

NORTH WILTSHIRE DISTRICT COUNCIL

ENFORCEMENT INFORMATION

REGISTER SHEET

Plotted.
19-11-91 *Sue*

E/643. A. C & D		
APPEAL	yes	no
Plan's Ref		

Appealed
24.1.92

ADDRESS

LAND AT
NAISH HOUND FARM.
SPURTHILL

BREACH of CONTROL

SEE ATTACHED NOTICES

Issuing Authority *NWDC*

Date Issued *11.11.91*

STOP NOTICES

Date Served

Requiring



Date(s) served

11.11.91

Takes effect *16.12.91*

Compliance by *A - 16.2.92*
C - 16.6.92
D - 16.6.92

Dates Extended by
Secretary of State

Date withdrawn

REQUIREMENTS of ENFORCEMENT

SEE ATTACHED NOTICES

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. 598

Our **E** 643A

Your
Ref:

Enquiries to:

Miss Hind

Dear Sir/Madam,

11th November 1991

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

Land at Naish House Farm, Spirthill, near Calne

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 16th December 1991

To: Mr. Richard Meadowcroft
Naish House Farm
Spirthill
near Calne, SN11 9 HW

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

Reason for issue:

The unauthorised operation of a vehicle breakers yard and vehicle storage, maintenance and repair business introduces a disturbing industrial element into this quiet open countryside location which would be seriously injurious to the visual and rural character and amenities of the area and create a precedent for further similar inappropriate development which would further erode the pleasant amenities of this locality.

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

Land at Naish Hill Farm, Spirthill, near Calne

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 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 16th December 1991

ISSUED 11th November 1991

Signed

G. C. Bellidge

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

E643A

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Naish House Farm, Spirthill, near Calne, Wiltshire shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The making of a material change in the use of the land from agricultural use to a continuing use for that purpose and, in addition, use for commercial restoration, repair, servicing and dismantling of motor vehicles

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the use of the land for commercial restoration, repair, servicing and dismantling of motor vehicles
- (ii) To remove from the land vehicles stationed in the course of the commercial restoration, repair, servicing and dismantling of motor vehicles

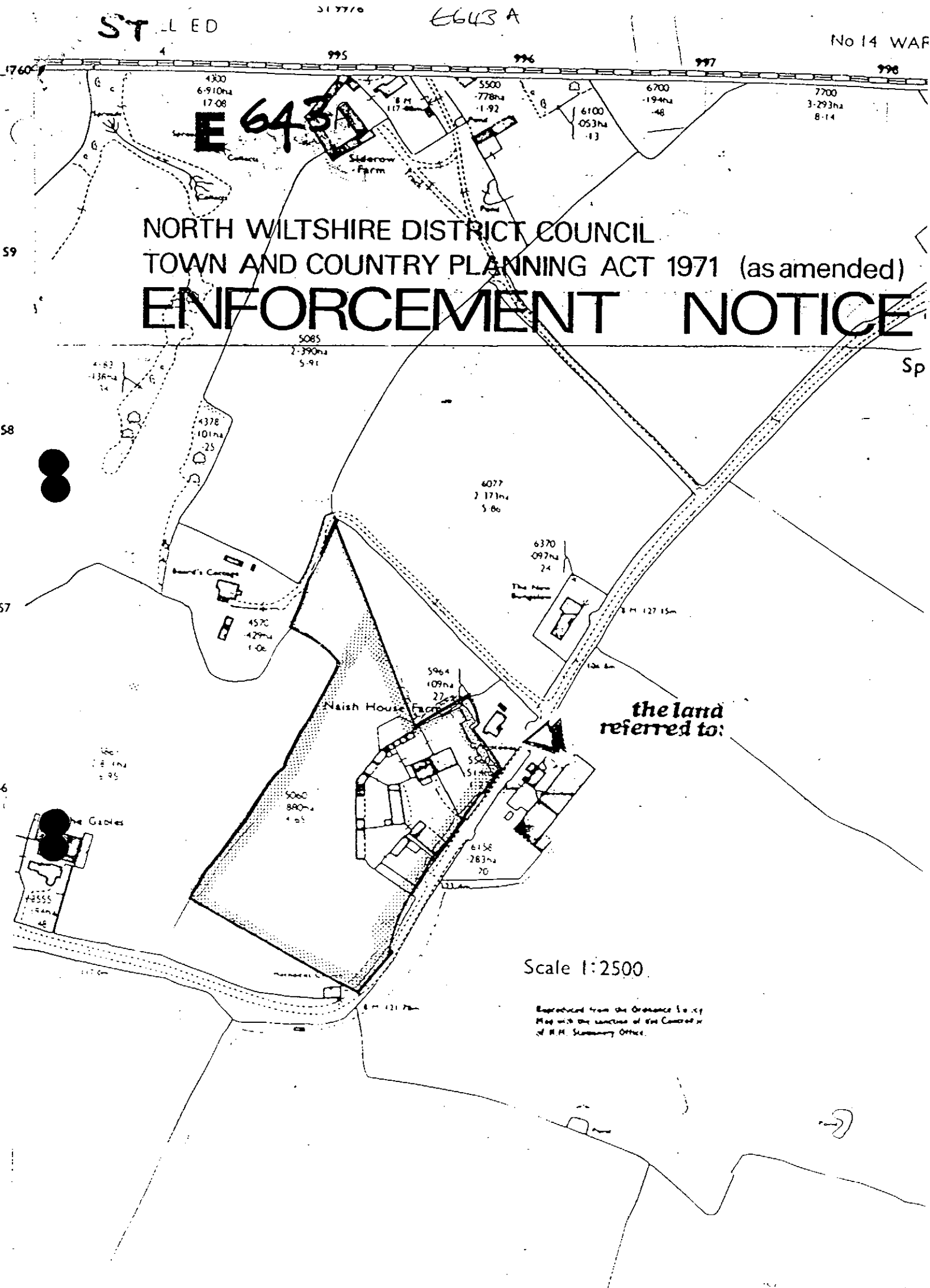
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E643 A

No 14 WAF

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



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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** 643C

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

11th November 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 16th December 1991

To: Richard Meadowcroft
Naish House Farm
Spirthill
near Calne SN11 9 HW

The Secretary
Clearcut Limited
19 Orchard Close
Chalgrove
Oxon

Andrea Denise Cooper
19 Orchard Close
Chalgrove
Oxon

Terence Keith Pocock
23 Hardwick Bank Road
Northway
Tewkesbury
Glos.

