

Overview of Development Services

Marlborough Area Board

July 2013



Wiltshire Council
Where everybody matters

Wiltshire Council

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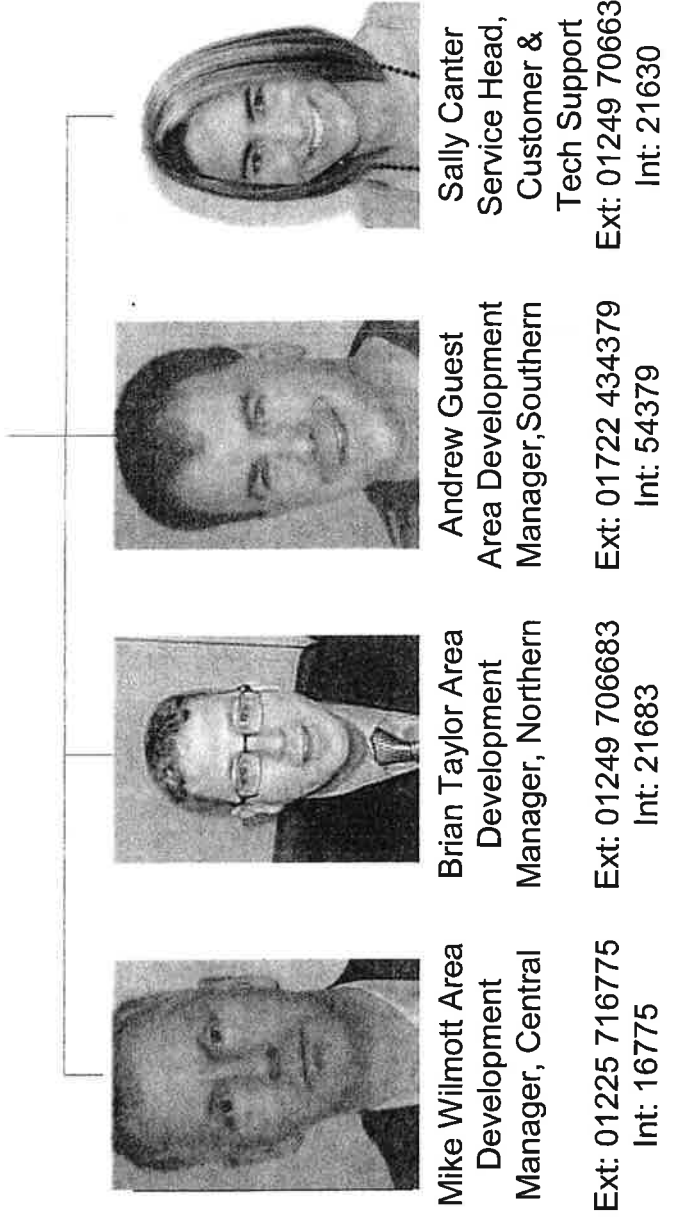
Useful websites

MANAGEMENT STRUCTURE



Alistair Cunningham,
Interim Service Director

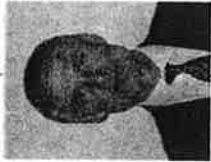
Ext: 01225 713203
Int: 13203



NORTHERN
DEVELOPMENT CONTROL



Brian Taylor
Area Development Manager
01249 706683



Lee Burman
Snr PO
01249 706668



Char Burkey
Snr PO
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Caroline Ridgwell
Snr PO (Cons)
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Emma Pickard
PO
01249 706637



