

Allocated.  
27-5-94. *gile*

NORTH WILTSHIRE DISTRICT COUNCIL

# ENFORCEMENT REGISTER INFORMATION SHEET

<b>E/</b> 704		
APPEAL	yes	no
Plan's Ref		

## ADDRESS

JASMINE COTTAGE  
48 BROAD TOWN RD  
BROAD TOWN

## BREACH of CONTROL

SEE ATTACHED NOTICE

Issuing Authority *nwdc*

Date Issued 27. 4. 94

## STOP NOTICES

Date Served

Requiring



Date(s) served

27. 4. 94

Takes effect 7. 6. 94

Compliance by 7. 8. 94

Dates Extended by  
Secretary of State

Date withdrawn

## REQUIREMENTS of ENFORCEMENT

SEE ATTACHED NOTICE.

**G.I.S.**

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*

DX 34208 Fax (0249) 443152

**E**

704

tel: CHIPPENHAM (0249) 443322 ext: 598

MISS R. HIND

NORTH WILTSHIRE DISTRICT COUNCIL  
Monkton Park, CHIPPENHAM, SN15 1ER

Dear Sir/Madam,

27th APRIL 1994

NORTH WILTSHIRE DISTRICT COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1990

## ENFORCEMENT NOTICE

LAND AT JASMINE COTTAGE 48 BROAD TOWN ROAD BROAD TOWN WILTSHIRE

The Council have issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice, in view of your interest in the land. Unless an appeal is made to the Secretary of State as described below, the Notice will take effect on the date shown in the box below and you must then ensure that the required steps for which you may be held responsible are taken within the period or periods specified in the Notice.

If you wish to appeal against the Notice, you should first read carefully the enclosed booklet entitled "Enforcement Notice Appeals - A Guide to Procedure". Then, you or your agent should complete the enclosed appeal form and send it, together with the extra copy of the Enforcement Notice enclosed herewith to the address on the appeal form. Your appeal MUST BE RECEIVED by the Department of the Environment BEFORE THE NOTICE TAKES EFFECT.

There is a requirement on the Council to specify the reasons why the local planning authority consider it expedient to issue the Notice and these reasons are set out in the Notice.

Yours faithfully,

*G.C. Betteridge*

District Secretary

DATE ON WHICH NOTICE TAKES EFFECT  
AND BEFORE WHICH ANY APPEAL  
MUST BE RECEIVED 7th JUNE 1994

To: MR. BRIAN SMITH  
JASMINE COTTAGE  
48 BROAD TOWN  
SWINDON

MRS. MIRIAM SMITH  
JASMINE COTTAGE  
48 BROAD TOWN  
SWINDON

# NORTH WILTSHIRE DISTRICT COUNCIL TOWN AND COUNTRY PLANNING ACT 1990 ENFORCEMENT NOTICE

LAND AT JASMINE COTTAGE 48 BROAD TOWN ROAD BROAD TOWN WILTSHIRE

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WHEREAS :

- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 172 of the Town and Country Planning Act 1990 ("the Act") in this matter, that there has been a breach of planning control within the last four years 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 172, for the reasons set out below.

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 175(4) of the Act, on 7th JUNE 1994

ISSUED 27TH APRIL 1994

Signed

G.C. Baker

DISTRICT SECRETARY

Monkton Park,  
Chippenhams, SN15 1ER.

/ SCHEDULE 1 . . . . .

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

Land at Jasmine Cottage, 48 Broad Town Road, Broad Town, Wiltshire shown stippled on the attached plan (marked Plan 1)

**SCHEDULE 2 - ALLEGED BREACH OF PLANNING CONTROL**

- (1) Engineering and other operations including the removal of soil and sub-soil to create a new vehicular and pedestrian access from the land onto the Broad Town Road (B4041) (hereinafter referred to as "the B4041 road")
- (2) The construction of stepped concrete block retaining walls on either side of the new access referred to in paragraph (1) above

**SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN**

To close the access and reinstate the frontage between the B4041 road and the dwelling by carrying out the following steps:-