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

Reason for issue:

The unauthorised tipping operations, by virtue of their nature, scale and extent, radically alter the formerly unspoilt physical appearance of the site in a way which is detrimental to the visual and rural character and amenities of the area. The tipping, if approved, would create a precedent for further similar inappropriate development which would further erode the pleasant amenities of this locality.

E

643C

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

Land at Naish House Farm, Spirthill, near Calne 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 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 16th December 1991

ISSUED 11th November 1991

Signed

G.C. Bettridge

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Naish House Farm, Spirthill, near Calne, Wiltshire shown stippled on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The tipping of waste materials on the land including general builders' waste, rubble, bricks, steel and timber.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the tipping of waste materials referred to in Schedule 2 above on the land
- (ii) To remove from the land the said waste materials including general builders' waste, rubble, bricks, steel and timber.
- (iii) To restore the land to its appearance immediately prior to when the operations described in Schedule 2 above began, by reforming a level surface over the area where tipping has taken place, spreading that surface with top soil

IMPORTANT

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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 Ref: **E** 643C

Your Ref:

Enquiries to:
Miss Hind

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11th November 1991

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G.C. Betteridge
District Secretary

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BEFORE WHICH ANY APPEAL MUST BE
RECEIVED 16th December 1991

To: Richard Meadowcroft
Naish House Farm
Spirthill
near Calne SN11 9 HW

The Secretary
Clearcut Limited
19 Orchard Close
Chalgrove
Oxon

Andrea Denise Cooper
19 Orchard Close
Chalgrove
Oxon

Terence Keith Pocock
23 Hardwick Bank Road
Northway
Tewkesbury
Glos.

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

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YOUR PROPERTY**

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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** 643D

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

11th November 1991

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

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ISSUED 11th November 1991

Signed

G.C. Betteridge

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Naish House Farm, Spirthill, near Calne, Wiltshire shown 'stippled on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

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SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the use of the land for the tipping of the waste materials referred to in Schedule 2 above
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- (iii) To restore the land to it's appearance immediately prior to when the unauthorised use described in Schedule 2 above began, by reforming a level surface over the area where tipping has taken place,

Car A

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$



Dr. H. M. L. L. L. L.

the land referred to:

IMPORTANT PLANNING

THIS COMMUNICATION AFFECTS

YOUR PROPERTY

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

13 NOV 1991



**North Wiltshire
District Council**

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

Our Ref: **E** 643A

Your Ref:

Enquiries to:

Miss Hind

Dear Sir/Madam,

11th November 1991

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

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

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G. C. Bellidge

DISTRICT SECRETARY

Monkton Park,
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/ SCHEDULE :

E643A

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

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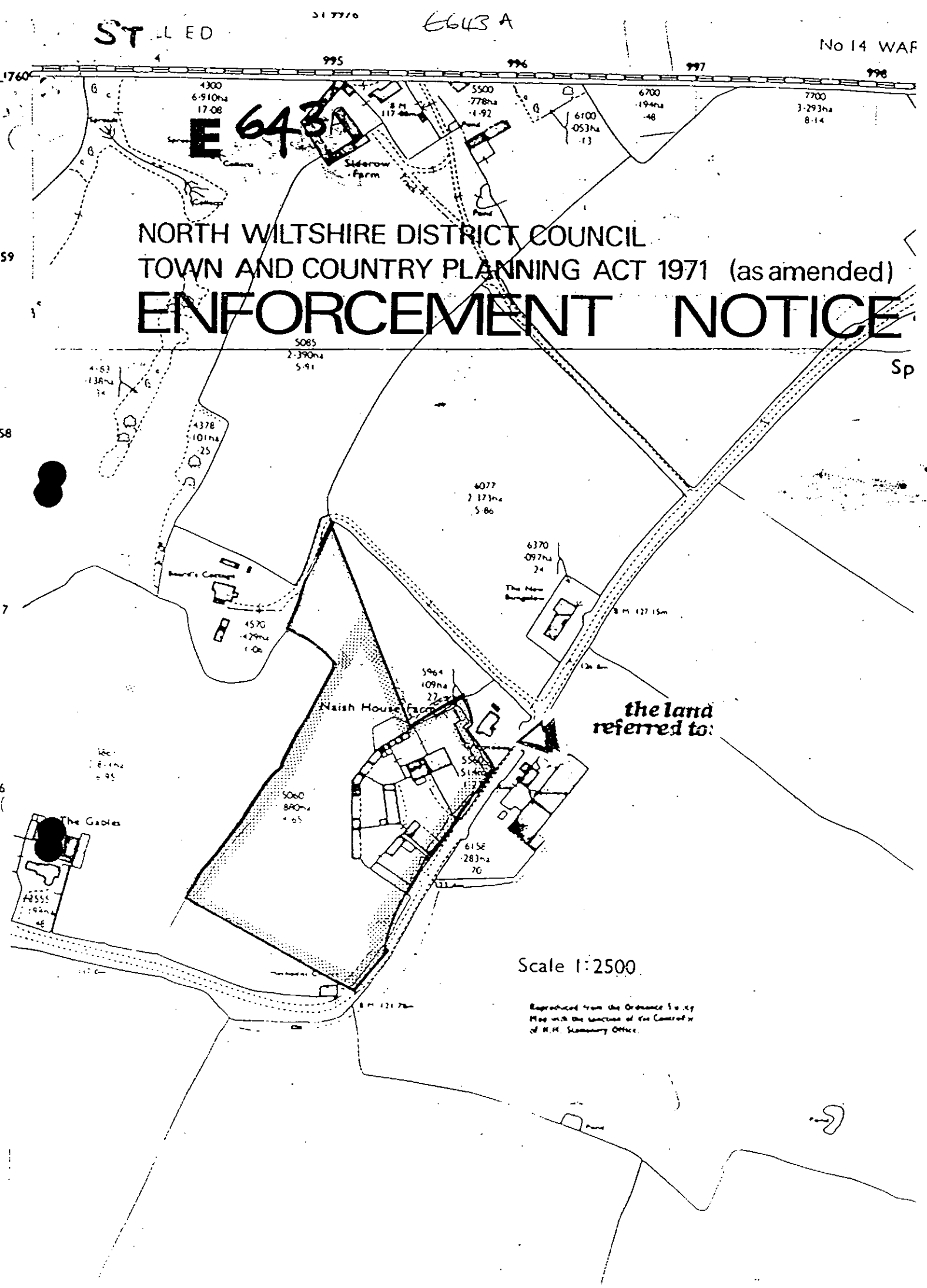
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31 77/0