Kate Backhouse
PO
01249 706684



Alison Grogan
PO
01249 706189



Sue Mehaffy
PO
01249 706685



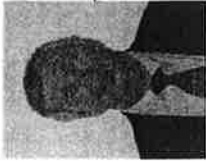
Simon Smith
Team Leader
01249 706633



Christine Moorfield
Snr PO
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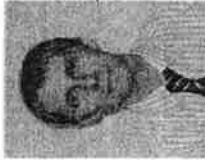
Lydia Lewis
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Lisa Davis
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Officer
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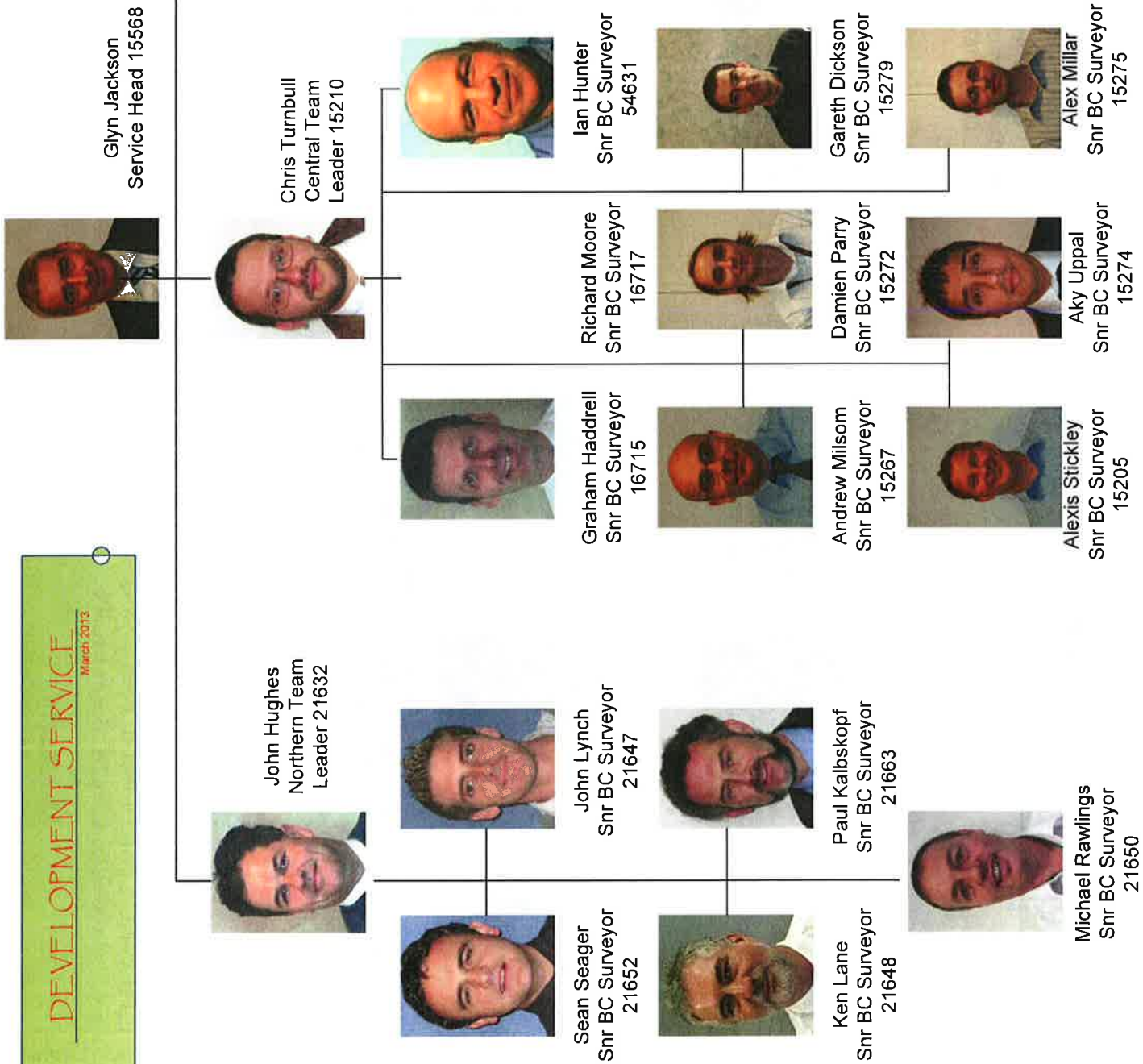
DEVELOPMENT SERVICE

MARCH 2013



DEVELOPMENT SERVICE
March 2013

BUILDING CONTROL



March 2013

**CENTRAL
DEVELOPMENT CONTROL**



Mike Wilmott
Area Development
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01225 716775



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Team Leader
01225 770228



Russell Brown
Snr PO (Cons)
01225 770257



Matthew Perks
Snr PO
01225 770207



Kenny Green
Snr PO
01225 770251



James Taylor
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Steve Vellance
PO
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PO
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Carla Rose
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Philip Baker
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Kate Sullivan
PO
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David Cox
PO
01225 716774



