



REGULATORY COMMITTEE

DATE: 6th FEBRUARY 2002

SERVICE OF ENFORCEMENT NOTICE

SITE LOCATION: LITTLE RIDGHAMS COPSE,
ALDERBURY

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WILTSHIRE COUNTY COUNCIL
Director of Environmental Services
County Hall
Trowbridge
Wiltshire BA14 8JD

SCALE: 1:10,000

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THE SCHEDULE TO THE PERMISSION

Name of the Local Planning Authority:		WILTSHIRE COUNTY COUNCIL	
Name and address of applicant:		Name and address of agent:	
J. Leech & Sons Little Hockham Farm Great Hockham Thetford, Norfolk 1B24 1NS		T. Bleszynski Esq, Director of Planning Woodlands Manor Estates Ltd Woodlands Manor Farm Horton Road Woodlands, Wimbourne, Dorset, BH21 8ND	
Brief Details of the Application:		Application Date: 5th August, 1997	
Location: Land South of Little Ridghams Copse, Alderbury			
Proposed Development: Variation of Condition 6 of Planning Permission S.92.0053 to extend time period for the completion of Tipping Operations to 30th September, 1999.			
Conditions:			
<ol style="list-style-type: none"> The development hereby authorised shall be carried out in accordance with the submitted application, S.88.0495, unless amendments are agreed in writing with the County Planning Authority. <u>Before any earthworks or tipping on site is commenced:-</u> <ol style="list-style-type: none"> adequate facilities for wheel washing vehicles leaving the site shall be installed and maintained throughout the operation to the satisfaction of the County Planning Authority. a detailed scheme for the eventual landscaping of the completed development shall be submitted to and approved by the County Planning Authority. The approved landscaping scheme shall be implemented in the first appropriate season following completion of surface restoration works. Any trees or shrubs which die within five years of being planted shall be subsequently replaced with new stock to the satisfaction of the Planning Authority and thereafter maintained for five years. No tipping operations or works on site by the operator, shall be carried out other than between the hours of 8.00 a.m. to 5.00 p.m. on weekdays and 8.00 a.m. to 12 noon on Saturdays. No tipping or works on site shall take place on Sundays or Bank Holidays. Prior to the commencement of tipping in each phase, the topsoil shall be removed from the surface of the site and stored until required for restoration. 			
Continued /			

Dated this 23rd day of October

1997

Signed.....

M.O. Holder

Authorised Officer

Town and Country Planning Act, 1990

PERMISSION FOR DEVELOPMENT

1. The Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** subject to the scheduled conditions [if any] for the development proposed by the applicant in the application, which is hereby expressly incorporated herewith and of which brief details are, by way of identification only, set out in the Schedule (see overleaf).
2. The scheduled conditions (if any) have been imposed for the reasons set out in the Schedule.
3. "The Local Planning Authority", "the scheduled conditions", "the applicant" and "the application" referred to above are those described in the Schedule overleaf.

NOTES

- (1) **Time Limits on Planning Permissions.** By virtue of Sections 91 - 94 of the Town and Country Planning Act, 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of this permission, then that condition must be observed. Otherwise, one or other of the following time limits (as appropriate) will apply:-

- (i) **Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun either within 5 years from the date of the grant of the outline permission or within 2 years from the final approval of all the matters reserved.
- (ii) **Where the planning permission is complete and is not in outline** then the development must be begun not later than the expiration of 5 years from the date on which permission was granted.

If the development has not been begun or application been made for approval of matters reserved within the time limits mentioned there is freedom to apply for a new planning permission.

- (2) **Other necessary consents.** This document only conveys permission for the proposed development under the Town and Country Planning Act 1990 and the applicant must also comply with all byelaws, regulations and statutory provisions in force in the district and secure such other approvals and permissions as may be necessary.

In particular the applicant is reminded of the following matters:-

- (a) the need in appropriate cases to obtain approval under Building Regulations;
- (b) the need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public right of way;
- (c) the need to obtain consent under Sections 7 and 74 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to the demolition, alteration or extension of any listed building of architectural or historic interest or any non-listed building in a Conservation Area;
- (d) the need to make any appropriate arrangements under the Highways Act, 1980, in respect of any works within the limits of a public highway.

(It is the responsibility of the applicant to ascertain whether the development affects any public right of way or listed building).