- (1) Demolish and remove from the land the full length of the straight stepped concrete block wall and the full length of the partially curved stepped concrete block wall from the south-east and north-west sides respectively of the partially constructed access
- (2) Remove the area of hardcore forming the base of the partially constructed access from the edge of the B4041 road to a point at least 6m. within the curtilage of the dwelling
- (3) Reinstate the excavated bank and verge by constructing a battered sub-soil bank
- (4) Reinstate the frontage wall as far as point "A" marked on the attached plan marked (Plan 2) so as to match exactly the materials, height, coursing, jointing and capping of the remaining frontage wall on a concrete foundation of a depth and construction sufficient to transfer all dead and imposed loads to adequate load bearing strata
- (5) Spread an even layer of top soil to a depth of at least 100mm. over the reinstated bank and seed with grass (re-seeding to be carried out as soon as is practicable during the first planting season after this Notice takes effect)
- (6) On the top of the reinstated and top-soiled bank between points marked A and B on the said Plan 2 plant a hedge of indigenous species in the first planting season after this Notice takes effect and thereafter maintain for a period of five years

**REASONS FOR ISSUE**

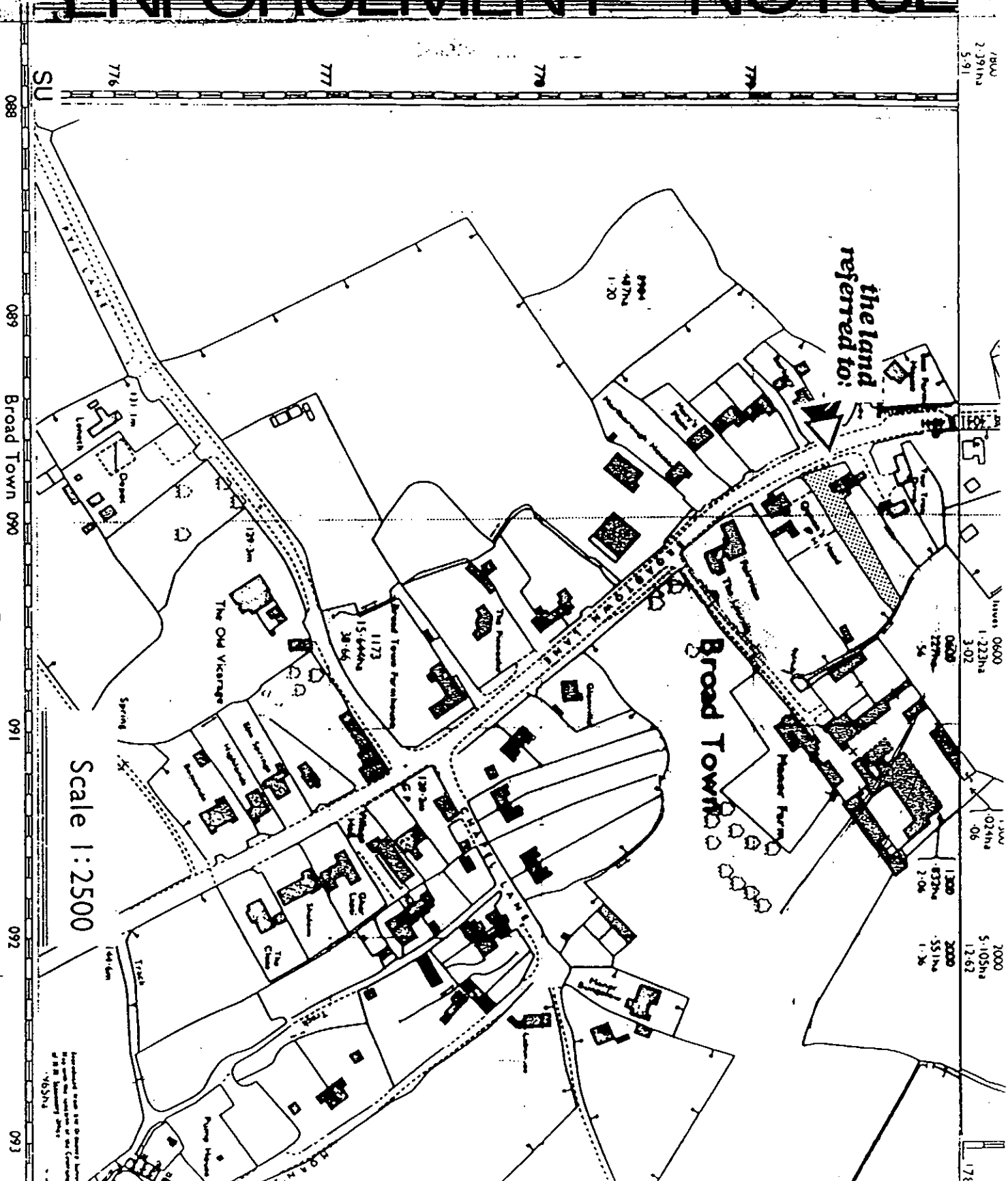
- (1) The Local Planning Authority consider that the development has a detrimental effect on the visual character and amenities of the street scene and the setting of Jasmine Cottage, which is a Grade II Listed Building, contrary to Policy B5 of the adopted North Wiltshire Local Plan which states:-  
  
