

NORTH WILTSHIRE DISTRICT COUNCIL

**ENFORCEMENT REGISTER
INFORMATION SHEET****E/ 98**APPEAL ☒ yes ☐ noPlan's Ref *N/63/0183/ENF*

ADDRESS

"The Jays"

BREACH of CONTROL

Alleged breach of planning control

The erection of a steel framed building on the land for the purpose of providing a vehicle maintenance and repair workshop in connection with the business of a haulage contractor.

Issuing Authority *N. W. D. C.*Date Issued *23-11-82*

STOP NOTICES

Date Served

Requiring



98

Date(s) served

Takes effect *10-1-83*Compliance by *10-4-83*Dates Extended by
Secretary of State*appeal upheld.**Temporary Permission**until 30-11-86.*

Date withdrawn

REQUIREMENTS of ENFORCEMENTSteps required to be taken

- (i) To remove or secure the removal from the land of the said steel framed building erected on the land without the benefit of planning permission and every component part thereof.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

NORTH WILTSHIRE DISTRICT COUNCIL

E98

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

Land and premises at "The Jays" Upper Green Chelwroth Cricklade

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 4 years before the day of issue of this notice on the land or premises (hereinafter referred to as "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 3 months from the date on which this notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88 (10) of the Act, on 10th January 1983.

Issued 23rd November, 1982.

Signed



Solicitor to the Council

North Wiltshire District Council,
Monkton Park,
Chippenham,
Wiltshire.

Schedule 1

Land or premises to which this notice relates

The land situate at and known as "The Jays" Upper Green Chelworth in the County of Wiltshire which is more particularly delineated on the attached plan and thereon edged red.

Schedule 2

Alleged breach of planning control

The erection of a steel framed building on the land for the purpose of providing a vehicle maintenance and repair workshop in connection with the business of a haulage contractor.

