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| 4th March 2021  **VARIOUS**  **NOTIFICATION OF ENFORCEMENT APPEALS** | Development Services  Wiltshire Council  Tel: 0300 456 0114  [PlanningAppeals@wiltshire.gov.uk](mailto:PlanningAppeals@wiltshire.gov.uk) |
|  | Our Ref: **20/00637/ENF** |

Dear Sir / Madam

TOWN AND COUNTRY PLANNING ACT 1990

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| APPELLANTS NAME: | **Mr Luke Merrydew** |
| APPEAL SITE: | **Land at the Old Nurseries, Burton, Mere, BA12 6FH** |
| INSPECTORATE REFERENCE: | **APP/Y3940/C/20/3262563 & APP/Y3940/C/20/3262575** |
| APPEAL START DATE | **18th February 2021** |

I am writing to let you know that two appeals against two Enforcement Notices have been made to the Planning Inspectorate in respect of the above site.

**APP/Y3940/C/20/3262563**

## **THE BREACH OF PLANNING CONTROL ALLEGED:**

## Without planning permission, operational development consisting of the construction of an earth bund on the Land in the approximate location identified by a green line on the attached plan as well as shown in the photograph attached to the Notice shown as ’Notice Photograph’.

## **The enforcement notice was issued for the following reasons:**

1. It appears to the Council that the above breach of planning control has occurred within the last 4 years.
2. Core Policy 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and paragraph 170 of the NPPF (2019) in that the retention of this unnatural landform is unnecessary development that is detrimental, and unsympathetic to its setting.
3. The development constitutes intentional unauthorised development.
4. The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

## **The enforcement notice requires the following steps to be taken:**

1. Remove the bund and any related or resultant materials, paraphernalia, debris or detritus from the Land.
2. Restore the ground level to match the profile of the land that existed prior to the unauthorised development taking place.

**A copy of the Enforcement Notice can be viewed by contacting Wiltshire Council.**

**The compliance period of time stated on the notice is: 4 months.**

**The appellant has appealed against the notice on the following grounds:**

1. that planning permission should be granted for what is alleged in the notice.
2. that there has not been a breach of planning control;
3. That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.
4. that the time given to comply with the notice is too short

**APP/Y3940/C/20/3262575**

**THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the material change of use of the land for the siting of a caravan for residential purposes.

**The enforcement notice was issued for the following reasons:**

The enforcement notice was issued as the unauthorised development is contrary to the following national and local planning policies;

1. It appears to the Council that the above breach of planning control has occurred within the 10 years.
2. The Land lies within the open countryside and its continued residential use, which is unsupported by any rural employment need, is contrary to Core Policies 1, 2, 17 and 48 of the Wiltshire Core Strategy (adopted January 2015) and paragraph 79 of the National Planning Policy Framework (2019).
3. Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and paragraph 170 of the National Planning Policy Framework (2019) in that the unauthorised development is unsympathetic to its natural landscape setting.
4. Core policies 60 and 61 of the Wiltshire Core Strategy (adopted January 2015) in that the unauthorised development takes place in an unsustainable location encouraging the use of private vehicles. In addition, without detailed analysis of the access arrangements the use of the access from Burton Field onto the A303 will have an adverse impact upon highway safety.
5. The development constitutes intentional unauthorised development.
6. The Council does not consider that planning permission should be given, because planning conditions could not overcome the objections to this development.

**The enforcement notice requires the following steps to be taken**:

1. Permanently cease the occupation of the Land for all residential and ancillary residential purposes.
2. Permanently remove the Land all residential and associated items ancillary to the residential use of the Land, (for example but not limited to the tent, gazebo/awning attached to the caravan, trampoline, washing lines, BBQ, toys, gas canisters, generator, vehicles) as well as all personal effects stored on any other part of the land.
3. Permanently remove the caravan from the Land.

**A copy of the Enforcement Notices can be viewed by contacting Wiltshire Council.**

**The compliance period of time stated on the notice is: 4 months.**

**The appellant has appealed against the notice on the following grounds:**

1. That planning permission should be granted for what is alleged in the notice.
2. That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.
3. that the time given to comply with the notice is too short

**APP/Y3940/C/20/3262563 & APP/Y3940/C/20/3262575**

Both the appeals are against the Enforcement Notices in respect of the above site, and are to be decided on the basis of the **Written Representations** procedure.

If you wish you are now able to make written comments on the proposals. The Planning Inspectorate have introduced an online appeals service which you can use to comment on these appeals. You can find the service through the Appeals area of the Planning Portal – see <https://acp.planninginspectorate.gov.uk> Alternatively, you can send your comments to [teame2@planninginspectorate.gov.uk](mailto:teame2@planninginspectorate.gov.uk) Comments should be received **by 01 April 2021**.

Please note that the offices at the Planning Inspectorate are closed and all correspondence must be sent by email or through the Planning Portal and not by post.

Any representations received after the deadline will not normally be seen by the Inspector and will be returned.

**All comments received will be copied to the appellant and will be taken into account by the Inspector in deciding the appeals. All comments will be available to public inspection should any such request be made.**

If you wish to receive a copy of the appeal Decision Letter(s), you should write to the Planning Inspectorate specifically requesting one.

The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeals.

The Planning Inspectorate has introduced an online appeals service which you can use to comment on these appeals. You can find the service through the Appeals area of the Planning Portal – see **www.planningportal.gov.uk/pcs**. The Inspectorate may publish details of your comments, on the internet (on the appeals area of the planning portal). Your comments may include your name, address, email address or phone number, please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Finally, you may wish to note that The Planning Inspectorate has produced a guide to taking part in planning appeals. If you would like to receive a copy of this, please contact me on the telephone number set out at the head of this letter, further information can also be obtained from their web site at www.planning-inspectorate.gov.uk

Yours faithfully,

Mike Wilmott

Head of Development Management