Chris Kirk
Arboricultural
Officer
01225 770232



Rob Parker
Team Leader
01225 716751



Rachel Yeomans
Snr PO
01225 716760



Peter Horton
Snr PO
01225 716758



Vicky Cains
Snr PO
01225 716764



Karen Guest
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April 2013



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Adam Madge
Team Leader
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Richard Hughes
Team Leader
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Charlie Bruce-White
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Andrew Bidwell
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Stephen Llewellyn
Snr PO
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Amanda Iles
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Andrew Minting
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Lucy Minting
Snr PO
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Becky Jones
Snr PO
01722 434388



Jocelyn Sage
Snr PO (Cons)
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Tom Wippell
PO
01722 434554



Steve Banks
PO
01722 434704



Rebecca Hughes
Snr PO
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Warren Simmonds
PO
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Louise Porter
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DEVELOPMENT SERVICE
March 2013

Development Services Customer Charter

This Charter sets out the service standards which the people of Wiltshire can expect from their Development Service. Its purpose is to achieve greater participation and engagement with the Service to help meet community priorities.

The Charter is informed by a variety of sources of information. These range from the broad 'goals' of the Council to the nationally set performance indicators, and from the regular feedback received from customers to the requirements of law. It is a 'living' document which in all respects is a reflection of the Council's continuing commitment to delivering a high quality and accessible Development Service to a range of customers and service users.

Service and Quality

Development management provides a framework to allow development that promotes economic and social opportunities for all whilst at the same time protecting and enhancing the environment. It is a statutory duty of the Council governed by law. It involves the processing of planning and building control applications, the monitoring of development and the taking of enforcement action where inappropriate breaches of control occur. Additionally the Service is responsible for processing enquiries relating to land charges.

The Service is currently based in three 'hubs' – North, Central and South – from where the planning and building control teams operate within geographically defined areas. Additionally there are teams dealing with minerals and waste, enforcement and land charges matters across the county.

In fulfilling its purposes the Service as a whole is committed to the following principles:

- To make obtaining permission to develop in Wiltshire as simple as possible;
- To provide high standards of customer care;
- To treat all customers fairly and equally; and
- To be polite, welcoming and efficient.



More specifically the Service as a whole aims to achieve the following:

- To answer the telephone promptly or return missed calls within 1 working day; and
- To make appointments for viewing of planning history files within 5 working days.

Development Management

The development management aspect of the Service has three broad parts to it. These are the processing of pre-application enquiries, the processing of planning applications, and the processing of post application matters, including appeals.

Pre-application enquiries

Pre-application enquiries are requests for advice on proposed developments, including 'Do I Need Planning Permission?' requests. With the exception of the simplest enquiries, these should be in writing using application forms which are available on-line or in paper form on request. There is now a charge made for this aspect of the service.



In responding to pre-application enquiries the Service aims to achieve the following:

- To acknowledge in writing within 10 working days, if only to set out a timetable for a full response. To provide a full response within 15 working days for 'householder' enquiries and 20 working days for all other enquiries;
- To attend a meeting if deemed necessary by the case officer; and
- To provide a clear officer opinion on the need or otherwise for a planning application and/or on the likelihood of a planning application either succeeding or failing.

All pre-application enquiries are treated as confidential unless otherwise requested by the enquirer.

The Service has produced a number of leaflets which give pre-application advice. These are available at no charge both on-line and in paper form on request.

A link to the 'Planning' page of the Wiltshire Council website from where application forms and leaflets can be downloaded follows:

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

Planning applications

Planning applications can be made either electronically (via the Planning Portal) or in paper form (downloadable from the Planning Portal). It is the responsibility of the applicant to ensure that a planning application is made correctly and in accordance with the Service's Validation Checklists. Links to the Planning Portal and the Wiltshire Council website 'Planning' page follow:

<http://www.planningportal.gov.uk>

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

In processing planning applications the Service aims to achieve the following:

- Registration of complete applications within 3 working days of receipt, or notification of reasons for invalidity within 3 working days of receipt;
- All sites to be visited by the case officer;
- A clear 21 day period for consultations with interested parties. Applications advertised by site notice(s) and neighbours notified when likely to be affected;
- Negotiation with the applicant to take place where problems are identified that can be overcome and where improvements can be made that make an application acceptable. Where there is a fundamental objection to the principle of the development which cannot be overcome, the case officer will not negotiate but will ensure early communication with the applicant.
- Determination of 'householder' and 'minor' applications within 8 weeks of the registration date; determination of 'major' applications within 13 weeks of the registration date.

