

Wiltshire Council

Southern Area Planning Committee

4 October 2012

Subject: Shiralee, Tytherley Road, Winterslow

Purpose of Report

1. To inform Members of the outcome of enforcement action in respect of the above site.

Background

2. In 2009, the Council received complaints regarding the construction of a balcony on a flat roof at the rear of the above site, a bed and breakfast business.

Retrospective applications

3. A retrospective application to retain the balcony was received early in 2010 but was refused on grounds of noise and disturbance and loss of privacy to neighbours. The owner appealed to the Planning Inspectorate, but the appeal was declined. A second similar application was received in 2011 however this was also refused for the same reasons.

Enforcement action

4. Following the second refusal an enforcement notice was issued requiring removal of the balcony. The owner did not appeal against the enforcement notice, which took effect. However the notice was not complied with and in October legal proceedings against the owner were commenced.
5. The owner then appealed against the second refusal of planning permission. This meant that the legal proceedings had to be put into abeyance pending the outcome of the appeal, which was eventually dismissed in June this year.

The court case

6. Following the appeal the owner continued to defend against the Council's legal proceedings and she elected for trial in the Crown Court. However at the Court on 4th September she pleaded guilty to not complying with the enforcement notice.
7. In convicting the owner, the Judge accepted that the balcony had been removed shortly before her court appearance and the notice had been complied with, fining her £100 with £100 costs. He also took into account the small scale of her business, but regarded the matter as serious enough to warrant punishment.

Recommendation

That the Committee notes the report.

Report Author:

Stephen Hawkins, Team Leader (Enforcement).

Date of report: 21st September 2012

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

Delegated report.
