

21 June 2022

Development Services
Wiltshire Council

Tel: 0300 456 0114

PlanningAppeals@wiltshire.gov.uk

Our Ref: ENF/2021/00892

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

APPELLANTS NAME: Mr T McGinley
APPEAL SITE: Land off Shop Lane, Wingfield. Wiltshire BA14 9LN

INSPECTORATE REFERENCE: APP/Y3940/C/22/3299762
APPEAL START DATE: 17 June 2022

I am writing to let you know that an appeal has been made to the Planning Inspectorate in respect of the above site.

THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission:

The unauthorized material change of use of land from agriculture to a mixed use consisting of the siting and residential occupation of caravans as well as the storage of caravans and a portacabin together with operational development to facilitate the unauthorized use of land, namely the laying out of a hard standing area and the creation of a hard core gravel access track.

The enforcement notice was issued for the following reasons:

- a) It appears to Wiltshire Council that the above breach of planning control has occurred within the last 10 years.
- b) The NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the personal circumstances advocated by the occupier clearly does not outweigh the harm. Therefore the very special circumstances necessary to justify the development do not exist and the development is therefore contrary to the development plan and the Framework, in

Contact us:

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Bourne Hill Salisbury
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particular paragraphs 147, 148 and 149 of the framework.

- c) The development, by reason of it's form, design and visual impact, detracts from the rural character of the area and results un the urbanization of the rural landscape and diminuation of the Green Belt. The development therefore fails to conserve and where possible enhance landscape character or relate positively to it's landscape setting and is cotraryto Core Policies 51 and 57 of the Wiltshire Core strategy.
- d) The development was taken without due regard to the ecological impacts, including the extent to which the development impacts on the Bath and Bradford on Avon Bat SAC and protected/ notable species which are reasonably likely to be affected by the development; and, as a consequence, the development is not considered to be environmentally sustainable. The development therefore does not comply with Core Policy 50 of the Wiltshire Core Strategy and advice contained in the Framework.
- e) The development constitutes intensional unauthorized development.
- f) The Council do not consider that planning permission should be granted for the above breach of planning control, because planning conditions could not overcome those objections to the unauthorized development.

The enforcement notice requires the following steps to be taken:

- a) Permanently cease the occupation of the Land for all residential purposes.
- b) Permanently remove all caravans from the Land.
- c) Permanently remove the porta-cabin from the Land.
- d) Permanently removal of all ancillary residential items and paraphernalia which facilitate the unauthorized use of the Land, including but not limited to portable toilet, septic and waste water tanks and gas cylinders.
- e) Permanently remove from the Land all vehicles, plant and machinery ancillary to the unauthorized use of the Land.
- f) Permanently remove from the Land all materials used to create the unauthorized hard standing area and hard-core track.
- g) Reinstate the excavated areas of the Land to the original form and levels using top-soil and re-seed that part of the Land with a native grass seed mix.

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

The compliance period of time stated on the notice is 9 months.

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

(g) The time given to comply with the notice is too short.

The appeal is against the Against an Enforcement Notice in respect of the above site, and is to be decided on the basis of a the hearing procedure.

If you wish you are now able to make written comments on the proposal. These should be sent to The Planning Inspectorate, Room 3/23 Kite Wing, 2 The Square, Temple Quay House. Bristol BS1 6PN or emailed to teame1@planninginspectorate.gov.uk quoting the Inspectorate reference. Representations should be received by the **29th July 2022**.

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 appeal. 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, 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 appeal.

The Planning Inspectorate has introduced an online appeals service which you can use to comment on this appeal. 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,

Andrew Guest
Head of Development Management

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