The Service operates a Scheme of Delegation which enables the majority of applications to be determined by the planning officers rather than by a Planning Committee. Applications will normally be presented to a Planning Committee if requested by the Local Divisional Member in accordance with the Scheme or at the discretion of the Area Development Managers.

There are three Area Planning Committees and a Strategic Planning Committee. The Area Planning Committee's convene every three weeks.



Post decision matters

Planning applicants are entitled to appeal against the decision of the Council if, for example, their application is refused or is made subject to conditions which they do not accept. The Service will process appeals in accordance with the timeframes and 'rules' applied by the Planning Inspectorate. There is no third party right of appeal. A link to the relevant section in the Planning Portal follows:

<http://www.planningportal.gov.uk/planning/planninginspectorate/planninginspectorate>

Post decision matters also cover the discharge of pre-commencement conditions and the monitoring of developments as they progress. In these respects the Service will aim to achieve the following:

- To discharge pre-commencement conditions as soon as possible on receipt of all necessary information; Conditions that require consultation with external consultees may take longer to discharge.
- To investigate alleged breaches of planning control brought to the Service's attention.

Building Control

The Building Control element of the Service applies the Building Regulations to ensure development is constructed to appropriate standards. The service has the following goals:



- To make obtaining Building Regulation approval as simple as possible;
- To help the customer to ensure that building work is carried out in accordance with Building Regulations and other standards, using officer's technical knowledge and local expertise;
- To provide the best possible professional service founded on quality, impartiality, best value and the recommendations of the national Building Control Performance Standards; and
- To monitor and actively help maintain the safety of the built environment in Wiltshire.

To achieve these goals the Building control service has the following aims:

- To give help and advice at design stage before applications are made;
- To deal with applications quickly and efficiently;
- To provide a consistent and improving level of service;
- To provide an out of hours message service for inspection requests;
- To provide a technical advisory service during office opening hours;
- To carry out all inspections promptly;
- To reply to enquiry letters and emails within 10 working days;
- To make all the surveyors contactable by mobile phone; and
- To liaise effectively with other agencies and partners to help ensure that the work complies with all relevant requirements.

Enforcement

Planning enforcement ensures that where harmful development is carried out without permission, it is remedied, either by its removal or its modification. Enforcement action is discretionary and Government advice is that it should only be taken where it is expedient to do so. To establish expediency the Service must consider whether the unauthorised development causes harm, having regard to the policies of the Development Plan and other material considerations. The existence of a breach is not, in itself, a good reason to take enforcement action.

Where negotiations do not secure an acceptable outcome in planning terms, the landowner and/or the persons responsible may be legally required to remove building work and/or cease an activity. The Service has a range of formal powers to achieve this end including breach of conditions notices, enforcement notices, stop notices and 'untidy land' notices.

In applying its enforcement function the Service aims to achieve the following:

- To register enforcement related enquiries within 3 days of receipt;

- Where there is an immediate threat to public safety, or substantial damage to, or loss of, statutorily protected buildings or land, trees or areas ('Priority 1' cases), to carry out a site inspection within 24 hrs of the enquiry being registered;
- Where there is an adverse impact on protected areas and residential amenity, or breaches of conditions and legal agreements resulting in serious harm to the amenities of neighbours, affected parties and/or the environment, or unlawful adverts in protected areas, or unauthorised development where it is possible that the time for taking enforcement action could expire within the next 6 months ('Priority 2' cases), to carry out a site inspection within 5 working days of the enquiry being registered;
- Where the alleged breach is of a minor nature which does not cause immediate/long term harm or loss of amenity ('Priority 3' cases), to carry out a site inspection within 10 working day of the enquiry being registered.
- To respond to enquirers within 10 days of the site inspection;
- To close all Priority 1 cases within 12 months of the registration date, and to close all Priority 2 & 3 cases within 6 months of the registration date.