E643 A

No 14 WAF

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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)
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G. C. Bellard
DISTRICT SECRETARY

Monkton Park,
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/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

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SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

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643C

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/ SCHEDULE 1

E643C

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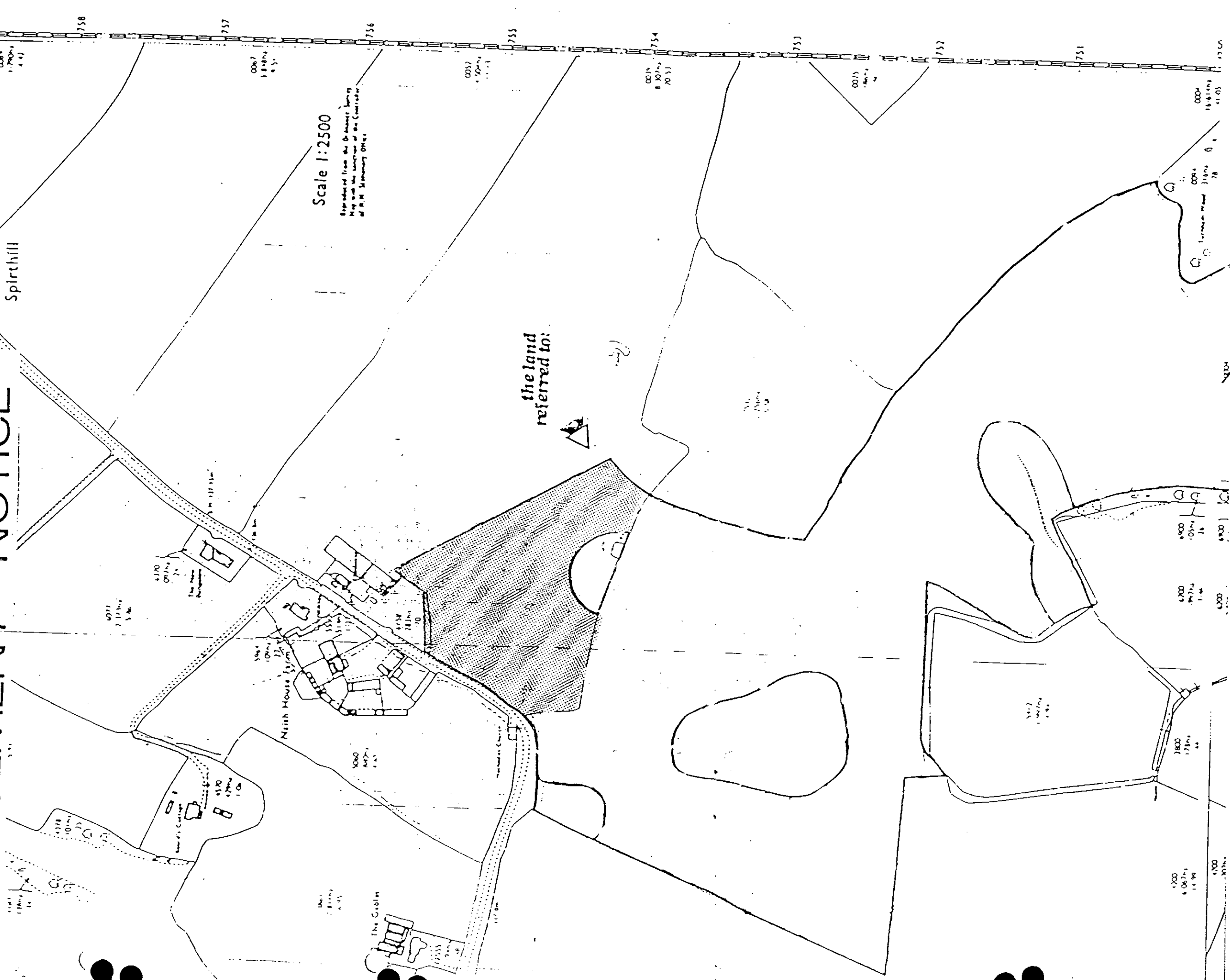
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SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the tipping of waste materials referred to in Schedule 2 above on the land
- (ii) To remove from the land the said waste materials including general builders' waste, rubble, bricks, steel and timber.
- (iii) To restore the land to its appearance immediately prior to when the operations described in Schedule 2 above began, by reforming a level surface over the area where tipping has taken place, spreading that surface with top soil