Schedule 3

Steps required to be taken

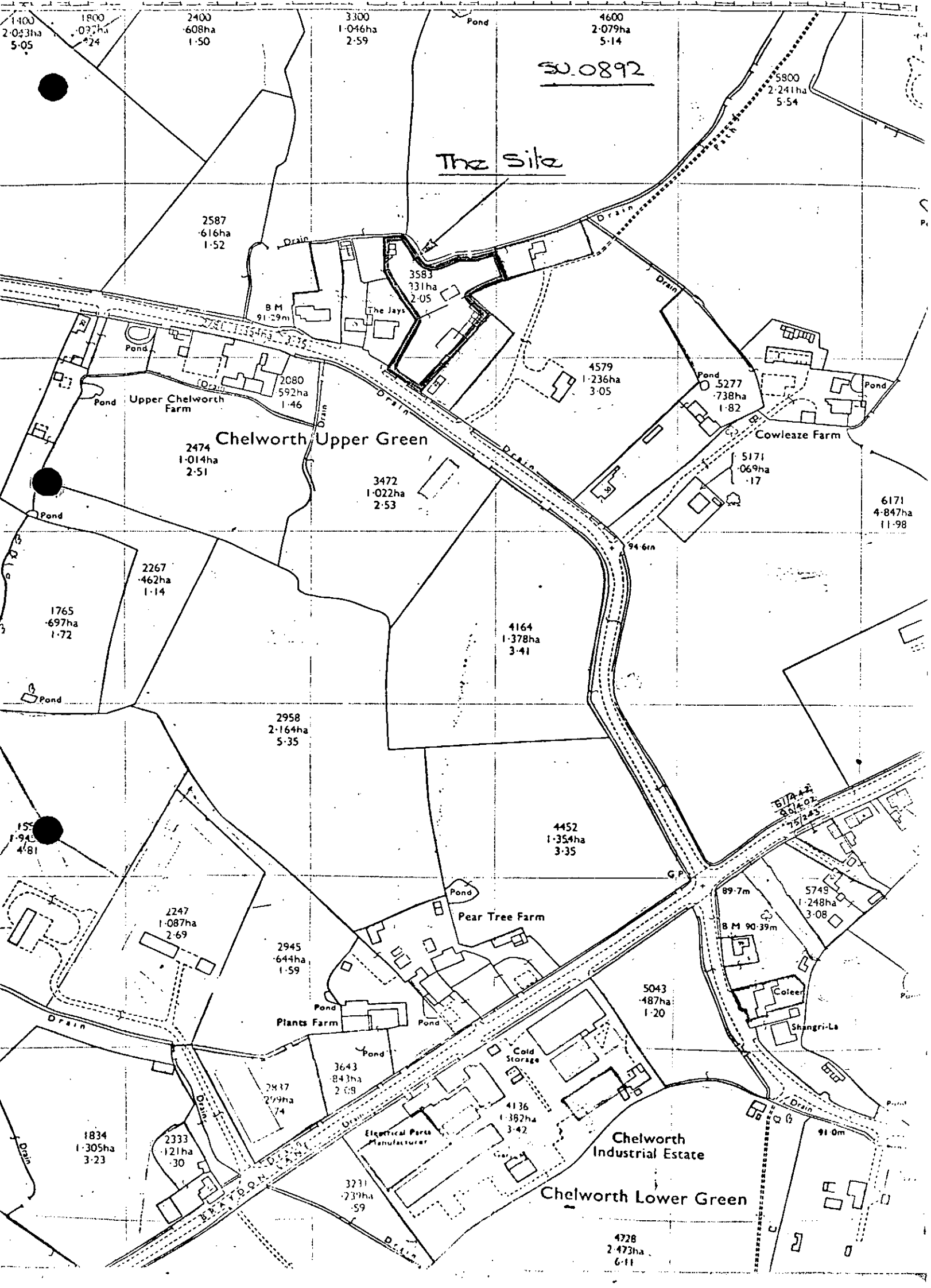
- (i) To remove or secure the removal from the land of the said steel framed building erected on the land without the benefit of planning permission and every component part thereof.

THE ANNEX

(NOTE: THIS DOES NOT FORM PART OF THE ENFORCEMENT NOTICE)

STATEMENT OF REASONS

The present use of the site as a haulage yard has only the benefit of a temporary planning permission. That permission was granted to allow sufficient time for suitable alternative premises to be found. To permit a new building of permanent construction in connection with that use would be inconsistent with that aim and could prejudice the Council's ability to enforce the cessation of this incompatible non-conforming use in the long term.





23 OCT 1955

Room 1411 Tollgate House Houlton Street Bristol BS2 9 DJ

Direct line 0272-218 91.4

Switchboard 0272-218811

Messrs Townsends
Solicitors
42 Cricklade Str
SWINDON
Wiltshire

1	PLANNING	10	RECEIVED
2	PLANNING	10	RECEIVED
3	PLANNING	10	RECEIVED
4	PLANNING	10	RECEIVED
5	PLANNING	10	RECEIVED
6	PLANNING	10	RECEIVED
7	PLANNING	10	RECEIVED
8	PLANNING	10	RECEIVED
9	PLANNING	10	RECEIVED
10	PLANNING	10	RECEIVED

