

Wiltshire Council

Full Council

20 July 2021

Item 17 – Members’ Questions

From Cllr Edward Kirk, Trowbridge Adcroft Division

**To Councillor Nick Botterill, Cabinet Member for Development Management,
Strategic Planning and Climate Change**

Question (21-02)

The ongoing tendency for Wiltshire Council to not enforce planning conditions within applications has created an environment where some developers know they can ignore them and this has made the planning system unfair.

Would it not be better that we simply treat all developers the same and note planning conditions as advisory only, as this is what they have become in practice?

Response

Planning conditions are an essential part of the Council’s ability to mitigate the adverse impacts of development and to enhance the quality of development. Their proper use is recommended by the Government in the National Planning Policy Framework (NPPF) as an important means of ensuring that development is acceptable in planning terms. The majority of developers do abide by them and those that do choose to ignore them do so at their own risk. Only this month, the Council succeeded in securing the dismissal of an appeal against a breach of a planning condition requiring the removal of a mobile home at Royal Wootton Bassett and last month the importance of a planning condition seeking to protect the amenity of people living and working at a proposed new development adjacent to mine workings was recognised by the dismissal of another appeal.

Planning conditions can help ensure the timely delivery of essential infrastructure, such as open spaces, new roads and drainage. Where properly worded, they are legally enforceable. ‘Advisory’ notes or ‘informatives’ are not legally enforceable and if the approach suggested by the question was adopted, the Council’s ability to control development and secure good living conditions for its residents would be severely impacted.

Alleged breaches of conditions attached to planning permissions are investigated by the Council’s Planning Enforcement Team. Many complaints are resolved amicably without any need for formal action. It is necessary for responses to be proportionate and the Government accept that in some cases it may be appropriate for developers to apply to vary the conditions attached to their planning permission. Any such application is always considered on its own merits.