- (3) **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78(1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

- (4) **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- (5) **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

5. After the completion of the tipping operations and related clay capping in each respective phase, then the final layer of the fill shall consist of permeable and obstruction-free material including topsoil and subsoil, to a depth of one metre and finished with a layer of not less than 0.25 metre of topsoil (for the avoidance of doubt, obstruction-free means free of any object likely to damage or obstruct a plough or hinder the installation of field drainage). No soil movement shall take place during wet conditions.
6. Tipping operations shall cease by 30th September, 1999. Thereafter, the site surface shall be graded to accord with a scheme to be agreed with the Planning Authority and covered with subsoil and topsoil as required by Condition No.5.
7. No later than one year after the cessation of tipping, the whole site shall have been restored to agricultural use.
8. Unless otherwise agreed in writing with the Waste Planning Authority, not more than 60 vehicles in any one day shall deliver material to be tipped.

Reasons:

1. To give effect to the proposals as submitted.
- 2.(a) To safeguard mud being deposited on the highway.
- 2.(b) To safeguard the appearance of the site.
3. To safeguard the amenities of the locality.
4. To ensure the topsoil is conserved during the operation.
5. To secure an orderly approach to the development of the site.
6. To ensure that the operation is completed within a reasonable timescale.
7. To secure the eventual restoration of land to agriculture.
8. To limit the number of vehicles to a level where there is unlikely to be any undue inconvenience to other users of the highways in the locality.

Note to Applicant:

1. The applicant is reminded of the need to safeguard Bridleway 14 throughout the period of the operations.
2. Environmental monitoring should commence in order to establish site completion. Further advice can be obtained on this matter by contacting Mr. A. Young of the Environment Agency on Telephone No. (01278) 457333.

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BREACH OF CONDITION NOTICE

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

SERVED BY: Wiltshire County Council

To: J Leech & Sons, Little Hockham Farm, Great Hockham, Thetford, Norfolk IB24 1NS

1. **THIS NOTICE** is served by the Council, under section 187A of the above Act, because they consider that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council considers that you should be required to comply with the conditions specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land South of Little Ridghams Copse, Alderbury shown edged red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the Council on 23rd October 1997 for the Variation of Condition No. 6 of Planning Permission S.92.0053 to Extend the Time Period for the Completion of Tipping Operations to 30th September 1999. Ref: S.97.1274.

4. THE BREACH OF CONDITION

The following conditions have not been complied with:

- 2(b). a detailed scheme for the eventual landscaping of the completed development shall be submitted to and approved by the County Planning Authority. The approved landscaping scheme shall be implemented in the first appropriate planting season following completion of surface restoration works. Any trees or shrubs which die within five years of being planted shall be subsequently replaced with new stock to the satisfaction of the Planning Authority and thereafter maintained for five years.
5. After the completion of the tipping operations and related clay capping in each respective phase, then the final layer of the fill shall consist of permeable and obstruction-free material including topsoil and subsoil, to a depth of one metre and finished with a layer of not less than 0.25 metre of topsoil (for the avoidance of doubt, obstruction - free means free of any object likely to damage or obstruct a plough or hinder the installation of field drainage). No soil movement shall take place during wet conditions.
6. Tipping operations shall cease by 30th September 1999. Thereafter, the site shall be graded to accord with a scheme to be agreed with the Planning Authority and covered with topsoil as required by Condition No. 5.
7. No later than one year after the cessation of tipping, the whole site shall have been restored to agricultural use.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breaches of conditions specified in paragraph 4 of this notice, you are required to comply with the stated conditions by taking the following steps:

- (1) Within four months of the date of this Notice the site (as described above) shall be capped in accordance with the terms of Conditions 5 and 6;
- (2) Within six months of the date of this Notice the site shall be restored to an agricultural afteruse in accordance with the terms of Condition No. 7;
- (3) The site shall be landscaped in accordance with the scheme approved pursuant to Condition No. 2(b) on 30th September 1988. All landscaping works shall be implemented and completed within the first available planting season following the Service of this Notice.

PERIOD FOR COMPLIANCE

As indicated within the points listed within Paragraph 5 above.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect immediately it is served on you, or you receive it by postal delivery.

Dated:

15 January 2002

Signed:

Richard J. Lader

On behalf of:

Wiltshire County Council
County Hall
Trowbridge
BA14 8JD

Annex

WARNING

THIS NOTICE TAKES EFFECT *IMMEDIATELY* IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of *immediate* prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Mr G Winslow, Environmental Services Department, Minerals, Waste & Development Control Section, County Hall, Trowbridge, Wiltshire, BA14 8JD (Tel: 01225 713213).

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

