, and seeding with grass, sufficient to sustain the use of the land for pasture."

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

3. This appeal is proceeding on grounds (a), (g) and (h) as set out at Section 174(2) of the 1990 Act prior to its amendment by the 1991 Act, that is to say, that planning permission ought to be granted for the development to



which the notice relates (ground a), that the steps required to be taken exceed what is necessary to remedy any breach of planning control, or to achieve a purpose specified by the Council under Section 173(4) of the 1990 Act (ground g), and that the period specified in the notice within which any step is to be taken falls short of what should reasonably be allowed (ground h).

NOTICE B

4. a. The notice was issued on 15 May 1991.

b. The breach of planning control alleged in the notice is:- "The making of a material change of use of the land from agricultural to use for agriculture and in addition:-

(i) The stationing of caravans for the purpose of providing residential accommodation and domestic storage

(ii) The parking of motor vehicles and trailers"

c. The requirements of the notice are:-

"(i) To cease the use of the land for the stationing of caravans for the purpose of providing residential accommodation, domestic storage and for the parking of motor vehicles and trailers

(ii) To remove from the land the said caravans, motor vehicles and trailers."

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

5. This appeal is proceeding on grounds (a) and (h) as set out at Section 174(2) of the 1990 Act prior to its amendment by the 1991 Act, that is to say, that planning permission ought to be granted for the development to which the notice relates (ground a), and that the period specified in the notice within which any step is to be taken falls short of what should reasonably be allowed (ground h).

The Site and Surroundings

6. The site is of about 0.85ha, and is in a rural area, on the west side of the B4696, approximately 4km north of Wootton Bassett. It is generally level, but rises slightly towards the west. Part of the site is grassed, and part has been covered with hardcore, which provides an entrance driveway, parking and turning areas, and hardstandings for caravans. There is a standpipe, a covered cesspit, an electricity generator, and two or three small, wooden sheds. At the time of my visit I saw the caravans belonging to your clients, and about half a dozen other caravans with associated vehicles.

7. A bridleway passes across the southern edge of the site, and leads towards an area of woodland a short distance further to the west. This southern boundary of the site is marked by a substantial field hedge. The western and northern boundaries are indicated by fences or a low embankment. I also noted a number of newly planted trees.

8. The site is well outside the built-up area of any settlement. There are some scattered buildings in the locality, but the surroundings are generally open and undeveloped.

Appeals on ground (a) and the Deemed Applications

9. As was discussed at the inquiry, it appears to me that the main issues between the parties arise in connection with Notice B, which deals with the caravans. The decision in relation to Notice A will, to a considerable extent, depend on the view that is taken of the merits of the appeal in respect of Notice B. As far as Notice B is concerned, from the representations made at the inquiry and in writing and my inspection of the site and surrounding area, it is my opinion that the main issues are:-

- (1) whether the use would do material harm to the objectives of planning policies which seek to restrict new development in the open countryside, having regard also to specific local and national policies which indicate that special consideration is to be given to the needs of gypsies; and,
- (2) whether the use would materially increase risks to the safety of users of the public highway.

10. I was referred to a number of policies in the 1990 North East Wiltshire Structure Plan, and in the deposit version of the draft Local Plan. In broad outline, policies such as H19, H24 and C6 in the Structure Plan, and H13 and C7 in the draft Local Plan, indicate that caravans would not normally be permitted in the open countryside, unless justified in connection with the needs of agriculture or forestry. Where development in the countryside is permitted, regard should be paid to matters such as siting, and impact on the environment.

11. You argued that these policies were not intended to apply to applications for gypsy caravan sites, bearing in mind the specific reference to gypsies in Structure Plan policy H25. In my judgement, these general countryside policies must be taken into account, as well as any policies dealing with specific types of development. In that connection, I note that the recently revised PPG7 refers to strict control on building in open countryside away from existing settlements.

12. As you pointed out, this site is not within Green Belt, an Area of Outstanding Natural Beauty, a Special Landscape Area or the West Swindon Rural Buffer. Although it is shown within an area of high ecological value in the Wiltshire Landscape Local Plan (1986), it was not suggested that the development causes any significant damage to wildlife habitats. Nevertheless, I am quite satisfied that this is an open countryside location where, having regard to generally applicable local and national policies, a new caravan site would not normally be permitted.

13. In spite of the roadside hedge, the caravans can be seen from various points on the B4696 both to the north and the south of the site. They are easily visible from the highway opposite the site entrance. In addition, they are a most conspicuous, and, to my mind, intrusive feature, when viewed from the bridleway, especially when approaching the site from the west. This area is a pleasant mixture of pasture and woodland. In my judgement the development is an incongruous feature, which detracts materially from the area's appearance and character. This adverse impact could no doubt be softened by landscaping. Even if this were extensive it would not in my opinion be fully effective in screening the site, particularly in winter.