E 643-2

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





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 0272-218 731.
Switchboard 0272-218811
Fax No. 0272-218769
GTN 1374

Collins Dryland and Thorowgood
Solicitors
12 Hart St
Henley-on-Thames
Oxon RG9 2AU

PLANNING
DEPT.
22 JAN 1993

21 JAN 93

Your reference:
GDT/MB/MEADOWCROFT/89.403
Council reference:
E643A, B, C, & D
Our reference:
T/APP/C/91/J3910/615293
T/APP/C/91/J3910/617127-9
Date: 19 JAN 1993

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEALS BY MR R MEADOWCROFT
LAND AND BUILDINGS AT NAISH HOUSE FARM SPIRTHILL

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeals against four enforcement notices issued by the North Wiltshire District Council concerning the above mentioned land and buildings. I have considered the written representations made by you and by the Council and those made by Bremhill Parish Council and other interested persons. I inspected the site on 30th March 1992 and 4th January 1993.

NOTICE A T/APP/C/91/J3910/615293

2. (1) The notice was issued on 11th November 1991.

(2) The breach of control as alleged in the notice is the making of a material change of use from agricultural use to a mixed use for agriculture and the commercial restoration, repair, servicing and dismantling of motor vehicles.

(3) The requirements of the notice are :

i. To cease the use of the land for the commercial restoration, repair, servicing and dismantling of motor vehicles;

ii To remove from the land vehicles stationed in the course of the commercial restoration, repair, servicing and dismantling of motor vehicles.

(4) The period for compliance with these requirements is 2 months.

NOTICE B T/APP/C/91/J3910/617127

3. (1) The notice was issued on 7th October 1991.

(2) The breach of planning control alleged in the notice is the failure to comply with condition number 1 subject to which planning permission (No N.89.1668.F) was granted on 7th August 1989 for the filling of land using topsoil at Naish House Farm, Spirthill, Calne.



(3) The condition in question is as follows:

1. The development hereby permitted shall use purely "clean" top soil and no other materials.

(4) The notice alleges that this condition has not been complied with in that on 14th March 1991 and since that date unauthorised waste materials have been tipped on the land other than in accordance with the terms of the planning permission.

(5) The requirements of the notice are :

(i) To cease the tipping of unauthorised waste materials on the land.

(ii) To remove from the land the unauthorised waste materials including general builders' waste, rubble, bricks, steel and timber.

(6) The period for compliance with these requirements is 2 months.

NOTICE C T/APP/C/91/J3910/617128

4. (1) The notice was issued on 11th November 1991.

(2) The breach of control as alleged in the notice is the carrying out of operations comprising the tipping of waste materials including general builders' waste, rubble, bricks, steel and timber.

(3) The requirements of the notice are :

i. To cease the tipping of waste materials including general builders' waste, rubble, bricks, steel and timber;

ii To remove from the land the said waste materials including general builders' waste, rubble, bricks, steel and timber;

iii To restore the land to its appearance immediately prior to when the tipping began by reforming a level surface over the area where tipping has taken place, spreading the surface with topsoil.

(4) The period for compliance with these requirements is 6 months.

NOTICE D T/APP/C/91/J3910/617129

5. (1) The notice was issued on 11th November 1991.

(2) The breach of control as alleged in the notice is the making of a material change of use of the land from agricultural use to a continuing use for that purpose and, in addition, for the tipping of waste materials including general builders' waste, rubble, bricks, steel and timber.

(3) The requirements of the notice are :

i. To cease the use of the land for the tipping of waste materials including general builders' waste, rubble, bricks, steel and timber;

ii. To remove from the land the said waste materials including general builders' waste, rubble, bricks, steel and timber;

iii. To restore the land to its appearance immediately prior to when the tipping began by reforming a level surface over the area where tipping has taken place.

(4) The period for compliance with the notice is 6 months.

THE GROUNDS OF APPEAL

6. Your client's appeals are proceeding in each case on ground (c) as set out in Section 174(2) of the 1990 Act prior to its amendment by the 1991 Act, that is to say:

(c) that the breach of planning control alleged in the notice has not taken place.

THE APPEAL SITE AND ITS SURROUNDINGS

7. Spirthill lies in hilly countryside to the south-west of Swindon. Naish House Farm occupies a prominent hilltop site on the northwestern side of a country road between Lyneham and East Tytherton. As well as the farmhouse itself there is a substantial range of outbuildings displaying a wide variety in age, size and style. At the time of my visit these were in use for a variety of purposes and the area generally held a number of vehicles, items of machinery, and parts.

8. Across the road is the area where the tipping referred to in Notices C and D is alleged to have taken place. It is located in generally rolling countryside which slopes in this vicinity down to the south. Most of the appeal site is in agricultural use but there are areas of bare soil somewhat higher than the surrounding land. This soil appears to have been tipped on the land and is mostly a mixture of subsoil and topsoil. I saw no signs of any other tipped materials in significant proportions. There are two field accesses to the area, both fairly close to the farmhouse.

9. The areas referred to in Notice B are in farmland just to the south of that involved in Notices C and D. Closest to the latter is a roughly semicircular area up to a metre higher than its surroundings which is only sparsely grassed. It is plainly tipped material and appears to consist mainly of topsoil and subsoil. To the west of this, close to the road, is a small depression which was almost full of miscellaneous rubbish including old tyres, machinery, and household rubbish in plastic bags. At the time of my visit this area was overgrown with vegetation. South-east of this, in the middle of a field, is a very shallow depression which appears almost indistinguishable from the land surrounding it. It is evident that cereals were cropped last year from the whole area. Finally, south-east again is a small grassy valley with a heap of topsoil adjacent to it. There is little sign of tipping upon this area except for isolated examples of materials such as stone or pipe fragments.