"Development within or around the curtilage of a Listed Building will only be permitted where it does not harm its character or setting".
- (2) The Local Planning Authority consider that the lack of adequate sight lines for the access, creates an unacceptable danger to users of the new access and other highway traffic on the Class II (B4041) road.

**E** 704

# PLAN

**NORTH WILTSHIRE DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**

# ENFORCEMENT NOTICE

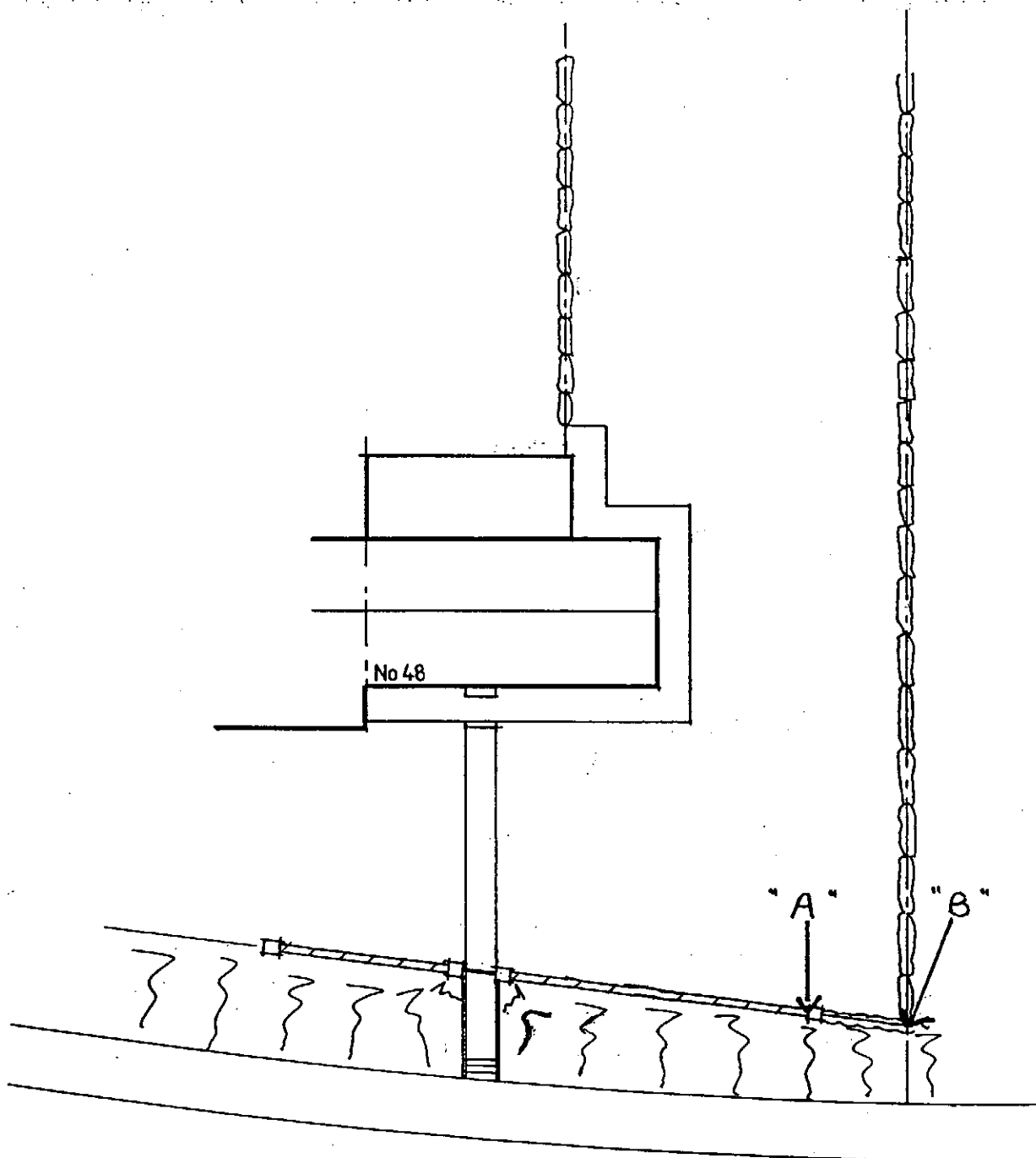


E704

PLAN 2

NORTH WILTSHIRE DISTRICT COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1990

