

15th June 2015

Mr. T. Ibshii,
1A Bratton Road,
Westbury,
Wiltshire
BA13 3EN

Economic Development and Planning,
County Hall,
Trowbridge,
Wiltshire
BA14 8JN
Email: enforcement@wiltshire.gov.uk
www.wiltshire.gov.uk

Dear Tony,

Reference No:	15/00509/ENF
Alleged breach:	Breach of condition 01 of planning permission reference W92/1137 dated 8th December 1992
Location:	Corner Food takeaway, 1 Bratton Road, Westbury, Wiltshire BA13 3EN

I refer to the above, my recent site visit and our subsequent telephone conversations.

As you know the Council has received representations regarding breaches of planning control at this site, which includes the above matter. I explained the permitted hours of operation over the telephone and sent you a copy of the planning permission. To remind you, condition 01 states:

"In order to safeguard the amenities of local residents, the premises shall be used for the purposes hereby permitted only between the hours of 0900 and 2300 on each day Mondays to Fridays and between the hours of 0900 to 2330 on Saturdays and no trade shall take place on Sundays."

The Council continues to receive representations that the premises are routinely open outside of the above hours. If this is correct, it is in breach of planning control and is not acceptable. The condition is liable to be monitored by officers to establish whether any breach is occurring.

In order to remedy this you should:

- a) Cease any trading outside of the permitted hours, or;
- b) apply for planning permission to vary the above condition.

The relevant forms, together with guidance on how to complete them and other information required to support your application, can be found on the Council's website at:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningapplicationformsandfees.htm>

Planning officers are happy to discuss matters and give you advice on preparing your application by appointment, or you may have a planning consultant or architect that you propose to use. Please contact the planning office if you require any help and assistance in completing the forms etc. **However, please note that there is a fee for planning advice or pre-application advice provided by officers.**

Alternatively, further guidance is available on the Council's website at:

<http://www.wiltshire.gov.uk/environmentandplanning/planninganddevelopment.htm>

You are advised to pay close attention to the forms and guidance notes and do your best to submit an application which meets all the requirements to enable it to be registered, including submitting the correct numbers of copies of: the application forms -with the correct ownership certificate completed; accurate scaled plans; correctly coloured location plans; a design and access statement (where necessary) together with the relevant fee. Officers are also happy to check your application prior to submission to address any obvious omissions.

However, you should note that, if your submitted application is not considered capable of being registered and is invalid, it is liable to be returned to you immediately and formal enforcement action is then liable to commence without further notice being given.

Please note that the invitation to submit a planning and listed building application should not be taken as an indication that permission will be forthcoming. That is something for the Council to consider in the light of all the circumstances. However in the event of a refusal you would have the right of appeal to The Planning Inspectorate.

I must also inform you that in the event that the action required by a) or b) above is not carried out within twenty eight days from the date of this letter consideration will be given to formal enforcement action. Please could you advise me on your intended course of action, within the next 14 days.

In the event that enforcement action is taken by the Council, any notice served would be registered against the property and disclosed to prospective purchasers. The absence of planning permission/listed building consent is likely to delay the sale of the property or discourage prospective purchasers in future.

I also advised removal of the A board displayed on the highway. If further representations are received in this respect I will arrange for the board to be removed as an obstruction under highways legislation.

The views expressed in this letter represent an officer's opinion only and are not binding on any future decisions made by elected members of the Council or under powers delegated to officers.

If you wish to discuss the contents of this letter further, please feel free to contact me.

MR STEPHEN HAWKINS
Team Leader (Enforcement)
Wiltshire Council

For further enquiries please contact the above officer on
Tel: 01 225 770 397 ext 15397
Fax: 01 225 770 314

c.c. Messrs N & S Ismajli, 22 The Broadway, Wealdstone, Harrow Middlesex HE3 7EH