THE APPEAL AGAINST NOTICE A ON GROUND (C)

10. The Council's allegation that the use enforced against had occurred prior to the service of the notice receives some support in more than one of the letters received from local residents. On my site visit I saw vehicles and parts of vehicles on the site which, if not conclusive proof of the alleged use having taken place, were consistent with it. In rebuttal you provide no evidence in support of the stated grounds of appeal, i.e. that the use did not take place. Indeed the appellant's comments included with your letter dated 27th March 1992 seem to accept that it has taken place, albeit by people other

than himself. I conclude that the appellant has failed to establish, on the balance of probability, that the use alleged has not taken place and the appeal on ground (c) therefore fails.

THE APPEAL AGAINST NOTICE B ON GROUND (C)

11. Whilst the Council's submissions show some evidence that materials other than topsoil have been tipped on your client's land, most of the photographs and documents refer to the land concerned in Notices C and D. They provide little significant evidence in regard to the appeal against Notice B and I have therefore attached considerable weight to what I saw during my site visit. From the latter it was evident that the situation is slightly different for each of the four separate areas involved in Notice B.

12. During my visit I could see that the area at the centre of the field appeared to have been filled with topsoil. It had been cropped and looked almost the same as the surrounding field. I saw no evidence of any tipped materials other than topsoil. In the south-eastern area there were some small stone and similar materials on the land but these were few and well scattered and did not, in my view, amount to tipping or even evidence that it had taken place. The area is obviously ready for tipping, topsoil have been heaped beside it, but I see no reason to conclude that tipping has begun.

13. On the area closest to the road there are numerous varied items, many of them falling within the heading of domestic refuse. However, their condition and the degree to which they have been overgrown by vegetation leads me to the view that nearly all of them have been there since prior to the service of the notice. I note, too, that on the plan which accompanied the original planning application, dated 1989, this area had a notation "Clean out waste and cart away". I saw no evidence of recent tipping on this area of the site.

14. The fourth area, adjacent to the area referred to in Notices C and D, is the only part upon which tipping has clearly taken place. The bulk of the material tipped appears to have been a mixture of topsoil and subsoil, which does not comply with the strict letter of the condition. However, I note that in the letter from the Chief Planning Officer dated 9th May 1990 the Council have accepted that the use of topsoil and subsoil was in accordance with the spirit of the approval. In practical terms, and under the present circumstances, I see no reason to take a different view. Based upon the evidence before me and what I saw during my visit I conclude, on the balance of probability, that there has been no significant breach of the condition which forms the subject of this notice. The appeal against the notice on ground (c) therefore succeeds and the deemed application associated with Notice B does not fall to be considered. The condition involved remains valid.

THE APPEAL AGAINST NOTICE C ON GROUND (C)

15. The written submissions of the Council that waste materials have been tipped on this land are supported by letters from nearby residents, and include photographs of tipping on the site, both topsoil and small amounts of other materials including what appear to have been builders' waste. Moreover, during my site visit there was evidence that some tipping had taken place on the site other than on the small area for which an earlier planning permission had been granted. Whilst the appellant denies the allegation contained in the notice he has produced no evidence in support of his position. I consider that it has not been demonstrated that the development alleged has not in fact taken place and the appeal on ground (c) against this notice therefore fails.

THE APPEAL AGAINST NOTICE D ON GROUND (C)

16. The site involved in this notice is the same as that for Notice C. For reasons explained above I believe, on the balance of probability, that tipping has taken place on the site, and site inspection revealed that it is used, in part, for agricultural purposes. As in the appeal against Notice C, no substantial evidence has been submitted to demonstrate that the development alleged has not in fact taken place. The appeal on ground (c) against this notice therefore fails.

THE APPLICATION DEEMED TO HAVE BEEN MADE IN ASSOCIATION WITH NOTICE A

17. Policy El3 of the Deposited North Wiltshire Local Plan 1990 states, in effect, that outside existing settlements the use of land for employment purposes will not normally be permitted. Policy El4 makes allowance for the possibility of such uses within existing buildings if they do not detract from the amenity of the locality or the character of the countryside. Whilst this plan has not yet been approved a local inquiry has been held and in his report the inspector involved has not recommended any substantial changes to these policies. I therefore attach considerable weight to them in consideration of the present application. Both are applicable to some extent since the land which is the subject of the enforcement notice contains a number of buildings.

18. Bearing in mind the above, from my inspection of the site and its surroundings, and from the written representations made, I consider the main issue in determining this application to be the effect of the development on the character and appearance of the surrounding rural area.

19. Vehicle repair on a commercial basis provides a service to both rural and urban areas, but the mechanical operations which it involves are nearly always noisy and frequently give rise to smoke and fumes. Cars awaiting repair or collection are usually parked in the open in appreciable numbers, often along with scrap vehicles and parts. On this site such matters have given rise to complaint in the past and I consider that the continuation of the use enforced against would lead to their future presence. This is a large site beside a road and the effects of commercial car repairs would be in prominent view. I recognise that farming also involves work with agricultural machinery, but it is unlikely to involve as many machines. Those involved will usually be agricultural vehicles commonly found in a rural area.

20. I believe that the continued presence of vehicles on the site and the effects of noise, smoke and fumes would be at odds with the character and appearance of this rural area. There is also a significant risk that living conditions in the nearby house would be adversely affected. Moreover, to allow this application would make it difficult for the Council to resist similarly inappropriate uses elsewhere in the countryside. I conclude that the continuance of the development would be unacceptably detrimental to the character and appearance of the surrounding area, and would detract from the aims of policies designed to protect such areas. I therefore refuse to grant permission on the planning application for such retention which is deemed to have been made in association with this appeal.

