



Appeal Decisions

Inquiry held on 27 February 2024

Site visits made on 26 and 27 February 2024

by Jessica Graham BA (Hons) PgDipl

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal A Ref: APP/Y3940/C/22/3306520

Appeal B Ref: APP/Y3940/C/22/3306521

Land adjacent to Old Park Farm, Vastern, Royal Wootton Bassett, Wiltshire, SN4 7PB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. The appeals are made by EZ Skips Ltd (**Appeal A**) and Mrs Jane Stanley (**Appeal B**) against an enforcement notice issued by Wiltshire Council.
 - The notice was issued on 9 August 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land from agriculture to a mixed use for the storage of skips, containers, bins and miscellaneous items not connected to the agricultural use of the Land in addition to the depositing and storage of waste materials as well as the stationing of vehicles, plant and machinery in association with the unauthorised use of the Land. This is together with the operational development undertaken to facilitate the unauthorised use of the land (see *Murfitt v SSE* [1980] JPL 598 and *Somak Travel v SSE* [1987] JPL 630) consisting of the construction of hard-standing areas, erection of fencing and gates on the north and east boundaries to the compound, as shown identified by the photograph entitled by 'fences and gates photographs', a pole identified by photograph entitled 'pole photograph' and the siting of a shipping container as identified by 'container photograph', all attached to this Notice.
 - The requirements of the notice are to:
 - i. Cease the use of the land for the storage of skips, containers, bins and miscellaneous items not connected to the agricultural use of the Land in addition to the depositing and storage of waste materials as well as the stationing of vehicles, plant and machinery associated with the unauthorised use of the Land
 - ii. Remove from the Land all skips, containers, bins and miscellaneous items not connected to the agricultural use of the Land in addition to all waste materials as well as the stationing of all vehicles plant and machinery associated with the unauthorised use of the Land
 - iii. Remove from the Land all areas of hard-standing, the removal of the fencing and gates on the north and east boundaries of the compound area, the removal of a pole and container, all of which are within the compound shown hatched on the 'notice plan' attached to this notice
 - iv. Restore the Land affected to its former level and condition prior to the unauthorised development of the Land taking place.
 - The period for compliance with the requirements is six months.
 - **Appeal A and Appeal B** are proceeding on the grounds set out in section 174(2)(b), (c), (d) and (g) of the Town and Country Planning Act 1990 as amended.
 - **Appeal A** is also proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Summary of Decision

1. The appeals on ground (b) and (g) succeed in part. The other grounds of appeal fail. The Notice is upheld, with correction and variation, in the terms set out below in the Formal Decision, and planning permission for the deemed application is refused.

Procedural Matters

2. The procedure used to determine these appeals has been a “hybrid” approach; part Inquiry, and part Written Representations. It was necessary to deal with grounds (b), (c) and (d) at an Inquiry, in order that disputed evidence as to matters of fact could be given, and tested, on oath. The Written Representations procedure was more appropriate for grounds (a) and (g), in the light of the extensive and comprehensive written submissions made about the planning merits of the development.
3. I made an unaccompanied visit to the area around the Appeal Site on 26 February, and an accompanied site visit to the Appeal Site itself at the close of the Inquiry on 27 February.
4. All evidence to the Inquiry was given under affirmation or oath.

The Terms of the Notice

5. At the Inquiry the Council confirmed that the aim of the Notice was to attack the unauthorised material change of use of the land. It was not intended to allege a separate breach of planning control in respect of operational development; rather, the Council’s case was that the works listed in the second half of the allegation were part and parcel of the material change of use. Both parties agreed that in order to clarify this, the term “works” should be substituted for the term “operational development”.
6. The Council also confirmed at the Inquiry that while the Notice refers to “areas of hardstanding” in the plural, the extent of the hardstanding it seeks to address is the L-shaped area in the top right (north-eastern) corner of the Appeal Site. The parties helpfully produced and agreed a plan which identifies this area, so that the Notice can be amended to refer specifically to it.
7. At the Inquiry some minor amendments to the wording of the requirements were aired and agreed; these simply improve the syntax, without altering the sense or import of the requirements.
8. I am satisfied that I can make all of the above changes to the Notice without causing injustice to the Appellants or the Council.