For the attention of Mr J George

T/APP/5408/C/83/84/PE2

Date A/83/2923/PE2

27 OCT 1983

Gentlemen

Appeal Upheld 11/83/0183/ 11
Temp. Permission 30-11-86 E98

LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981

APPEALS BY MR A J GILES

LAND AND BUILDINGS AT THE JAYS, UPPER GREEN, CHELWORTH, WILTSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against an enforcement notice, issued by the North Wiltshire District Council, and against a refusal of planning permission by that Council, concerning the above-mentioned land and buildings. I held an inquiry into the appeals on Tuesday 20 September 1983, at Wootton Bassett.
2. a. The notice was issued on 23 November 1982.
b. The breach of planning control alleged in the notice is the erection of a steel framed building for the purpose of providing a vehicle maintenance and repair workshop, in connection with the business of a haulage contractor.
c. The requirements of the notice are to remove or secure the removal from the land of the building and every component part thereof.
d. The period for compliance with the notice is 3 months.
e. The appeal was made on the grounds set out in Section 88(2)(a) of the 1971 Act, as amended by the 1981 Act.
3. The development for which planning permission was refused is the permanent use of the existing site as a haulage depot.
4. The evidence was not taken on oath.
5. Chelworth Upper Green is a scattered hamlet, in an area of mainly small dairy farms, with level grass fields divided by hedges, and higher open ground to the north. It is about 2.4 km south-west of Cricklade, 9 km north of Wootton Bassett, and the same distance north-west of the edge of Swindon. The site, a broad "Y" in shape, stands between your client's bungalow, The Jays, and the Cottage at No 48, which is now being extended to an "L" shape, and has its westerly wall almost abutting the boundary. The building, of corrugated sheeting on a steel frame, utilising a previous concrete floor and inspection pit, under a mono-pitch roof, is about 13.8 m x 7.4 m, with a maximum height of about 6 m. It is slightly to the east of the centre of the "Y" and is equipped as a workshop. To the east of it is a diesel tank, shielded by panel fencing, and there are 2 storage buildings (3 m x 2.4 m and 7.5 m x 6 m) to the north-west, and near the north-east boundary.

6. The area behind and to the north-west of the building has recently been grassed over. To the front and to the north-west of the building is a hard-surfaced area totalling about 1,700 m², largely empty at the time of my inspection, with 2 Volvo tractor units, with bin trailers, each about 12 m long overall, parked to the north-west, and 2 unroadworthy tractor units near the eastern boundary. The access to the C70, with double metal frame and wire mesh gates, about 7 m wide, offers an emerging driver visibility in excess of 200 m to the west, and for about 150 m to the east. The side and rear boundaries are marked either by panel fences or deciduous hedges.

7. The surroundings comprise scattered farms, cottages and bungalows, with a coalyard about 360 m to the west of the site, and the winter quarters of a circus and a poultry house cleaning depot 350 m and 450 m respectively to the south. Further to the south of these, on the opposite side of Braydon Lane, is the Chelworth Industrial Estate, including a cold storage depot, a vehicle repair garage, an electrical components factory, and 3.4 ha (8½ acres) of vacant land.

8. Your Client's Case was that the site had been used for commercial purposes since 1956, and in connection with road transport since 1962, when he had started his own business with one van. From 1964-72 part of the site had been used, with planning permission, as a coal depot, and it was largely for this reason that an established use certificate for a haulage depot had been refused in 1977. Subsequently an enforcement notice had been served in respect of the use of the site as a haulage contractors yard and garages, and by an appeal decision dated 15 September 1980 (Ref: T/APP/5402/C/79/4189), a personal and temporary permission for the continuation of the use until 30 September 1983 had been granted. Subsequent applications for the retention of the new workshop building, and its temporary use for the same period, had been refused.

9. The Jays was the sole base of the business, shown as such on his operators licence, which was for 4 tractor units and 6 trailers. At present he operated 3 tractors and 5 trailers, driving himself, and employing his son and one other driver. The current gross receipts were about £80,000 per annum. All refuelling and maintenance was carried out on the site, the latter usually on Saturdays. His main contracts at present were for the transport of scrap from Messrs Coopers of Swindon to steelworks at Cardiff and Sheffield, and for hauling hay and straw for a local merchant. He also worked for some local farmers. Normally he worked a 5 day week, leaving at 0600 and returning by 1800 hours. For a long run to Sheffield he might start at 0500 hours. The laden vehicles were parked on site overnight, and only took 2-3 minutes to warm up.