THE APPLICATIONS DEEMED TO HAVE BEEN MADE IN ASSOCIATION WITH NOTICES C AND D

21. The tipping of materials may be regarded in two ways, reflected in these two notices which I take to have been served in the alternative. In most cases, where the primary purpose is to provide a final destination for refuse or other waste materials, such tipping is regarded as being a material change in the use of the land. Notice D assumes such an intention. Sometimes, when

the tipping is primarily aimed at fulfilling an engineering objective such as, for instance, the levelling of previously undulating land, the tipping is regarded as an engineering operation. Notice C reflects this approach.

22. The appeals against these notices generates two deemed applications, one for a change of use and the other for the carrying out of engineering operations. However, since both applications relate to the same tipped materials and the same site, I see no need at this stage to distinguish between them in considering the effects which would stem from their approval.

23. Policy RD1 of the most recently approved version of the Western Wiltshire Structure Plan deals with refuse disposal. It makes a general presumption against the tipping of household and other forms of waste at new locations, or the extension of existing tips, where it would lead to traffic generation or other seriously detrimental effects harmful to the local environment. Bearing this in mind, from my inspection of the site and its surroundings, and from the written representations made, I consider the main issue in determining these applications to be the effect of the development on the character and appearance of the surrounding rural area.

24. The effect of carrying out tipping varies with the nature of the materials involved and the site. In this instance I have been told, via letters from local residents, about mud on the roads, vermin, the unsightly effects of materials on the site, and the noise and danger associated with lorries visiting the site. This is an attractive rural area and I see no reason to doubt that heaps of material on the site appeared at times unsightly and incongruous. Moreover, I consider that lorries bringing materials to it on what is essentially a winding country lane would cause disturbance, undue wear of the road surface, and a diminution in traffic safety. Taking these two effects in combination I am satisfied that tipping on this site should not continue unless it gives rise to appreciable benefits.

25. I understand that the efficiency of your client's farm was reduced by hollows and undulations, and that planning permission was granted for tipping to fill these. However, the land which is the subject of the present notices is now relatively smooth and flat and I can see no agricultural advantage in continuing to tip upon it. Nor have I been told of any other benefits which might stem from such tipping. Under all of the circumstances I am satisfied that permission to deposit waste material on the land should not be granted, either as a material change of use, or as engineering operations.

THE REQUIREMENTS OF NOTICES C AND D

26. I realise that the appellant has not appealed against these notices on ground (g) but I have nevertheless considered the appropriateness of the notices' requirements. Whilst I have reached the conclusion that permission for the tipping of waste materials on the site should not be granted, the tipping which has taken place appears to have ceased. The area which has been tipped has, in my view, been adequately restored and little more is needed to repair the damage to the area and to make the land suitable for agriculture. Within a year or so it will bear hardly any signs of having been used for a non-agricultural purpose. The disruption associated with removal of the material tipped would in my view be more damaging to the area than allowing it to remain. In consequence I intend to delete the second and third requirements of Notices C and D.

27. It is unlikely that the development which the Council have sought to enforce against can have been both operational development and a material change of use. However, since the requirements of Notices C and D as I shall

amend them are identical, I see no purpose in seeking to determine which is correct or preferring one interpretation to another. I shall therefore uphold both notices as varied.

OTHER MATTERS

28. I have taken into account all of the other matters raised, including national advice upon diversification of development in the countryside, but they do not outweigh the considerations that led to my decision.

FORMAL DECISIONS

29. For the above reasons, and in exercise of the powers transferred to me, I hereby decide these appeals as follows.

NOTICE A T/APP/C/91/J3910/615293

I hereby dismiss this appeal, uphold the enforcement notice and decline to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

NOTICE B T/APP/C/91/J3910/617127

I hereby allow this appeal and quash the enforcement notice.

NOTICE C T/APP/C/91/J3910/617128

I hereby direct that the enforcement notice be varied by the deletion from Schedule 3 of steps (ii) and (iii).

Subject thereto, I dismiss the appeal, uphold the notice as varied, and decline to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

NOTICE D T/APP/C/91/J3910/617129

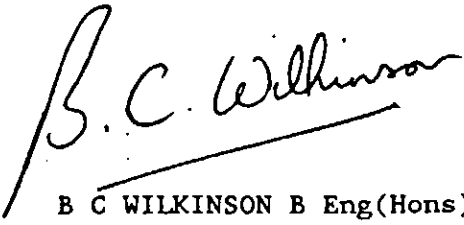
I hereby direct that the enforcement notice be varied by the deletion from Schedule 3 of steps (ii) and (iii).

Subject thereto, I dismiss the appeal, uphold the notice as varied, and decline 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

30. 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 Gentlemen
Your Obedient Servant