The appeals on grounds (b), (c) and (d): “The legal grounds”

9. S.174 of the 1990 Act provides that an appeal may be brought against an enforcement notice on the grounds (among others) that (b) the matters alleged by the notice have not occurred; (c) if those matters did occur, they were not a breach of planning control; and (d) at the date when the notice was issued, the time available for taking enforcement action against those matters had expired. These are separate and distinct grounds of appeal, and are usually dealt with as such. However, in the particular circumstances of the current appeals there is considerable overlap between the cases made in respect of each of these grounds, so I shall take them together.

10. The Appellants do not dispute that an unauthorised material change of use has occurred, or that the works of erecting fencing, gates and a pole, and the siting of a shipping container, have taken place as set out in the Notice. Rather, their case on the legal grounds concerns two specific components of the Notice. These are the allegations firstly that “the depositing and storage of waste materials” forms part of the unauthorised mixed use of the appeal site, and secondly that hardstanding has been constructed as part and parcel of the unauthorised change of use.

The alleged deposit and storage of waste

11. The undisputed evidence of the Appellants is that the waste collected in their skips is deposited at Crapper & Sons, a waste disposal facility located around 1 mile to the north of the Appeal Site. On rare occasions when the waste disposal facility is closed, a full skip may need to be stored on the Appeal Site overnight, ready to be taken to the facility when it re-opens in the morning. The Council confirmed at the Inquiry that it does not regard this as the depositing and storage of waste. Rather, the allegation in the Notice concerns the mounds of materials visible in the photographs attached to the Notice, and the photographs incorporated in Mr Williams’ proof of evidence.
12. The evidence of Mr Stanley was that all of this material had been present on the Appeal Site when he bought it; some had been left by the previous owner, and some had been dumped by fly-tippers. On acquiring the land he had first cleared away overgrown vegetation, and then “scraped back” the various materials left there. He described these as mostly building waste, consisting of soil and concrete products; there was also some timber, plastics and ceramics. He used his mini-digger to separate out the concrete products, having decided that rather than pay considerable sums to get rid of this material, a better approach would be to crush it down into smaller grade rubble and use it to repair the surface of the yard. The concrete products were piled up in the top left corner of the Appeal Site; the soil and other waste materials were taken to the waste disposal facility. In March 2022 he bought a concrete crusher, and began using it on the pile of concrete rubble. The crushed material was then piled in the bottom left corner of the yard, and used as needed to fill in cracks and holes in the surface of the ground.
13. This description of the activities that have taken place on the Appeal Site accords with what is shown in the photographs provided by the Council. The photographs taken on 28th October 2021 show a large pile of what looks like builders’ rubble in the top left corner of the Appeal Site. The photographs taken on 5th April and 15th June 2022 show small piles of what looks to be smaller-grade material in the bottom left corner of the Appeal Site; in the June photographs, the crusher itself is visible. In the photographs taken on 10 August 2022 the pile of rubble is much diminished, and the pile of smaller-grade material much increased.
14. I found Mr Stanley a credible and compelling witness, and I have not been provided with any evidence that contradicts or undermines his version of events. In my judgment, the actions he described cannot rightly be characterised as the deposit and storage of waste. The materials in question were already on the Appeal Site when he bought it, and had been for an unknown period of time; it was not the case that he deposited them there in the course of his business. Rather, he collected up the various materials that

had been left on the land prior to his purchase, disposed of those that were of no use to him, and crushed the remainder to render it suitable for re-use on the Appeal Site.

15. On the basis of the evidence before me I conclude that on the balance of probabilities, the deposit and storage of waste is not a component of the unauthorised mixed use of the land. I shall therefore vary the Notice by deleting references to it.

The alleged construction of hardstanding

16. As noted above, it was clarified at the Inquiry that the single piece of alleged hardstanding attacked by the Notice is the L-shaped area in the top right corner of the Appeal Site. Mr Stanley gave oral evidence that he had acquired some planings left over from roadworks, which were brought to the Appeal Site in a tipper lorry. He spread them in the top right corner of the yard and used his digger to compress and level them, creating the L-shaped area now at issue. He explained that his plan had been eventually to cover the whole yard.
17. I do not doubt Mr Stanley's evidence that clearing vegetation from the Appeal Site revealed it to be a flattened and compacted area of land, and I saw at my site visit that its earth surface contains quantities of material such as stone, broken brick and aggregate. The concentrations in which these materials are present vary across the site. Given the historic uses of the land, it is entirely possible that some of the bricks and rubble may long pre-date the Appellants' acquisition of the Appeal Site. But in the light of Mr Stanley's evidence that he has used some of the rubble he crushed to fill cracks and holes in its surface, it is difficult to tell what the composition of the ground was like before his occupation. The historic aerial photographs provided in evidence are of limited assistance in this respect, since the ground is largely obscured by vegetation.
18. However, the question of whether the ground could rightly be described as "pre-existing hardstanding" is somewhat beside the point. Mr Stanley was very clear, in giving evidence to the Inquiry, that the L-shaped area was created for the sole purpose of facilitating the use of the Appeal Site for the Appellants' skip hire business. He explained that planings were laid and levelled in this corner of the Appeal Site to provide an area where vehicles could be parked, and people could get in and out without getting their feet muddy.
19. The Appellant's own evidence, then, is that the works to create the L-shaped area were part and parcel of the unauthorised material change of use alleged by the Notice. This means that it is legitimate for the Notice to require their removal even if they did not amount to operational development in their own right.¹ In my judgment, the Notice is correct in describing what has been done here as "the construction of hardstanding" because, whether or not the ground beneath could reasonably be considered a pre-existing form of hardstanding, what the Appellant wanted for his business – and what he consequently made – was a type of hardstanding that better suited his purposes than that which was (arguably) already there. It is the works carried out to create that new hardstanding, rather than any historic works which may have gone into creating the ground surface below, which the Notice seeks to reverse.

¹ *Murfitt v SSE & East Cambridgeshire DC* [1980] JPL 598; *Somak Travel Ltd v SSE & Brent LBC* [1987] JPL 630

20. It is perhaps worth noting that even if I were to accept that the works should more properly be described as the “repair” or “re-surfacing” of an area of pre-existing hardstanding, it would still be legitimate for the Notice to require their removal. While it may then (as contended for the Appellants) have been lawfully open to them to make such repairs or improvements regardless of any wider unauthorised change of use, the fact of the matter is that they did not. The evidence clearly shows that the works were integral to – rather than merely incidental to, or contemporaneous with – the unauthorised change of use. There was no suggestion that they would have been carried out in any event as part of a programme of maintenance, or that they were needed for the existing lawful use of the land, and could be used for that lawful use even if the unauthorised use ceased.²

Conclusions on the legal grounds of appeal

21. For the reasons set out above, I have concluded that the deposit and storage of waste is not a component of the unauthorised mixed use of the land, and I shall vary the Notice accordingly. The appeal on ground (b) succeeds in that respect.
22. I have also concluded that works to construct the L-shaped area of hardstanding in the top right corner of the Appeal Site were carried out as part and parcel of the unauthorised material change of use. The appeals on grounds (b) and (c) therefore fail in that regard.
23. The appeal on ground (d) relates solely to the Appellants’ contention that the surface of the Appeal Site consists of hardstanding constructed long before they took occupation, such that the four-year period available to the Council for taking enforcement action against it has expired. For the reasons set out above, I have concluded that the area of hardstanding here at issue was constructed as part and parcel of the unauthorised material change of use attacked by the Notice. It is common ground that in these circumstances, the time limit for taking action against the unauthorised change of use and facilitating works is a period of ten years, which has not yet expired. The appeal on ground (d) therefore fails.

The appeal on ground (a)

24. The ground of appeal is that planning permission should be granted for the matters alleged by the Notice. The main issues are the location of the development, its effect on the character and appearance of the area, and its implications for highway safety.

The location of the development

25. The Appeal Site is a roughly square area of land measuring some 780m², located in countryside approximately 1km to the west of Royal Wootton Bassett. It is reached by an unmade access track leading off a private road, which runs northwards from the A3102 Hunts Mill Road and terminates at Old Park Farm. The Great Western main line railtrack runs alongside the southern boundary of the site, on a raised embankment.
26. The Development Plan for the area consists of the Wiltshire Core Strategy (“the WCS”) adopted in January 2015, saved policies of the North Wiltshire Local

² *Bowring v SSCLG & Waltham Forest LBC* [2013] EWHC 1115 (Admin)

Plan 2011, and the Royal Wootton Bassett Neighbourhood Plan made in April 2018 ("the RWBNP"). The WCS sets out the spatial strategy for future development in Wiltshire. Core Policy 1 establishes a hierarchy of settlements to which development will be directed, and identifies Royal Wootton Bassett as falling within the "Market Towns" category. Core Policy 2 explains that within the limits of development defined on the policies map there will be a presumption in favour of sustainable development at Market Towns, but apart from in circumstances permitted by other policies within the WCS, new development will not be permitted outside the development boundaries.

27. The Appeal Site lies outside the defined development boundary for Royal Wootton Bassett. However, the WCS recognises, as set out in the pre-amble to Core Policy 34, that Wiltshire does not have land available in the right location at the right time to meet business needs. This has informed the drafting of Policy 34, which includes an element of flexibility to allow new employment opportunities to come forward "outside but adjacent to" Principal Settlements, Market Towns and Local Service Centres.
28. Policy 34 explains that support for such proposals will be an exception to the general approach, and lists a number of criteria that they will be required to meet. The proposal that is the subject of this appeal does not fulfil any of the three locational criteria. The WCS also provides some flexibility for the development of local employment opportunities that arise through community-led documents such as neighbourhood plans. The development of the Appeal Site is not an opportunity identified in the RWBNP; the support Policy 8 provides for employment development is limited to development "within" Royal Wootton Bassett.
29. The Appellants have drawn my attention to Policies BD5 and BD7 of the former North Wiltshire Local Plan (2011), which they contend were more flexible in their approach to proposals for business uses outside settlements. That may be so, but those policies were replaced when the WCS was adopted in January 2015, and no longer form any part of the Development Plan. Prior to its adoption the WCS was subject to an Examination in Public, a process which involved ensuring that its policies and approach complied with the Government's National Planning Policy Framework (NPPF). That includes the advice that that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas (paragraph 88), and that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements (paragraph 89).³ I am satisfied that the approach of WCS Policy 34 conforms with that advice.
30. The Appellants have submitted a report prepared by Mr James Lockhart, an RICS accredited Expert Witness, on the availability of commercial sites and yards suitable for a skip hire company. The report concludes "I have not been able to discover any suitable sites on the market in the Royal Wootton Bassett. It is my opinion it is a misjudgement for one to assume this type of use can be accommodated on traditional employment sites."
31. Mr Lockhart provides a clear and convincing explanation as to why landlords of existing employment land are often reluctant to lease space to skip hire operators. However, none of the issues involved (such as concerns that waste

³ Revisions to the NPPF have resulted in changes to the numbering of its paragraphs. For ease of reference, I have used the numbering as it stands at today's date.

handling may take place in addition to storage, or that unscrupulous operators may handle contaminated materials) are new. The need to make provision for “unattractive” but necessary services will have informed the conception of the WCS spatial strategy and the formulation of Policy 34, which aims to balance support for business, and economic benefits, with the need to protect the natural environment, and residential amenity.

32. Further, the search for suitable sites appears to have been limited to Royal Wootton Bassett, and the area around it. The undisputed evidence of the Council is that the Appellants’ website advertises their skip hire business as covering a much larger area, which includes Swindon and surrounding settlements. The report asserts that “the same issues apply to Swindon as to Royal Wootton Bassett”, which I do not doubt, but the identification and investigation of potential availability at existing employment sites, which was done for Royal Wootton Bassett, was not done for Swindon. Nor is there any consideration of possible sites “outside but adjacent to” Swindon and other nearby settlements, such as could potentially comply with the locational requirements of WCS Policy 34.
33. An additional problem with the location of the Appeal Site is that it is not accessible by sustainable modes of transport. Mr Stanley (and, when needed to help out with the delivery and collection of skips, his father) travel there in private vehicles. This conflicts with the aims of Core Policies 60 and 61 of the WCS, which seek to ensure that new development is located and designed to reduce the need to travel by private car, and encourage the use of sustainable transport alternatives.
34. In summary, I appreciate that it is not easy to locate a suitable available site for skip hire operations. However the Development Plan does make provision for businesses to be located outside but adjacent to settlements, and there is no evidence that potential sites adjacent to Swindon (or any other settlement apart from Royal Wootton Bassett) have been considered, or established to be unsuitable. In the circumstances, the acknowledged difficulty in finding a suitable alternative site is not a material consideration that can carry very much weight in favour of granting permission for the skip hire business to continue at the Appeal Site. It does, however, bear on the amount of time that should be made available for compliance with the requirements of the Notice. If the appeal on ground (a) fails, I will return to this matter when considering the appeal on ground (g).

The effect on the character and appearance of the area

35. The Appeal Site is not “previously developed” or “brownfield” land, but part of the open countryside, which local and national planning policy requires development to protect and, where possible, enhance. While there is evidence of its historic use as part of a former brickworks, aerial photographs submitted by the Council show that prior to its purchase by the Appellant, the Appeal Site had the same green and open character and appearance as the surrounding agricultural land.
36. It is fair to note that the extent to which the Appeal Site is visible from the surrounding area is very limited. It lies at the end of a private access track, and is screened from dwellings to the north by a bund and boundary vegetation. Its topography and screening are such that it cannot be seen in any

public views other than those available from trains passing along the adjacent railtrack. But lack of visibility does not necessarily equate to lack of harm.

37. The change of use of the Appeal Site from agriculture to skip hire has involved the construction of fences and gates, the clearance of the vegetation covering the site, the creation of an area of hardstanding suitable for parking, and the open air storage of skips, a shipping container, bins, and other related items. This has clearly altered the character and appearance of the Appeal Site: it is no longer green and open, but securely enclosed, and occupied by machinery and equipment that is industrial rather than agricultural in nature. In my judgment, this has had a harmful impact on the rural character of the area.
38. I therefore conclude that the development here at issue is at odds with the requirement of Core Policy 51 of the WCS, which states that development must not have a harmful impact upon landscape character, and conflicts with the aims of Core Policy 57, which requires development to respond to the value of the natural environment and relate positively to its landscape setting.
39. The Appellants point out that if the Appeal Site were to revert to its existing lawful use for agriculture, it may well be used for the storage of agricultural vehicles or machinery which, like skip storage, is not a use regarded as conventionally attractive. However, unlike skip storage, agricultural vehicles and machinery are conventionally regarded as part and parcel of the rural landscape. The use of the Appeal Site for such a purpose would therefore be less harmful to the character of the countryside than the development here at issue, so does not weigh in favour of granting planning permission.
40. I also note the Appellants' point that the erection of fencing and gates at the Appeal Site resolved previous issues of vandalism and fly-tipping on the land, which may recur if these security measures were removed, and would be more harmful to the character of the area than a contained storage use. I am not persuaded that this material consideration should carry any appreciable weight in favour of granting planning permission. Ceasing the skip storage use, removing the fencing and gates and allowing the regrowth of its previous covering vegetation would enable the Appeal Site to once again blend in with the surrounding fields, and since vandalism and fly-tipping are illegal activities, there are other means available to counter them.

Highway Safety

41. The private road (known as Letty Lane) which provides access from the A3102 to the Appeal Site also serves five dwellings, and equestrian stabling facilities. The A3102 is a busy road which, at the junction with Letty Lane, is subject to the national speed limit.
42. The Appellants have provided a report entitled "Technical Note – 8361/01 Highways Appeal Statement" by Cole Easdon Consultants. This explains that the trips generated by the Appellants' business are typically around eight two-way movements per day, using vehicles no larger than 3.5T "Ford Transit-type" mini-skip carriers. The report includes a traffic survey carried out over two weeks in July 2022, which found an average of six two-way movements per weekday. A number of local residents have submitted that, on the basis of their own observations, this is an under-representation of the amount of vehicle movements to and from the Appeal Site. The Highway Authority has expressed concern that since the junction of Letty Lane with the A3102 is substandard in

terms of its geometry and visibility, the additional vehicle movements through it that are generated by the Appellants' use of the Appeal Site create an "unnecessary highway hazard".

43. The Highway Authority states that the geometry of the junction is substandard because "there are no formal kerbs forming appropriate radii to allow the setting out of the access to facilitate the movement of larger vehicles through the access". This reflects the findings of the Inspector who determined an appeal in 1999⁴ concerning land at Old Park Farm, where the use at issue involved movements of articulated vehicles. He held that "visibility from the junction is satisfactory", but concluded that the narrowness of the access and the lack of radii rendered the junction "seriously substandard for articulated vehicles".
44. However, it is important to be clear that the Appellants' use of the Appeal Site does not involve any articulated vehicles or large skip lorries, and they have suggested imposing a condition limiting its use to vehicles of 3.5T or under (for comparison, that equates to the tonnage of a Ford Transit van). The report by Cole Easdon includes swept path analysis diagrams, which show that such vehicles are safely able to pass cars within the access.
45. As to visibility from the junction, the conclusion reached by the Inspector in 1999 that it was satisfactory was echoed by the Inspector who allowed a more recent appeal in 2007.⁵ That appeal concerned the change of use of land at Old Park Farm to livery stables, and an important material consideration was that the new use would replace, rather than add to, existing vehicle movements by large agricultural vehicles. The Inspector also noted "I have not seen anything to suggest that visibility at the access is not appropriate for emerging vehicles... Moreover, the Highway Authority is satisfied that adequate visibility exists at the access."
46. The Highway Authority's current contention that visibility is not adequate is informed by "map based estimates" that the visibility splays to either side of the access fall short of the 2m x 215m distances prescribed by the Design Manual for Roads and Bridges. Having inspected the junction, and driven through it a number of times in the course of my site visits, I share the previous view of the Highway Authority, and the view of the previous Inspectors, that visibility at the junction is satisfactory. The NPPF advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
47. As discussed above, the Appellants' evidence is that vehicle movements to and from the site are typically around eight two-way movements per day. Mr Stanley was very clear, in his written and oral evidence, that the business has no intention of expanding. It would therefore be reasonable to impose a condition capping the number of vehicle movements to and from the Appeal Site; this would address the concern that a future occupier may operate differently, and increase the volume of traffic. On that basis, and in view of my findings that visibility at the junction is satisfactory and its geometry is appropriate for the type of vehicles used by the Appellants, I do not consider

⁴ Ref APP/33910/C/98/651661 dated 3 February 1999

⁵ Ref APP/33910/A/07/2047826 dated 17 October 2007

the vehicle movements associated with the use of the site for mini-skip storage would have any significant adverse impact on highway safety.

48. I conclude that subject to conditions limiting the number of vehicle movements and the tonnage of the vehicles visiting the Appeal Site, the development would not have an unacceptable impact on highway safety. It would, in this regard, comply with the aims of national and local planning policy.

Other matters

49. Where (as here) development does not comply with any of the three locational requirements of WCS Policy 34, that policy nevertheless provides support for proposals which "are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the Council." While the Appellants' skip storage business contributes to the local economy and provides an important service, there is no indication that it is essential to the wider strategic interest of the economic development of the county. In any event, in order to be supported by WCS Policy 34 under this heading the development of the Appeal Site would need to comply with other criteria, including meeting sustainable development objectives and not having an adverse effect on the surrounding area. For the reasons discussed above, I consider that it would not comply with those criteria.
50. The Appellants have suggested that planning permission could be granted for a temporary period of two to three years. I appreciate that temporary permissions can be an appropriate approach in circumstances where the extent of any benefits and/or adverse impacts of the development are untested, or unclear. But in this case, the business has already been operating from the Appeal Site for over four years, and the permission sought is for it to continue as it has been, rather than to operate in a different manner. In the absence of any potential impacts that could potentially be clarified by the provision of a trial period, I do not consider that any useful purpose would be served by granting permission for a temporary period.

Conclusion on ground (a)

51. For the reasons set out above I have found that, subject to relevant conditions, the development would not have an unacceptable impact on Highway Safety. However, I have also found that the development of the Appeal Site does not comply with the WCS spatial strategy for the area, and does not accord with the provisions made for deviation from that strategy by Policy 34. Its location conflicts with the aims of Core Policies 60 and 61 to ensure the provision of accessible and sustainable development. Further, the harm caused to the character and appearance of the countryside is at odds with the objectives of Core Policies 51 and 57.
52. I consider that on balance, the development conflicts with the Development Plan taken as a whole, and in my judgment there are no other material considerations of sufficient weight to overcome that conflict. I therefore conclude that the appeal on ground (a) should fail, and planning permission for the material change of use of the Appeal Site from agriculture to skip storage should be refused.

The appeals on ground (g)

53. The ground of appeal is that the period specified by the Notice for compliance with its requirements falls short of what should reasonably be allowed. The period specified by the Notice is six months, but the Appellants contend that a period of 18-24 months is needed, to enable them to find an alternative site from which to operate their skip hire business.
54. The Council rightly points out the need to take enforcement action in a timely fashion, to ensure that public confidence in the plan-led development control system is not eroded. I appreciate that six months would ordinarily be a sufficient amount of time for a commercial business to search for alternative accommodation. However, in this case I am mindful of the evidence that it will not be easy for the Appellants to find a suitable available site for their skip hire operations: I understand this to be a small family-run business, on which the livelihood of the Appellants and their family depends.
55. I therefore propose to extend the compliance period by three months. In my judgment this would strike the appropriate balance between the conflicting public and private interests in this case. Nine months is a reasonable period for ceasing the unauthorised use of the Appeal Site and returning it to its former state, in order to address the harm identified by the Council in its reasons for issuing the Notice, and should also provide the Appellants with a reasonable opportunity to search for suitable alternative sites.
56. To this limited extent, the appeals on ground (g) succeed.

Overall Conclusion

57. For the reasons given above, I conclude that the appeals on grounds (b) and (g) should succeed to a limited extent, in that the deposit and storage of waste is not a component of the unauthorised mixed use of the land, and that the compliance period should be extended to nine months. In all other respects I conclude that the appeals should fail. I shall uphold the Enforcement Notice with correction and variation, and refuse to grant planning permission on the application deemed to have been made under s.177(5) of the 1990 Act.

Formal Decision

58. It is directed that the Enforcement Notice is corrected by:
- The addition of the plan annexed to this decision, labelled "Plan 2", to the Enforcement Notice
 - At line 6 of paragraph 3.1 of the Notice, deleting the term "operational development" and substituting the term "works"
 - At line 8 of paragraph 3.1 of the Notice, deleting the words "hard-standing areas" and substituting the words "the L-shaped area of hard-standing indicated by cross-hatching on Plan 2"
 - At paragraph 5(ii) of the Notice, deleting the words "the stationing of"
 - At paragraph 5(iii) of the Notice, deleting the words "all areas of hard-standing" and replacing them with the words "the L-shaped area of hard-standing indicated by cross-hatching on Plan 2"

- Also at paragraph 5(iii) of the Notice, deleting both occurrences of the phrase “the removal of”

And varied by:

- At paragraph 3.1 of the Notice, deleting the words “in addition to the depositing and storage of waste materials”
- At paragraph 5(i) of the Notice, deleting the words “in addition to the depositing and storage of waste materials”
- At paragraph 5(ii) of the Notice, deleting the words “as well as the stationing of all” and replacing them with a comma
- At paragraph 6.1 of the Notice, deleting the term “6 months” and substituting the term “9 months”.

Subject to these corrections and variations, **Appeal A** and **Appeal B** are dismissed and the Enforcement Notice is upheld. Planning permission is refused for the application deemed to have been made under s.177(5) of the 1990 Act in **Appeal A**.

Jessica Graham

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Scott Stemp	Counsel for the Appellants
Mr Neil Stanley	of EZ Skips Ltd, Appellant

FOR THE COUNCIL:

Mr Gary Grant	Counsel for the Council
Mr Sean Williams	The Council's Team Leader for Planning Enforcement

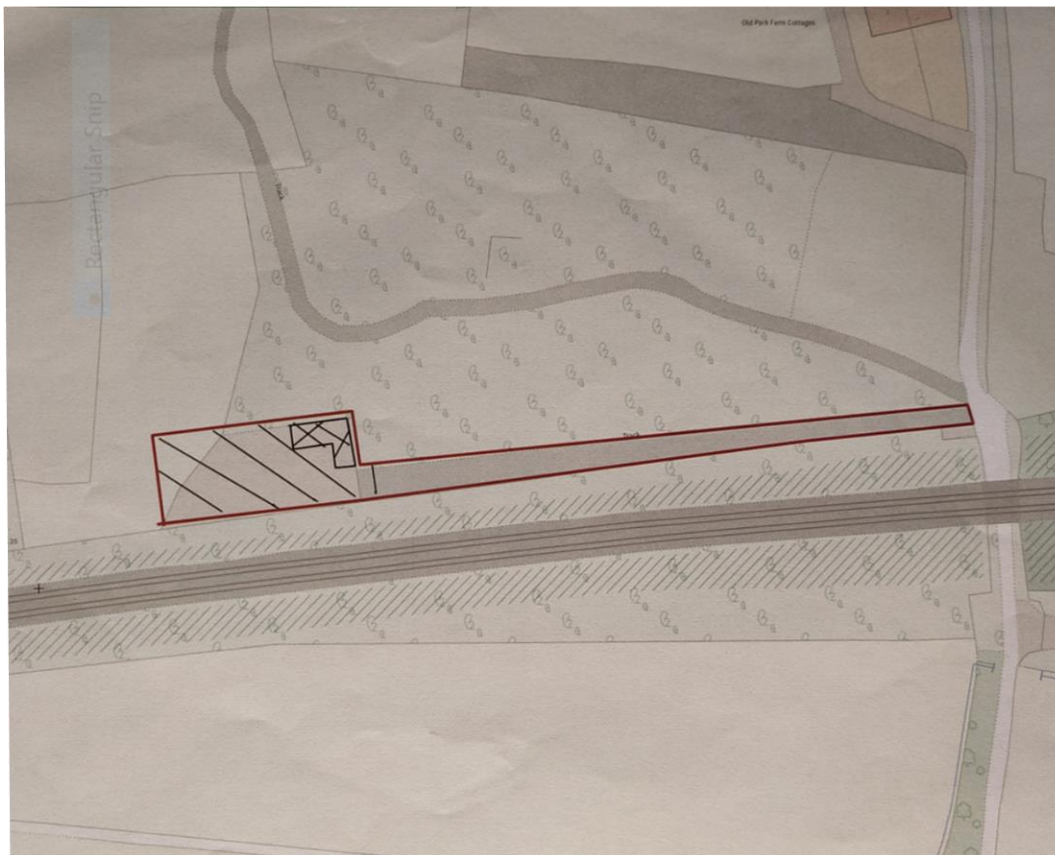
Plan 2

This is the plan referred to as "Plan 2" in the decision letter dated: 9 April 2024

by Jessica Graham BA (hons) PgDipL

**Land adjacent to Old Park Farm, Vastern, Royal Wootton Bassett,
Wiltshire, SN4 7PB**

Reference: APP/Y3940/C/22/3306520 & V APP/Y3940/C/22/3306521



NOT TO SCALE