10. The workshop building replaced one which was ramshackle, unsafe, insecure, and too small. The new building allowed a tractor and trailer to be garaged, and worked upon under cover. It had recently been painted green. The equipment comprised a compressor, cutting gear, and small hand tools.

11. The road haulage industry did not slot neatly into any Use Class, or category in a development plan. Haulage businesses needed adequate parking, workshop and manoeuvring space, with good communications on roads avoiding closely built residential areas. They were unwelcome and uneconomic users of industrial land. The need for lorry parks was referred to in Circular 57/73, which also said that the exact location was a question of balance between need and amenity. The planning authority had not provided any lorry park in the area. By providing a central base for the lorries, so that they did not have to be parked by the roadside, or in residential areas, your client was fulfilling the aims set out in that Circular.

12. These appeals concerned a small business, of exactly the kind to which the current national policies expressed in Circular 22/80 applied. In the previous appeal decision, (issued before the publication of the Circular), the Inspector had said that

he accepted that there was no practical alternative site available at that time, although one might be available at Purton Brickworks in about 18 months. Since that decision the Circular had been issued, and the current commitment to helping industry, particularly small firms, through the planning system had been stressed again in the Secretary of State's speech on 1 July 1983. The appeals were supported strongly by the Council for Small Industries in Rural Areas (Document 26).

13. Structure plan policies E1, E2 and E12 provided for the creation and expansion of small scale industries to provide employment in new or existing sites within or on the edge of villages, unless there were overriding amenity or traffic objections. These policies were repeated in the Cricklade and Purton Local Plan, and the object was to reduce the need for commuting, and create more employment opportunities in the rural areas, rather than concentrating them in Swindon. Your client was not proposing any expansion, nor would the continuance of the use make additional demands on services, or create pressure for more housing in the area. The business provided a livelihood for 3 people. The use did not conflict with adopted planning policy.

14. Because no sites were available for local employment use, the draft local plan provided for an extension to the Chelworth Industrial Estate, 450 m by road from the appeal site, and for industrial land at the former Purton Brickworks, 4.5 km away. The Chelworth site comprised 3.4 ha of bare land, currently for sale at £195,000. The estimated initial servicing costs were £330,000. This was quite beyond the compass of what was virtually a "one man" haulage business. Messrs Hills of Swindon, who owned the Purton Brickworks site, said nothing would be available for 18 months at least, and they would not necessarily consider a haulage use suitable. A workshop of 100 m² would command an initial rental of £3,300 per annum, plus a premium, quite beyond the financial compass of this business. The planning authority had not been able to offer any alternative site, and now accepted that the previous inspector's estimate of a site being available in 18 months was rather optimistic. The firms for whom he worked, particularly Cooper's of Swindon, had no room to sublet space in their yards.

15. It was not enough for the planning authority to refuse planning permission simply because this was a non-conforming use in a rural area. The correct test was whether permission ought to be refused, having regard to national and local employment objectives, and the effect of the use on the surrounding area. There was no direct evidence of injury to amenity. Since the previous decision its appearance had been greatly improved, by the new building and by grassing the area behind it. It was preferable to many of the ramshackle farmyards roundabout, and the lorries had no more effect on the country roads than did the milk tankers. If permanent permission was granted there would be every incentive for further improvements and landscaping. No loading or unloading took place on site, and all vehicle maintenance was behind closed doors. There had been no complaints for 4½ years, since your client had stopped allowing other hauliers to use the yard for repair work on Sundays. Two neighbours objected, 2 others, living equally close, supported your client (Documents 21-23, 25).

16. This was not a green field site. The use did not extend into open countryside, nor did it create undue noise, smell, dirt, dust, fumes, nor lead to any health hazard or excessive traffic generation. All this had been amply demonstrated during the period of the temporary permission. Fear of precedent did not justify refusal, and the recent decision in respect of a haulage use at the nearby circus winter quarters could be clearly distinguished, as there the Inspector had been concerned about the effect on the existing use, and felt the occupiers were seeking to crowd too much onto a small site. There were none of the specific and convincing planning objections noted in Circular 22/80, and the presumption in favour of small business development should apply.