B C WILKINSON B Eng(Hons) DipTP MRTPI
Inspector

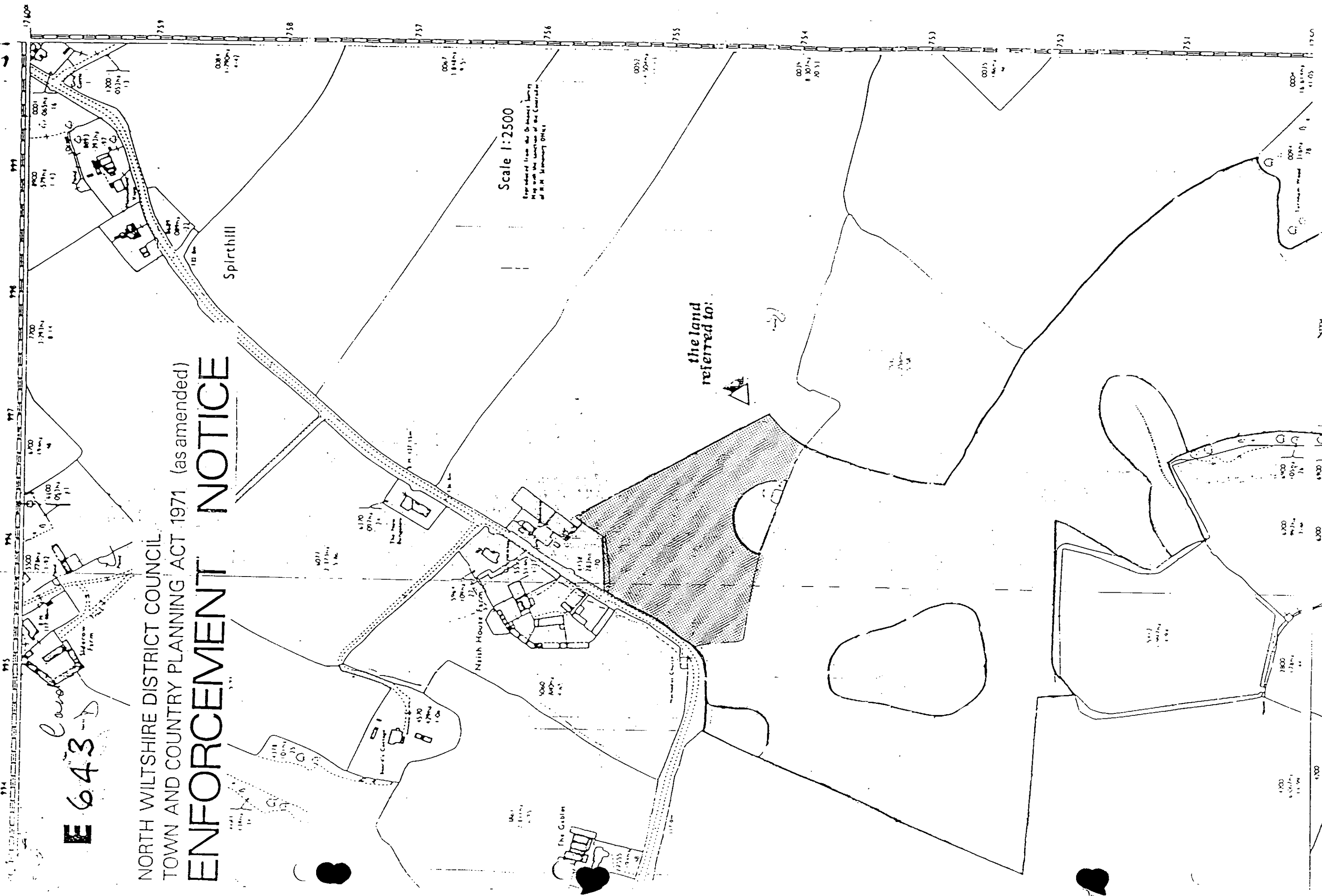
the land referred to:

CA

Spirthill

Expenditure from the District Treasury
in up with the interests of the Government
of M. M. Government Office.

the land
referred to



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

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



643
**North Wiltshire
District Council**

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

Our **E** 643A

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

11th November 1991

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

Land at Naish House Farm, Spirthill, near Calne

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 16th December 1991

To: Mr. Richard Meadowcroft
Naish House Farm
Spirthill
near Calne, SN11 9 HW

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

Reason for issue:

The unauthorised operation of a vehicle breakers yard and vehicle storage, maintenance and repair business introduces a disturbing industrial element into this quiet open countryside location which would be seriously injurious to the visual and rural character and amenities of the area and create a precedent for further similar inappropriate development which would further erode the pleasant amenities of this locality.

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

Land at Naish Hill Farm, Spirthill, near Calne

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 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 16th December 1991

ISSUED 11th November 1991

Signed

G. C. Bellidge

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

E643A

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Naish House Farm, Spirthill, near Calne, Wiltshire shown stipple-edged on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The making of a material change in the use of the land from agricultural use to a continuing use for that purpose and, in addition, use for commercial restoration, repair, servicing and dismantling of motor vehicles

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the use of the land for commercial restoration, repair, servicing and dismantling of motor vehicles
- (ii) To remove from the land vehicles stationed in the course of the commercial restoration, repair, servicing and dismantling of motor vehicles

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

the land referred to:

Scale 1:2500

Reproduced from the Ordinance Book
May with the sanction of the Council of
N. H. Surveying Office.

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** 643C

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

11th November 1991

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

Land at Naish House Farm, Spirthill, near Calne, 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 16th December 1991

To: Richard Meadowcroft
Naish House Farm
Spirthill
near Calne SN11 9 HW

The Secretary
Clearcut Limited
19 Orchard Close
Chalgrove
Oxon

Andrea Denise Cooper
19 Orchard Close
Chalgrove
Oxon

Terence Keith Pocock
23 Hardwick Bank Road
Northway
Tewkesbury
Glos.

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

Reason for issue:

The unauthorised tipping operations, by virtue of their nature, scale and extent, radically alter the formerly unspoilt physical appearance of the site in a way which is detrimental to the visual and rural character and amenities of the area. The tipping, if approved, would create a precedent for further similar inappropriate development which would further erode the pleasant amenities of this locality.