Land Charges

The Local Land Charges service has a vital role to play in protecting the financial and legal interests of prospective purchasers of land and property, by providing information on land and property and by giving access to the Local Land Charges Register.

The Local Land Charges service is a statutory function within the Council that provides the information contained in a Local Authority Search, whether it's to inform a house purchase or sale or to complete an official conveyancing search.

The service has the following goals:

- To respond to Local Authority Searches within 10 days of receipt.
- To make all our Environmental Information publically available wherever possible.
- To respond to requests for appointments to view the Local Land Charges Registers within a reasonable timeframe to meet the needs of the customer.

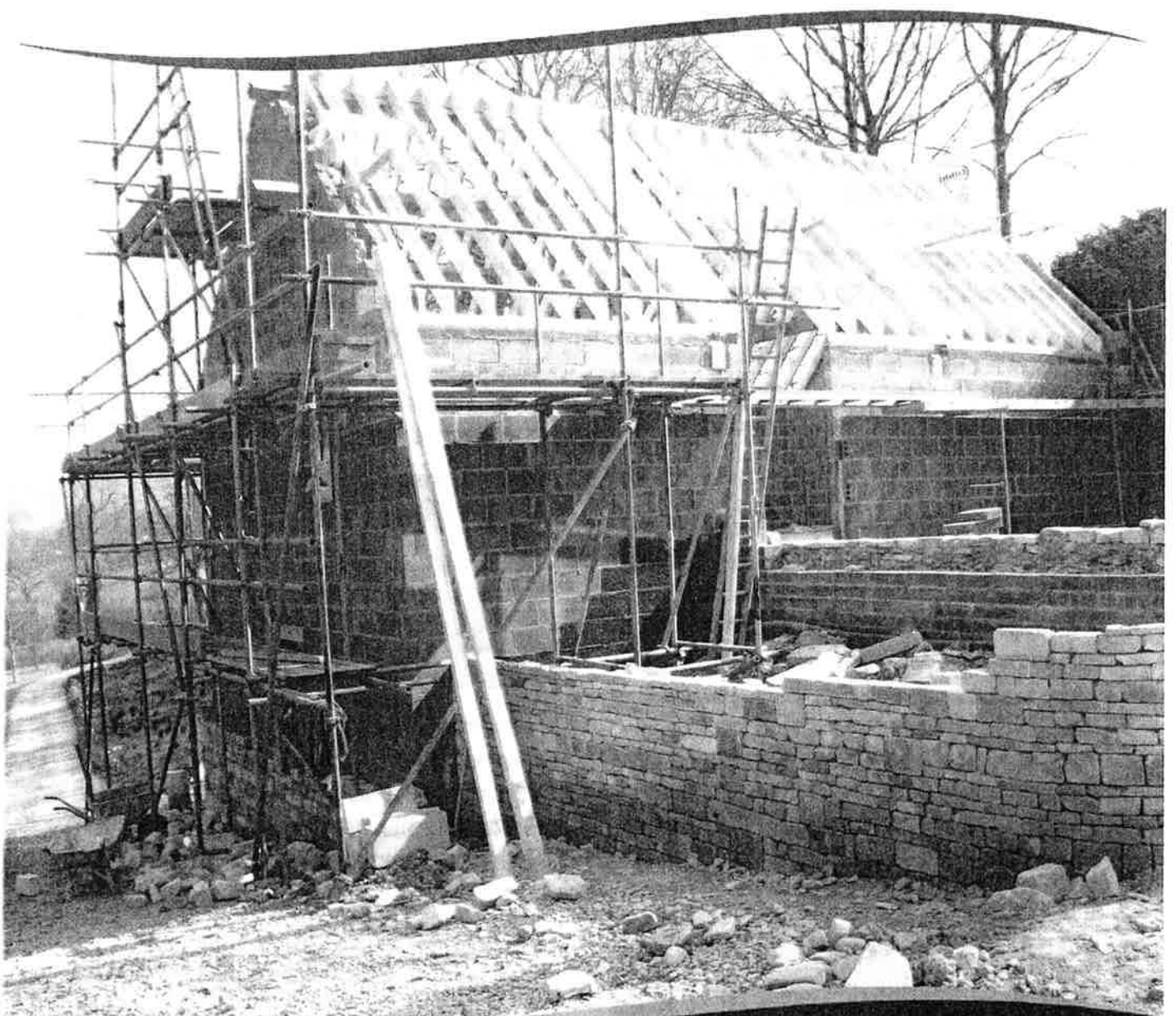
Complaints

All complaints relating to Development Services will be acknowledged by the Authority within 10 working days. All complaints will be fully investigated by the Authority and the complainant will receive a written response within 20 working days of receipt of the complaint.