14. There is no dispute that your clients are gypsies, with local connections. Policy H25 of the Structure Plan states that "having regard to the provisions of the Caravan Sites Act 1968 special consideration will be given to both public and private provision for gypsy caravans as these have particular requirements". You cited relevant national policy guidance, and I

have paid particular attention to Circulars-28/77 and 57/78. These documents indicate that the special need to accommodate gypsies, and the consequences of not accommodating them, should be taken into account as a material consideration.

15. It was explained that your clients' intention is to establish a privately owned and run "transit" caravan site, and that this is the basis on which permission is sought. The appellants would occupy two pitches on a permanent basis, and act as the site wardens. A further 12 pitches would be available for "short-stays" of, normally, up to 28 days. A list of proposed conditions of occupation and site rules was supplied. You emphasised at the inquiry that the development of the appeal site was justified because of the particular need for extra "transit" facilities for gypsies in this part of Wiltshire.

16. North Wiltshire District is within a "designated area". In my judgement, designation does not remove the obligation to consider whether, in particular circumstances, additional site provision is appropriate. On the basis of the figures supplied to the inquiry, it appears that, overall, the number of authorised caravan pitches in Wiltshire is broadly sufficient. The council's gypsy liaison officer stated that in his opinion, as far as permanent pitches are concerned, supply is roughly equal to demand. He was also of the view however that additional transit accommodation was required to cater for those gypsies who would not wish to use the existing council transit site at Chiseldon, south of Swindon. I understand that, although there is often space at Chiseldon, it is avoided by certain groups of gypsies, for social and other reasons.

17. This view that there is a need for additional transit accommodation, in the northern part of Wiltshire, is endorsed by, among others, the county council's public protection committee, and the National Gypsy Council. Both these bodies support the use of the appeal site for this purpose.

18. I accept that there is a need for additional transit facilities, for certain groups of gypsies, in the northern part of Wiltshire. That need was not clearly quantified at the inquiry, but I agree that, in principle, some or all of that need could be met by means of development of the appeal site. I note that there is no dispute that adequate services, including schooling, could be made available.

19. The need for additional gypsy caravan site provision that has been identified is, specifically, a need for "transit accommodation", for those who would not or could not use Chiseldon. A need for additional gypsy sites, in general, in this area, was not established. Therefore, if need for gypsy accommodation is to be a sound basis for granting permission, contrary to normal countryside policies, there must in my opinion be some effective means of ensuring that the site is used for the specific, identified need over a substantial period of time.

20. I do not question your clients' present intentions. However, personal circumstances or wishes may change. This is a private site which could be sold, in whole or in part, at any time. You said that sale of individual pitches was unlikely, but acknowledged that it could occur in the future. Neither you nor the council were able to suggest a planning condition which would ensure that the site was used solely or mainly for transit accommodation. In my judgement, any condition which purported to control the number of days an individual occupier could reside on site, in any given period, would be impractical and unenforceable. No Section 106 obligation is before me, even in draft, and it was not explained how such an obligation could deal effectively with the problem.

21. If permission were granted, but without any adequate planning control over the length of stay, the extent to which the site would, over the long term, continue to meet the identified need is, in my judgement, somewhat speculative.

22. In addition, I note that there was some unchallenged evidence from a local resident that certain visitors' caravans may have been on the site for periods well in excess of the 28 days mentioned in the "conditions of occupation".

23. Given the difficulties of ensuring that the site would in the future meet the specific, identified need for additional, transit, gypsy accommodation, it is my conclusion that the advantages of the development are clearly outweighed by the harm that would be done to the objectives of established planning policies relating to development in the countryside.

24. Turning to the second issue, it was established by the highway witness that the "85 percentile speeds" on this stretch of highway are 57mph northbound, and 60mph southbound. Traffic flows are about 3000 vehicles a day. I consider that the suggested daily "trip rate" for a site of 14 pitches, of 84, is very reasonable.

25. Having regard to the advice in PPG13, for a development of this size, on this section of road, visibility splays of 4.5m by 215m would normally be considered appropriate. At a point 4.5m back from the edge of the carriageway, at the site access, visibility is very poor indeed. If a reduced x distance of 2.4m is considered, visibility is at present about 80m to the north and 75m to the south.