17. A permanent permission was justified, and in any event one for longer than 3 years. Your client would accept conditions as to landscaping, hours of operation

(0600-1800 hours Monday-Saturday), and limiting the number of tractors and trailers which could operate from the site, so that the business continued on the present small scale.

18. The Planning Authority's Case was that the planning application had been refused on the grounds 1. that the development was contrary to structure and development plan policies, which generally sought to restrict development in the countryside to that essential to agriculture and forestry, 2. that it would have a detrimental effect on the character and appearance of this area in particular, and rural amenity in general, and set an undesirable precedent, 3. that it would introduce a commercial use into an area where it was the policy of the planning authority that existing uses should remain for the most part undisturbed, and only development essential to agricultural need should be approved. The planning refusal and enforcement notice in respect of the building were justified because the temporary permission had been granted only to allow relocation, and a permanent building was inconsistent with the Council's long term aim to secure the cessation of this incompatible non-conforming use.
19. Policy E4 of the structure plan, (as modified by the Secretary of State), provided that up to 310 ha of industrial land should be made available in the Swindon Urban Area by 1986, with 35 ha in and around the small towns in North Wiltshire. The Cricklade and District Local Plan specifically identified 4.9 ha of land to be used for employment purposes, at the Chelworth Industrial Estate and at Purton Brickworks with another 21.5 ha at Wootton Bassett. These allocations satisfied the structure plan policies, and provided suitable land for businesses such as that of your client. Extensive areas were available in and on the fringe of Swindon. Structure Policy E11, advocating the change of use of buildings in the countryside to use for employment purposes, when there were no overriding amenity or traffic objections, did not extend to a new unauthorised building, as had been erected on the appeal site.
20. Development Control Policy Note 3, paragraph 4, referred to the basic aim of planning policies to separate incompatible land uses, such as industry and housing. Note 4 referred to the need for building being met without spoiling the countryside, or wasting good agricultural land. It also referred to the effect of precedent, if one such application was granted. The present proposal was covered by the same reasoning; and the same objections. Paragraph 4 of Circular 22/80 re-emphasized "the need to conserve and improve the countryside."
21. The use of the site as a haulage yard was objectionable by reason of its impact on the amenities of the locality and the character of the countryside. Although partly screened by buildings to the south-east, and by hedges to the north, it could be seen from the C70 road past the front of the yard, from the fields to the north, and from several neighbouring dwellings. The steel framed building was sufficiently large to be seen from the main B4040 to the north-west. Whilst accepting that it was some improvement on the previous dilapidated structure, its size, scale, design, and materials were incompatible with the countryside, and detrimental to the amenities of the locality.
22. The Chief Environmental Health Officer had reported that complaints had been made to his department from time to time about vehicles warming up for prolonged periods, leaving at 0400 hours, and returning late in the evening, when repairs and maintenance were carried out. Detailed objections were set out in letters from the nearest neighbours Mr and Mrs Couchman at No 48. There had previously been an objection by the occupants of No 49, and the Cricklade Town Council also supported the planning authority. It was not surprising that in a rural area such as this, there was not a substantial body of complaint, but nevertheless there were specific and convincing planning objections to the development on amenity grounds.

23. In the previous appeal decision the Inspector had referred to Chelworth Upper Green as "a small and somewhat fragmented settlement, containing mainly a few dwellings and agricultural buildings, set in attractive countryside." He said the damage to local residential amenities was significant, and that the use as then enforced against was open to material planning objections. In granting a temporary permission he bore in mind that the structure and local plans were then only in an interim stage. The temporary permission had been to avoid hardship to your client, and to allow him time to find an alternative site.