If a complainant remains dissatisfied with the written response, then details will be supplied for pursuing the complaint further through the Council's officer dealing with complaints in accordance with the Council's formal corporate complaints procedure. The Authority will always strive to resolve a complaint locally but if this is not possible, then the complainant will be advised on how to pursue the matter further with the Commissioner for Local Administration.

Planning Enforcement

A guide to the service available.



Wiltshire Council
Where everybody matters

Fair and effective planning enforcement is essential to ensure that you the public benefit from the quality of Wiltshire's natural and built environment.

The council works hard to protect the local environment and quality of life for people living, working and visiting the area by providing an effective planning service. Enforcing planning rules, where unauthorised development is causing significant harm is an important part of this process.

The aim of this leaflet is to provide you with an easy to use guide to how the enforcement service works.

Planning enforcement is a very complex area and we have tried to make this guide as easy to understand as possible. For more information on how the service works please refer to the council's planning enforcement policy, www.wiltshire.gov.uk/planningenforcement or by asking for a hardcopy from one of the council's planning offices.

What is a breach of planning control?

This could be building or engineering works, unauthorised change in use of land or the display of an unlawful advertisement. Other planning breaches include:

- unauthorised work to a listed building.
- unauthorised works to trees protected by a tree preservation order or trees in a conservation area.
- breach of conditions attached to a planning permission or listed building consent.
- unauthorised demolition in a conservation area.
- not building in accordance with the approved plans.
- failure to properly maintain land so that it adversely affects the amenity of the area.
- unauthorised engineering works, such as significant ground level changes.
- failure to comply with a section 106 legal agreement.

Did you know the following are not normally planning breaches?

- where development is 'permitted development' under the Town and Country Planning (General Permitted Development Order). Further information on what constitutes permitted development can be obtained at: www.planningportal.gov.uk
- internal work to a non-listed Building.
- obstruction of a highway or public right of way.

- parking commercial vehicles on the highway in residential areas or on grass verges.
- parking a caravan within the residential boundary of a property, provided that it is not used as self contained accommodation.
- clearing land of overgrowth, bushes and trees, provided they are not subject to planning protection.
- operating a business from home where the residential use remains the primary use and there is no adverse impact on neighbours.
- boundary disputes are a private matter and cannot be controlled under planning legislation.
- a breach of deeds and covenants provided there is not a planning condition to prevent this.
- trespassing on land.
- health and safety issues.

How can you notify us of a suspected breach of planning?

The planning enforcement service is concerned with resolving serious breaches of planning control where there is significant harm. Where it looks likely that a breach is occurring you can contact us by phone, letter, E-mail or fax. Anyone contacting us by phone will normally be asked to put their complaint in writing. An enquiry form is also available on our website.

www.wiltshire.gov.uk/planningenforcement

We will require your details and those of:

- The site address or location.
- What the development is.
- The times things are happening, if applicable.

Details of how to contact the council are set out at the end of this leaflet.

Please note that the council will not deal with anonymous complaints and unless government legislation dictates otherwise (in exceptional circumstances), we keep the names of all private enquirers confidential.

If you are worried about giving your name and address, you can contact your local division member who can lodge a complaint on your behalf.

What happens to my enquiry?

After the council logs and acknowledges enquiries, cases are prioritised in accordance with the council's adopted planning enforcement strategy.

An officer will then normally visit the site to establish if a breach is occurring. If a breach exists, negotiations will then take place to try and ensure that any breach is resolved without recourse to formal action. The enquirer will be advised of the outcome of the investigation.