26. Taking into account my site inspection, I am of the opinion that visibility to the north is just acceptable, bearing in mind that the on-coming traffic is on the far side of the road from the access. On the other hand, visibility to the south is seriously deficient, especially having regard to the likelihood that traffic leaving the site would include a proportion of slow moving or towing vehicles. Furthermore, it appeared to me that even the visibility that is now available depends on some recent cutting back of a hedge on property which is not under the appellants' control. Therefore the maintenance of the present degree of visibility to the south could not be ensured by condition. Taking these factors into account I conclude that, by reason of inadequate visibility, the use of the access to the site, in connection with the use proposed, would cause material risks to the safety of highway users generally. In coming to this conclusion I have taken into consideration the comments made about the access to the Chiseldon site, and the lack of accidents, to date, near the appeal site.

27. In the light of my conclusions on each of the main issues, the appeal on ground (a), in respect of Notice B, should be dismissed, and planning permission on the deemed application refused.

28. In connection with Notice A, I understand that the shed referred to in the notice is the one which houses the electricity generator. As far as this notice is concerned, from the representations made at the inquiry and in writing and my inspection of the site and surrounding area, it is my opinion that the main issue is whether retention of the hardcore and the shed would do material harm to the appearance or character of the area, having regard to the objectives of relevant planning policies.

29. Bearing in mind my conclusions on ground (a) in respect of Notice B, it seems to me that the substantial area of hardcore, and the shed, would be out of place in these rural surroundings. They would be quite conspicuous,

especially when seen from the bridleway, and would cause material harm to the appearance and character of the immediate locality. This would be contrary to the objectives of policies for the protection of the countryside. For these reasons I conclude that the appeal on ground (a) in respect of Notice A should fail, and planning permission should be refused.

Appeal on ground (g) - Notice A

30. The area of hardcore very greatly exceeds the amount needed for any probable agricultural purpose. I therefore consider it appropriate to require the removal of all such hardcore, except the small amount permitted by the planning permission for an agricultural access, and referred to in the notice. Similarly, there was no evidence before me of any agricultural purpose for the wooden shed. It seems to me that the spreading of topsoil, and seeding, is necessary to restore the appearance of the land. In my judgement the notice does not require the land to be actually used as pasture land. It simply defines the extent to which seeding with grass should occur. I conclude that the steps required do not exceed what is necessary to remedy the breach of planning control. The appeal on ground (g) fails.

Appeals on ground (h) - Notices A and B

31. Although the evidence was that Wiltshire is relatively well supplied with "permanent" caravan sites, I accept that the appellants may need a considerable period in which to look for new accommodation. It will also take some time to organise and carry out the work of restoration of the land. Therefore the period for compliance, for each notice, will be extended to 9 months. To that extent the appeals on ground (h) succeed.

Other Matters

32. I have considered all the other matters raised at the inquiry and in writing but they are not sufficient to outweigh the reasons which have led to my decisions.

FORMAL DECISIONS

NOTICE A

33. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the the period for compliance be varied by deleting the words "THREE MONTHS" and substituting the words "NINE MONTHS". Subject to this variation, I hereby dismiss your clients' appeals, uphold the notice and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

NOTICE B

34. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the the period for compliance be varied by deleting the words "THREE MONTHS" and substituting the words "NINE MONTHS". Subject to this variation, I hereby dismiss your clients' appeals, uphold the notice and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

RIGHT OF APPEAL AGAINST DECISIONS

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

I am Sir
Your obedient Servant

R. L. Muers

R L MUERS BA DipSocAdmin DipSocWork Solicitor
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr J Hill - Planning Consultant, of
Gilfach Goch, Porth.

who gave evidence himself

He called:

Mr A J Penfold - Chairman, National Gypsy Council.

Mr F Hughes - Appellant.

FOR THE PLANNING AUTHORITY

Miss R Hind - Solicitor, North Wilts District
Council.

She called:

Mr D Auld - Assistant Chief Planning Officer.

Mr I Postlethwaite - Principal Assistant, Department
of Planning and Highways,
Wiltshire County Council.

FOR WILTSHIRE COUNTY COUNCIL

Mr N J Durnford - Senior Public Health Inspector,
and Gypsy Liaison Officer.

Mrs A Whitwell - Teacher for Travellers, Education
Department.

FOR THE PARISH COUNCIL

Mr J Woolford - Chairman, Lydiard Millicent
Parish Council.

INTERESTED PERSONS

Mrs A J Jepps - Highridge, Hook, Swindon, Wilts.

Mr G Cragg - Stables Farm, Braydon Road,
Lydiard Plain, Swindon, Wilts.

Mr D Merrett - Malthouse, Malthouse Farm,
Brinkworth, Wilts.

INTERESTED PERSONS (CONTINUED)

Mr J Holland - 30 Station Road, Purton, Swindon,
Wilts.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Council's letter of notification and circulation list.
- Document 3 - Letters of response.
- Document 4 - Bundle of Documents submitted on behalf of appellants (petition, letters of support, appeal decision, newspaper extracts, ACC site criteria).
- Document 5 - Conditions of occupation and site rules for appeal site.
- Document 6 - Suggested planning conditions.
- Document 7 - Letter of 8 November 1991, submitted by Mr Penfold.
- Document 8 - Appendices to Mr Durnford's proof (including July 1991 "gypsy count").
- Document 9 - Appendices to Mr Auld's proof.