# ENFORCEMENT NOTICE



BROAD TOWN LANE

SCALE 1/ 200

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MISS R. HIND

*R Benton (3)*

*North 704  
Wiltshire*

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Monkton Park, CHIPPENHAM, SN15 1ER**

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27th APRIL 1994

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TOWN AND COUNTRY PLANNING ACT 1990  
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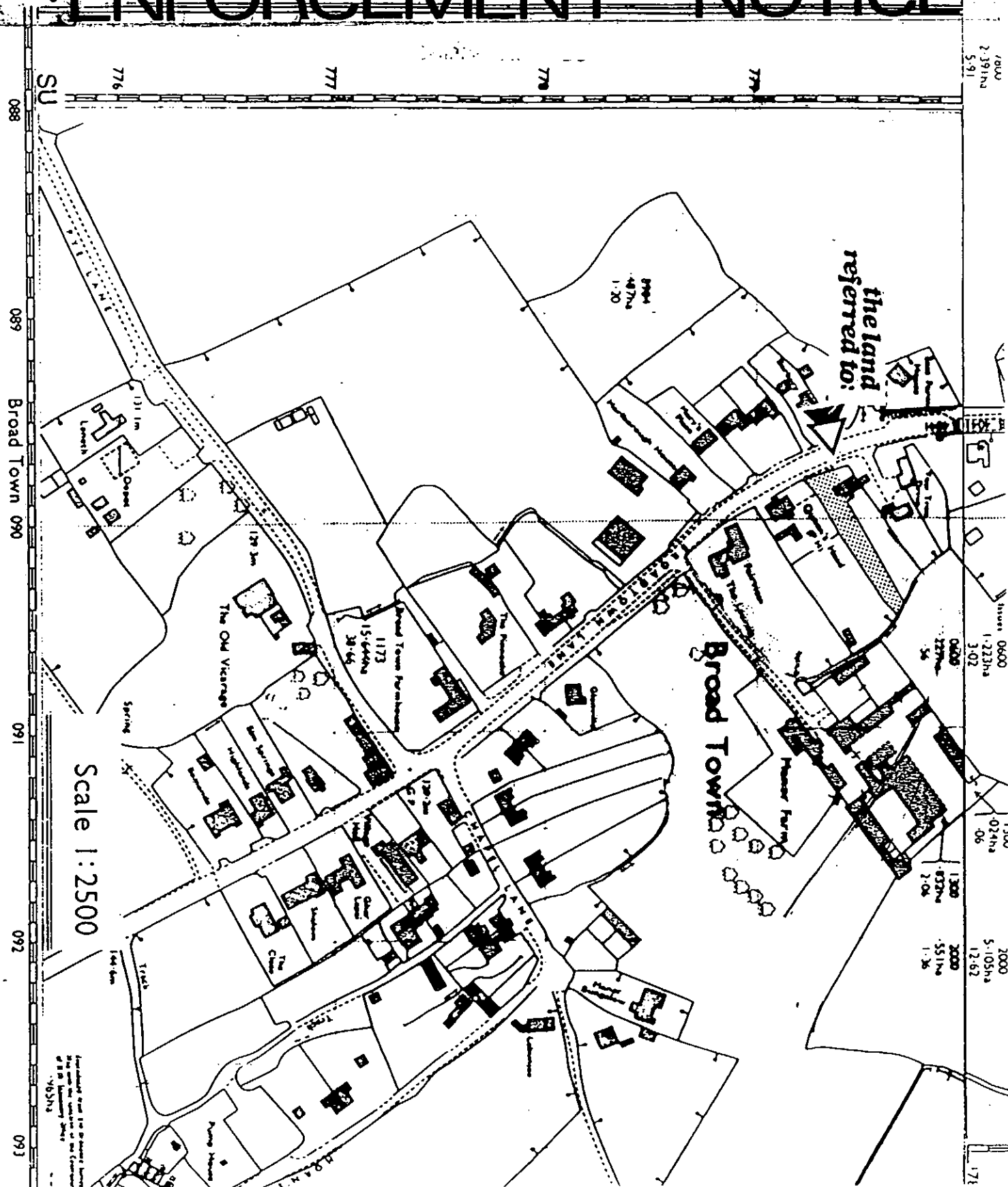
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# ENFORCEMENT NOTICE