6430

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

Land at Naish House Farm, Spirthill, near Calne 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 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 16th December 1991

ISSUED 11th, November 1991

Signed

G.C. Bettridge

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Naish House Farm, Spirthill, near Calne, Wiltshire shown stippled on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

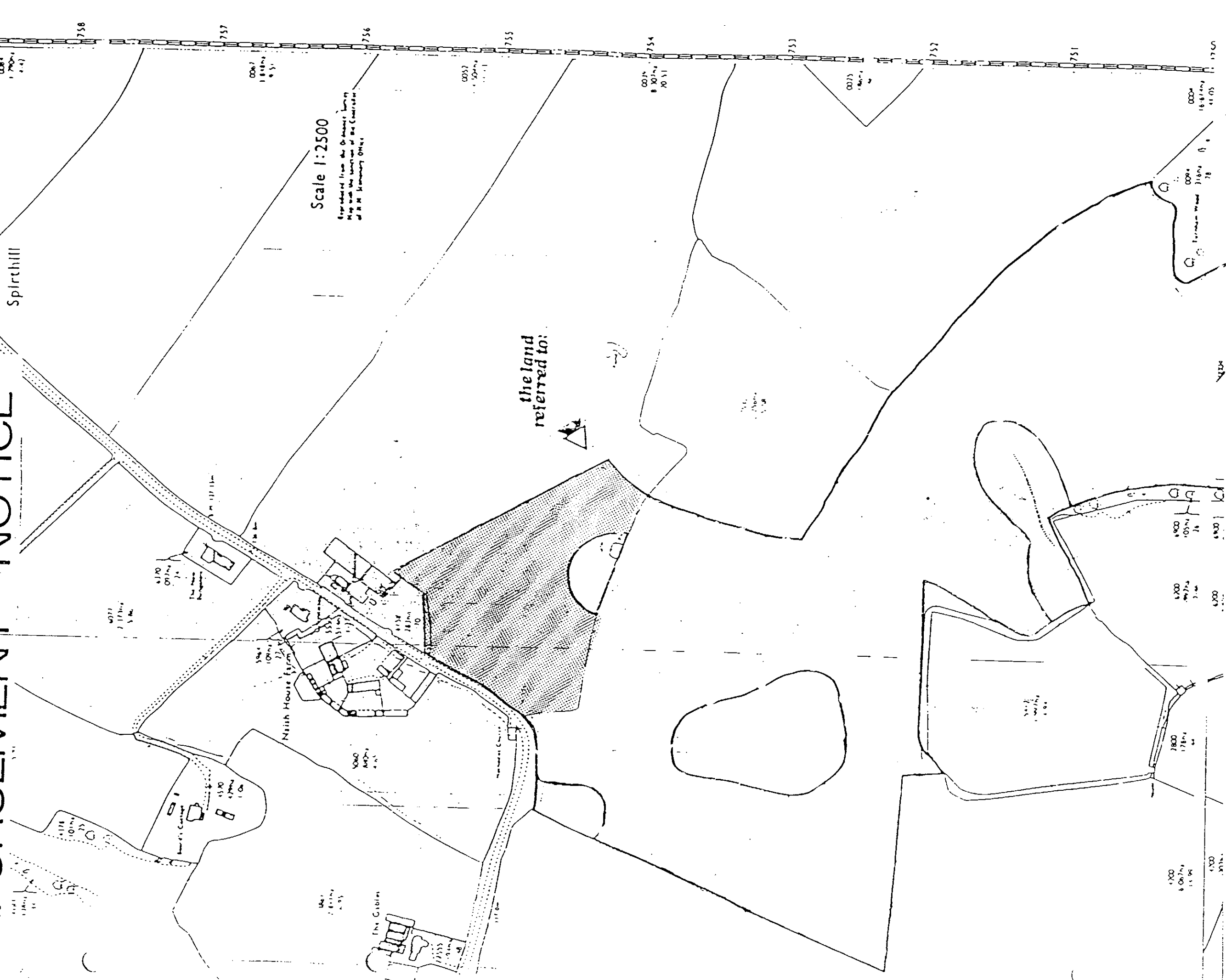
The tipping of waste materials on the land including general builders' waste, rubble, bricks, steel and timber.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the tipping of waste materials referred to in Schedule 2 above on the land
- (ii) To remove from the land the said waste materials including general builders' waste, rubble, bricks, steel and timber.
- (iii) To restore the land to its appearance immediately prior to when the operations described in Schedule 2 above began, by reforming a level surface over the area where tipping has taken place, spreading that surface with top soil

E 643

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



**North Wiltshire
District Council**

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

Our **E** 643D

Your
Ref:

Enquiries to:
Miss Hind

Dear Sir/Madam,

11th November 1991

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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

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BEFORE WHICH ANY APPEAL MUST BE
RECEIVED 16th December 1991

To: Richard Meadowcroft
Naish House Farm
Spirthill
Near Calne SN11 9 HW

The Secretary
Clearcut Limited
19 Orchard Close
Chalgrove
Oxon

Andrea Denise Cooper
19 Orchard Close
Chalgrove
Oxon

Terence Keith Pocock
23 Hardwick Bank Road
Northway
Tewkesbury
Glos.

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

Reason for issue:

The unauthorised tipping operations, by virtue of their nature, scale and extent, radically alter the formerly unspoilt physical appearance of the site in a way which is detrimental to the visual and rural character and amenities of the area. The tipping, if appeared, would create a precedent for further similar inappropriate development which would further erode the pleasant amenities of this locality.

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

Land at Naish House Farm, Spirthill, near Calne

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 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 16th December 1991

ISSUED 11th November 1991

Signed

G. C. Bennett

DISTRICT SECRETARY

Monkton Park,
Chippenham, SN15 1ER.

/ SCHEDULE 1

SCHEDULE 1 - LAND OR PREMISES TO WHICH THIS NOTICE RELATES

Land at Naish House Farm, Spirthill, near Calne, Wiltshire shown 'stippled on the attached plan

SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL

The making of a material change of use of the land from agricultural use to a continuing use for that purpose and, in addition, use for the tipping of waste materials including general builders' waste, rubble, bricks, steel and timber

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- (i) To cease the use of the land for the tipping of the waste materials referred to in Schedule 2 above
- (ii) To remove from the land the said waste materials including general builders' waste, rubble, bricks, steel and timber
- (iii) To restore the land to it's appearance immediately prior to when the unauthorised use described in Schedule 2 above began, by reforming a level surface over the area where tipping has taken place,

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

