

## **Wiltshire Council**

### **Southern Area Planning Committee**

**2 July 2015**

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#### **Land between nos. 62 and 64 Thistlebarrow Road, Salisbury**

#### **Purpose of Report**

1. To update/inform members of the outcome in respect of this planning enforcement case.

#### **Background**

2. The site comprises a long, thin strip of land between the two residential gardens of no 62 & 64 Thistlebarrow Road. The site was originally part of the garden of no 62, but was separated and retained by the original owner of that property when he sold it many years ago.
3. In 1989, the owner applied for planning permission to store vehicles and boats on the site. However the application was refused and later dismissed at appeal.
4. In August 2013, Officers visited the site after a complaint received regarding its use of for storing vehicles and its general untidiness.
5. In line with accepted approach for dealing with such matters, the Council initially negotiated with the owner of the site to secure improvements to its appearance, by amongst other things, removing the stored vehicles (some of which appeared to have been on site for several years) and cutting back overgrown vegetation. These negotiations involved correspondence, telephone calls and meetings with the owner over many months. Unfortunately, notwithstanding the owner's apparent goodwill, none of the suggested improvements were made within agreed timescales.
6. In October 2014, the Council therefore served a Notice under Section 215 of the Town and Country Planning Act 1990 (an 'untidy site' notice) formally requiring the owner to take steps to tidy up the site within 12 weeks of the Notice taking effect (i.e. by the end of January 2015 at the latest).
7. The deadline for compliance passed but when officers inspected the site, it was apparent that little had been done to comply with the Notice. At this stage, the Council had the option of either prosecuting the owner of the site or carrying out the works itself in default of compliance.

8. For various reasons, including the owner's advanced age and poor health, together with the primary role of enforcement being one of achieving compliance, it was considered that direct action was expedient in this case and a contractor was approached regarding the undertaking of the work required by the Notice.
9. Clearance works on the site were undertaken between 20<sup>th</sup> April and 12<sup>th</sup> May 2015, the extended period being attributable to the volume of material removed. A charge will now be placed on the site, in order to recover the expenditure incurred in instructing a contractor to carry out the work. The charge will be payable to the Council in the eventuality that the site changes ownership in the future.
10. Unlike some nearby authorities, the Council has no specific budget for undertaking direct action of this nature and had to rely in this instance on another source of funding which may not always be available. Undertaking direct action sends a strong signal to persons in breach of formal Notices and who may, for whatever reason, not be deterred by a fine and criminal conviction, that the Council is determined to resolve such breaches. It may also be regarded as a relatively cost effective way of resolving planning breaches, involving commitment of a relatively small sum of money in most cases, with the prospect of the expenditure being recovered in the medium to long term.

## **Recommendation**

- 11. That Members note the report.**

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Report Authors: Stephen Hawkins, Enforcement Team Leader.

Date of report: 22 May 2015.

## **Background Papers**

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

None

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