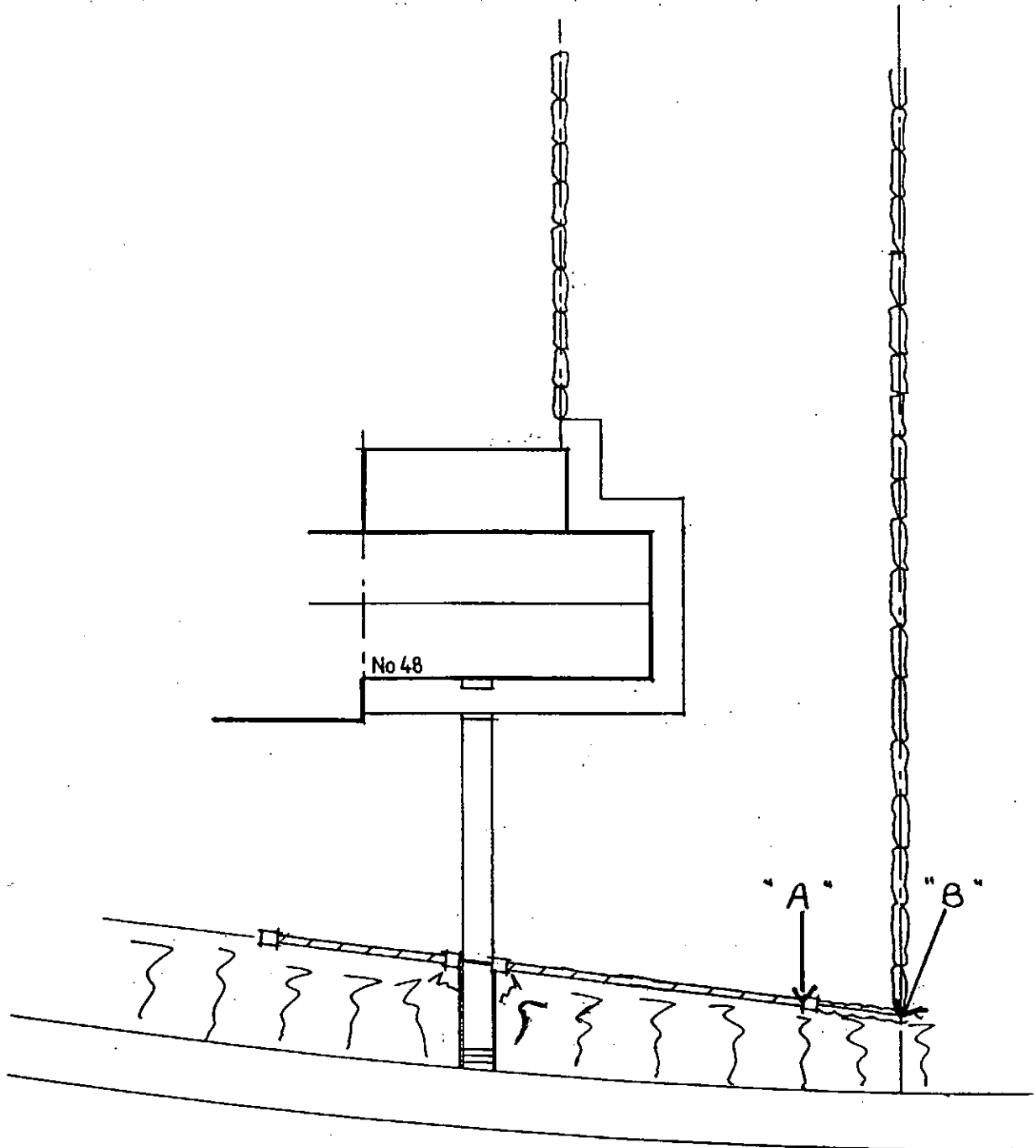


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PLAN 2

NORTH WILTSHIRE DISTRICT COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1990

# ENFORCEMENT NOTICE



BROAD TOWN LANE

SCALE 1/ 200