24. There had been a long history of pressure for industrial and allied development in the Chelworth area, quite apart from the various decisions affecting the appeal site. In February 1978 an enforcement notice in respect of a haulage business carried on nearby at Chelworth Lodge (see Plan D), was upheld on appeal (report, Document 11). That business was concerned mainly with haulage work for industrial firms in Swindon. On 13 September 1983, another appeal, in respect of the carrying on of a haulage business in association with the circus winter quarters in Braydon Lane (see Plan D), was also dismissed. The Inspector referred to the generous allocation of land for new industrial and commercial development in the area, and the detrimental effect on its rural character. These decisions vindicated the authority's policies in respect of haulage uses in and around Chelworth.

25. The specific allocations of land at Chelworth and Purton provided for the needs of industry and employment creating uses in the immediate area, in accordance with the structure and local plan policies. There was also ample land available in and around the urban area of Swindon. Your clients seemed to have made only a very few enquiries about the current possibility of relocation, and these only shortly before the inquiry (Documents 15-17). The support from CoSIRA was also very recent.

26. If it was decided that permission should be granted, conditions should be imposed, limiting the permission to another 3 year period, personal to your client. Hours of operation should be limited to 0600-1800 hours 6 days a week, and the number of vehicles limited to 3 tractors and 5 trailers. There should also be a landscaping scheme. As to the building this should only be permitted on the same limited terms.

27. My Conclusions firstly are that I note that the planning application was for the permanent use of the site as a haulage depot. It is clear however that the planning authority treated it as an application for the renewal of the previous temporary permission, and that this was stated on the decision notice. I consider therefore that I can treat the application in this way, in accordance with Section 32 of the 1971 Act; and on the authority of the case of *Bernard Wheatcroft Limited v Secretary of State and Harborough District Council* (1982, 43 P and CR 223).

28. On the planning merits, the primary issue in both cases is whether the objections to the use, and to the new building, on policy and amenity grounds, are outweighed by the needs of your client's business, and the value to the community of the employment and service it provides.

29. This is one of those cases where policies aimed at protecting rural areas and policies favouring small businesses conflict to some extent. A balance has to be struck as to how the public interest can best be served. On the one hand the use does intrude into predominantly open countryside, and will bring additional movements of traffic and people into a rural area. The nearest neighbours are bound to suffer some noise and disturbance from heavy vehicles starting and moving in and out, and from maintenance activities.

30. On the other hand a haulage yard is not a true industrial use, is a wasteful and uneconomic occupant on an industrial estate, and is also a bad neighbour for closely built residential development. The appeal site has had planning permission for use as

a coal yard in the past, and because of the way the business is run and the site kept by your client, recent complaints seem to have been comparatively muted. Whilst there is industrial land available in the area, it does not seem to me that there is much likelihood of an alternative site being available to your client at a price or rent the business can stand.

31. I conclude that this is a case where the conflicting interest can be reconciled to some extent by granting a further conditional permission. My object is not to give another "trial run", but to allow your client to remain in business while he operates on the present scale. I am concerned particularly to protect the nearest neighbours at No 48, who have clearly had cause for complaint in the past, and rightly fear the effect of any intensification. While the business operates in effect from your client's home, conditions need to be imposed which will restrict it as far as possible to conform with domestic surroundings.

32. It does not seem to me that your client needs such a big yard for the comparatively small number of vehicles he operates, and the permission I am granting will therefore exclude so far as practicable any haulage activity over the easternmost part of the yard, to a distance of 40 ft (12 m) from the south-eastern boundary, and also the area to the north-east which has been grassed. This will keep the principal activities as far as possible from the boundaries of the neighbouring houses.

33. The other conditions are all in order to restrict the business to the present scale and mode of operation, in accordance with the current operator's licence. I make it clear that any expansion above the present level would make relocation essential. Furthermore I am providing that the permission shall again be for 3 years only. Any renewal will then be a matter for the planning authority to consider in the first instance, and I would expect they would bear in mind your client's record of observing the other conditions. In view of these other conditions, I do not consider that a personal condition is necessary.