PLANS

- Plan A - Enforcement Notice Plan (for Notices A and B).
- Plan B - Plan of locality showing availability of services (Mr Durnford).
- Plan C - Plans of Bridleway 130 (Mr Postlethwaite).

PHOTOGRAPHS

- Photo 1 - Set of photographs of site, August 1991, supplied by Mr Hill.

IMPORTANT -

THIS COMMUNICATION AFFECTS YOUR PROPERTY

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



R. Burton
(3)
639
**North Wiltshire
District Council**

Monkton Park,
Chippenham,
Wiltshire, SN15 1ER.
Tel. Chippenham (0249) 443322
Ext. 598

Our **E** 639A

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

15th May 1991

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

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, 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,

G.C. Betteridge
District Secretary

DATE ON WHICH NOTICE TAKES EFFECT AND
BEFORE WHICH ANY APPEAL MUST BE
RECEIVED 1st July 1991

To: Mr. T. Skeet
Caravan at
Four Oaks
Lydiard Plain
Lydiard Millicent
Swindon

Mr. Frederick Hughes
Caravan at
Four Oaks
Lydiard Plain
Lydiard Millicent
Swindon

E639A

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

Reasons for issue:-

1. The development is contrary to Policies H19 and H24 of the North East Wiltshire Structure Plan which state that new mobile homes and dwellings in the countryside will not normally be permitted unless justified in connection with the needs of agriculture or forestry. Although the situation in connection with the requirements to provide gypsy accommodation has been considered, the Planning Authority is of the opinion that the need is insufficient in this instance to override normal planning policy restricting new residential development outside established settlements.
2. Having regard to the prominent location of this site in close proximity to the road in a flat area of landscape it is considered that the proposed use of the site to accommodate gypsy families, with their caravans and associated domestic trappings would have an adverse effect on the visual amenity and rural character of the area and set a precedent for further similar development.
3. The proposal is sporadic residential development along a Class II road where there is no special speed limit and vehicles entering and leaving the carriageway would be detrimental to the safety of road users. Also, if approved, the proposal would create a precedent for further similar development in the vicinity of the site to the further detriment of highway safety.



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

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, 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 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 1st July 1991

ISSUED 15th May 1991

Signed

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

(over)

E639A

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, Wiltshire, shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

1. The laying of hardcore on the land
2. The erection of a garden shed

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

1. To remove the hardcore from the land except and in so far as may be authorised by the provisions of planning permission No. N.90.2989.F dated 11th January 1991
2. To remove the garden shed from the land
3. To restore the land to its condition and appearance immediately prior to the operations and development described in Schedule 2 hereto by spreading topsoil, and seeding with grass, sufficient to sustain the use of the land for pasture

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. 598

Our **E** 639B

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

15 th May 1991

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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 1st July 1991

To: Mr. T. Skeet
Caravan at
Four Oaks
Lydiard Plain
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E639B

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

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1. The development is contrary to Policies H19 and H24 of the North East Wiltshire Structure Plan which state that new mobile homes and dwellings in the countryside will not normally be permitted unless justified in connection with the needs of agriculture or forestry. Although the situation in connection with the requirements to provide gypsy accommodation has been considered, the Planning Authority is of the opinion that the need is insufficient in this instance to override normal planning policy restricting new residential development outside established settlements.
2. Having regard to the prominent location of this site in close proximity to the road in a flat area of landscape it is considered that the proposed use of the site to accommodate gypsy families, with their caravans and associated domestic trappings would have an adverse effect on the visual amenity and rural character of the area and set a precedent for further similar development.
3. The proposal is sporadic residential development along a Class II road where there is no special speed limit and vehicles entering and leaving the carriageway would be detrimental to the safety of road users. Also, if approved, the proposal would create a precedent for further similar development in the vicinity of the site to the further detriment of highway safety.

NORTH WILTSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, 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 1st July 1991

ISSUED 15th May 1991

Signed

G. C. Batteridge

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Four Oaks, Lydiard Plain, Lydiard Millicent, shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The making of a material change of use of the land from agricultural to use for agriculture and in addition:-

- (i) The stationing of caravans for the purpose of providing residential accommodation and domestic storage
- (ii) The parking of motor vehicles and trailers

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the use of the land for the stationing of caravans for the purpose of providing residential accommodation, domestic storage and for the parking of motor vehicles and trailers
- (ii) To remove from the land the said caravans, motor vehicles and trailers

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

the land
referred to:

