

DD/PL



Departments of the Environment and Transport

West Midlands Regional Office

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R H Kealy LLB
Solicitor
Chief Executive
North Warwickshire Borough Council
PO Box 5
The Council House
South Street
Atherstone
Warwickshire CV9 1BD

Your reference

D7/5/ADRC

Our reference

WMR/P/5395/19/6

Date

November 1983

FOR THE ATTENTION OF MR CAPPER

Dear Sir

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS
1977/81
ARTICLE 4 DIRECTION - LAND AT APPLEBY HILL, AUSTREY

I am directed by the Secretary of State for the Environment to refer to your letter of 20 September 1983 and to return herewith one copy of the direction endorsed with his approval.

The Council are requested to notify the owners and occupiers of land on whom this direction was served of the Secretary of State's approval of the direction and of the effect of that approval.

Yours faithfully

D W DAYMOND
Plans & Planning

Atherstone Herald
30th September 83

Enforcement
file
615.696

NORTH
WARWICKSHIRE
BOROUGH COUNCIL

**Town and Country
Planning General
Development Orders**
1977-81

RE-ADVERTISEMENT

NOTICE IS HEREBY GIVEN that on the 27th September, 1983, the North Warwickshire Borough Council made a Direction under Article 4 of the Town and Country Planning General Development Orders 1977-81, the effect of which is that the permission granted by Article 3 of the said Order shall not apply to the use of any of the land comprising fields OS0022/0221 and OS8119, Appleby Hill, Austrey, in the County of Warwick, shown for identification purposes only edged red on the plan attached to the said Direction, specifically for holding equestrian or similar events, being development comprised within Class IV referred to in Schedule 1 to the said Orders and not being development comprised within any other class.

A copy of the Direction and plan showing the land to which the Direction relates may be inspected at the under-mentioned offices, during normal office hours.

R. H. KEALY,
Chief Executive and
Director of Administration,
The Council House,
South Street,
Atherstone,
CV9 1BD.

(PN)

NORTH WARWICKSHIRE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS,
1977 - 81

DIRECTION UNDER ARTICLE 4

Affecting fields OS.8119 and OS.0021/0022
Appleby Hill, Austrey, Warwickshire

Statement of Reasons for Making the Direction

1. SITE DESCRIPTION

The site comprises two fields (OS.8119 and OS.0021/0022) lying on the south-east side of Appleby Hill, Austrey, about 400 metres north east of Austrey Village. The site has the Ordnance Survey grid reference SP298072 and is shown edged red on the plan attached to the Direction.

Appleby Hill is a Class III classified road, which links Austrey to the village of Appleby Parva, in Leicestershire, about three-quarters of a mile away. In the vicinity of the appeal site the road is straight, with a single carriageway approximately four metres wide, bounded on both sides by a wide grass verge, a ditch and hedgerows. Near its junction with the A444 at Appleby Parva the road becomes narrow and twisting, and in the centre of Austrey, the junction with No Mans Heath Road, Main Road and Warton Lane has badly obscured visibility. The area immediately surrounding the site is predominantly rural and isolated in character, notwithstanding the close vicinity of Austrey village, whose built-up area has a sharply defined boundary. Development along Appleby Hill is sporadic, comprising only the occasional single dwelling on the length of road from Austrey to Appleby Parva which passes the site.

2. GROUNDS FOR DIRECTION

Separate parts of the site have been used by the Atherstone and District Riding Club and the Orton on the Hill and District Riding Club for the holding of equestrian events since August 1982 and, so far as the Council is aware, April 1983 respectively. In February 1982, the Atherstone and District Riding Club applied to the Council for planning permission for use of field OS.8119 for leisure purposes, and planning permission was refused in April 1982 on highway and Structure Plan grounds and on the advice of the Ministry of Agriculture, Fisheries and Food. The appellants exercised their right under Section 36 of appeal to the Secretary of State against this refusal; an inquiry was held, and the Inspector appointed by the Secretary of State dismissed the appeal (decision letter ref T/APP/5395/A/82/11254/PH2 attached).

Since the appeal decisions, the Club have continued using field OS.8119 for the purposes which were the subject of the application and the appeal, taking advantage of their permitted development rights under Article 3 of the Town and Country Planning General Development Order to use the land for this purpose for up to 28 days in any calendar year. The use has given rise to considerable and repeated complaints, including a petition, from all the residents of Appleby Hill as well as Austrey Parish Council. There

have been complaints of extensive nuisance caused by noise, specifically the use of car horns, bells and whistles to control competitors, and loudspeakers; and traffic congestion on Appleby Hill. The Club's 1983 programme envisages the use of the field for formal events on a minimum of fifteen occasions between 8th May and 2nd October, 1983, and five of these had been held up to 3rd July. It appears to the Council that the scale of events held has significantly exceeded that envisaged by the Club at the time of the application for planning permission, particularly as regards the number of vehicles attending each event.

In addition to the use of field OS8119, the remainder of the site to which the Direction relates (the adjoining field, OS0021/0022) has since April 1983 to the Council's knowledge, and possibly earlier, been used by the Orton on the Hill and District Riding Club for holding similar equestrian events, and giving rise to similar complaints of disturbance from residents of Appleby Hill. This Club's programme involves the use of this field on six occasions for formal events in the period 8th May to 2nd October, and also takes advantage of the permission granted by Article 3. The events of the two clubs are held at weekends, and the combined effect of their activities on these adjoining fields is that an event is scheduled on one of the fields every weekend between 8th May and 4th September, 1983.

Having regard to the decision of the Council to refuse permission for the activities to which the Direction relates, in excess of the level permitted by Article 3, the decision of the Inspector appointed by the Secretary of State upholding the Council's position, and the particular circumstances of the case whereby whilst remaining within those permitted development rights, the scale of activities being carried out on the site is such that extensive nuisance, disturbance, and traffic hazard is caused, the Council considers that in this case the withdrawal of the permission granted by Article 3 is justified, and the Secretary of State is therefore asked to confirm the direction.

3. REASONS FOR URGENT TREATMENT

In view of the serious loss of amenity and disturbance to residents of this quiet rural location caused by the continuation of the use of this land for leisure purposes, and the unacceptable levels of vehicular traffic generated by the use on local roads considered wholly unsuitable for such levels of traffic, the Council has authorised the immediate issue of enforcement notices under Section 87 of the Act and the service of a stop notice under Section 90 thereof. Without the immediate operation of a Direction, such proceedings would be severely hindered.

Signed

K. H. Kealy

Chief Executive and
Director of Administration

5th September 1983

Council House
South Street
Atherstone
CV9 1BD

0772
2.651ha
6.35

Pond

Pond

6.59
0.22

0044
2.77

0055
0.16ha
1.04

0056
9.85

Pond

Pond

7854
1.54

0049
1.42

7846
2.26

P346
1.07

Pond

Pond

7342
3.65

Four Bays

0041
1.62

6939
2.9R

Pond

0736
250ha
3.04



6526
5.89

7628
2.55

0032
2.54

0340
464ha
1.18

Pond

0022
5.35

0221
465ha
1.15

8119
5.89

Pond

0616
129ha
3.19

Issue

6108
1.30

Pond

0010
2.91

0408
193-1
0.2

6700
8.10

9200
4.33

0000
0.1

0102
106ha
1.5

0902
498-2
1.23