34. As to the building, whilst a temporary permission is not normally appropriate to a permanent building, this building does intrude to some extent into the rural scene, and it should only be allowed to remain while it serves the present use, or any other use which might be considered unexceptionable by the planning authority. I accept that it is a great improvement on the previous building, and that it facilitates the maintenance of the site in a clean and tidy condition. I note that it is a sectional building of a type which is not unduly difficult to dismantle. I am therefore granting a temporary permission for the same period as that granted for the use.

35. I have considered everything else which was said at the Inquiry and mentioned in the letters and documents, but find nothing to make me alter my decisions.

FORMAL DECISIONS

36. In exercise of the powers transferred to me and for the reasons given above I hereby direct as follows:-

Section 88 appeal

That the appeal be allowed, the enforcement notice quashed, and planning permission granted for the erection of a steel framed building, as a workshop in connection with a haulage contractors business, at The Jays, Upper Green, Chelworth, subject to the condition that the building, and all the parts and materials thereof, shall be removed from the site on or before 30 November 1986.

Section 36 appeal

That the appeal be allowed and planning permission granted for the continued use of land at The Jays, Upper Green, Chelworth as a haulage depot, subject to the following conditions:

- a. that the permission shall extend only to the area of land hatched black on the plan annexed hereto, provided always that this shall not operate to prevent the existing access from the C70 road continuing to be used;
- b. the use hereby permitted shall cease on or before 30 November 1986, when all vehicles and equipment brought on to the site for the purpose of the use shall be removed;
- c. not more than 4 tractor units and 6 trailers shall be based on the site at any one time;
- d. no vehicles shall be based or repaired at the site other than vehicles in the ownership and control of the appellant, Mr A J Giles;
- e. no vehicles shall be repaired or maintained outside the buildings on the site;
- f. no loading, unloading, or storage of goods (other than on vehicles) shall take place on any part of the site;
- g. hours of work (including vehicle maintenance and repair) shall be limited to 0600-1800 hours from Mondays-Fridays and 0800-1300 hours on Saturdays;
- h. a landscaping scheme in respect of the area to the east of the site excluded from the permission shall be submitted to the planning authority for approval within 3 months of the date of this letter and implemented within 6 months thereafter.


37. This letter does not convey any approval or consent required under any enactment, order, byelaw or regulation other than Section 23 of the Town and Country Planning Act 1971.

Attention is drawn to the fact that any applicant for approval of the landscaping scheme noted above has a statutory right of appeal to the Secretary of State if approval is refused, or granted conditionally, or if a decision is not made within the prescribed period.

RIGHT OF APPEAL AGAINST DECISIONS

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

I am Gentlemen
Your obedient Servant,



C RUSSELL Solicitor
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A Porten

- of Counsel, instructed by
Messrs Townsends, Solicitors,
42 Cricklade Street,
Swindon, Wiltshire

He called:

Mr G E Warren MA FRICS MRTPI

- of Messrs Chapman Warren,
Town Planning and Development
Consultants, 8 High Street,
Wootton Bassett, Wiltshire
SN4 7AA

Mr A J Giles

- Appellant, of The Jays,
Upper Chelworth, Cricklade,
Wiltshire

FOR THE PLANNING AUTHORITY

Mr J F McDonald

- Principal Administrative Officer

He called:

Mr M J Baker BSc BPhil MRTPI

- Planning Officer

DOCUMENTS

Document 1 - List of persons attending inquiry.

" 2 - Notification of inquiry and list of addressees.

" 3 - Application the subject of S36 appeal, 6 January 1983.

" 4 - Refusal in respect of above, 21 February 1983.

" 5 - Refusal of planning permission for building of dwelling on part of
appeal site (Ref 445/67) 25 January 1968.

" 6 - Refusal of grant Established Use Certificate for haulage contractors
yard and garage, (Ref N77/0117/EUC) 23 May 1977.

" 7 - Letter, Planning Authority to Vines and Lipscombe Design Group
(Appellant's former agents) 2 June 1977.

" 8 - Previous Enforcement Notice, 8 October 1979.

" 9 - Inspector's decision letter in respect of appeal against above,
granting 3 year planning permission (Ref T/APP/5408/C/79/4189),
15 September 1980.

DOCUMENTS (Continued)

- Document 10 - Appeal decision re Enforcement Notice and planning appeals affecting coal merchant's premises belonging to appellant's brother Mr R A Giles (OS plot 350, Chelworth) Department's Ref APP/2075/C/16378; A/42451, 11 March 1971.
- " 11 - Inspector's report re appeal by W A Olding, relating to haulage depot at Chelworth Lodge, Department's Ref APP/5408/C/76/4797, 29 April 1977. (Note, the decision letter endorsed the Inspector's conclusions).
- " 12 - Appeal decision letter re Enforcement Notice appeal in respect of road haulage business and parking of vehicles, in addition to winter quarters of Messrs Austen Brothers Circus, at Chelworth Park, Braydon Lane, Chelworth, Department's Ref T/APP/5408/C/82/2649, 13 September 1983.
- " 13 - Letter, A D Couchman, 48 Chelworth, to Planning Authority, 27 January 1983.
- " 14 - Letter, Mr K Shailles, 49a Chelworth, to Planning Authority, 31 January 1983.
- " 15 - Letter, Planning Authority to Messrs Chapman Warren, as to alternative sites, 13 September 1983.
- " 16 - Letter, Messrs Farrant and Wightman to Messrs Townsends, 15 September 1983.
- " 17 - Letter, Messrs J P Sturge to Messrs Townsends, with list of employment sites and premises available in Wiltshire, issued in October 1982.
- " 18 - Table showing industrial land provision in Wiltshire, as per structure plan, April 1983.
- " 19 - Extract from Cricklade and Purton Local Plan, as to industrial land provision at Braydon Lane, Chelworth and Purton Brickworks (Policies E1 and E2).
- " 20 - Letter, Council for the Protection of Rural England (North Wiltshire Group) 30 August 1983.
- " 21 - Letter, Mr K Shailles, 49A Chelworth to Department, 4 September 1983.
- " 22 - Letter, Mrs M E Couchman, 48 Chelworth, to Department, 1 September 1983.
- " 23 - Letter, Mr L Harlatt, Tumbletop, Chelworth, to Department, 5 September 1983.
- " 24 - Letter, Cricklade Town Council to Department, 7 September 1983.
- " 25 - Letter, Mr and Mrs E M Gray, 49 Chelworth Green, to Department, 17 September 1983.
- " 26 - Letter, Secretary of Wiltshire County Committee, Council for Small Industries in Rural Areas, to Inspector, 23 September 1983.

PLANS

- Plan A - Attached to Enforcement Notice (marked by Inspector to show extent of land for which planning permission granted (scale 1/2500).
- " B - Attached to S36 application (1/2500).
- " C - Attached to planning application for retention of building the subject of Enforcement Notice (4 ft to 1 in, 8 ft to 1 in, 1/2500).
- " D - Plan showing site and surroundings, with details of planning history of adjacent sites at Chelworth (scale 1/2500), marked by Inspector to show homes of neighbours who had made written representations.

PHOTOGRAPHS

- Photos A and B - Produced by appellant, showing former maintenance building on site replaced by building the subject of S88 appeal as it was in 1980, when previous appeal was heard.

This is the plan referred to in my decision
letter (ref T/APP/5408/C/83/84/PE2.

A/83/2923/PE2

dated 27 OCT 1983

Christopher Russell

C RUSSELL Solicitor
Inspector