Whilst many of our investigations are resolved promptly, some can be quite time consuming as the council can be accused of acting unreasonably if it appears they

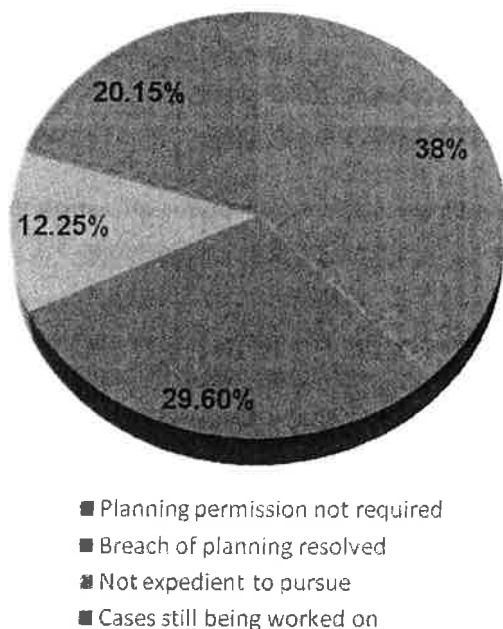
have been unwilling to explore 'all options' before taking formal action. If you would like an update on progress this is best done by telephoning the case officer.

If unauthorised development causes no 'demonstrable harm' (i.e. if planning permission had been sought and it would almost certainly have been granted without conditions) then enforcement action is not appropriate.

Similarly, in some other cases it is not expedient to pursue enforcement as any harm may not be so serious as to justify formal action.

This chart illustrates how investigations are resolved in a typical year.

Investigations



Data taken from figures in the north hub for the year ending 2008

Priorities

Different breaches can result in more harm than others. The council has to ensure that it targets resources at those that have the greatest impact. For example, knocking down substantial parts of a Listed Building will have a greater priority than someone erecting a short length of boundary fence.

The council's planning enforcement team priorities are as follows: -

The council has finite resources and to ensure they can be used in the most effective manner, enforcement cases are prioritised according to the seriousness of the harm caused by the breach.

Priority 1

We aim to visit 80% of these sites within 24 hours of your enquiry being registered.

Immediate threat to public safety, substantial damage to or loss of statutorily protected buildings, trees or areas.

Priority 2

We aim to visit 95% of these sites within 5 working days of your enquiry being registered.

Adverse impact on protected areas and residential amenity. Breaches of conditions and legal agreements resulting in serious harm to neighbours, affected parties and/or the environment. Unlawful adverts in protected areas.

Unauthorised development where it is possible that the time for taking enforcement action could expire within the next 6 months.

Priority 3

We aim to visit 95% of these sites within 10 working days of your enquiry being registered.

The breach is of a minor nature which does not cause immediate/long term harm or loss of amenity.

We also aim to:

- **Register 95% of new enquiries within 3 working days of receipt.**
- **Respond to 95% of enquirers within 10 working days of initial site visit.**
- **Complete 80% of priority 1 cases to be within one year.**
- **Complete 80% of priority 2 & 3 cases within 6 months.**

Notes:

Protected buildings are listed buildings and unlisted buildings in Conservation Areas.

Protected trees are trees subject to a Tree Preservation Order, in a Conservation Area or protected by a condition of planning permission.

Protected areas include Conservation Areas, Historic parks and gardens, Area of Outstanding Natural Beauty, World Heritage Sites, The Green Belt, Sites of Special Scientific Interests, Special Areas of Conservation and land at high risk of flooding.

The priority afforded to the investigation may change following an initial site visit or at any other time during the investigation, if for example new information comes to light.

Government guidance

Planning policy note no. 18 - 'enforcing planning control', sets out advice on how to deal with breaches of control and states that the action taken should be proportionate to the breach of control and that each case will be judged on its individual merits. Furthermore: -

- Planning legislation allows retrospective applications to be made.
- Development can be immune from enforcement action if it has been substantially complete for more than 4 years (10 years for a use or a breach of condition other than one relating to residential development).
- Enforcement action cannot be taken solely to 'regularise' development which does not have planning permission where permission would have been granted unconditionally.
- Taking enforcement action contrary to government advice can result in costs being awarded against the council at appeal.

Experience has shown that through effective negotiation, planning enforcement matters are usually capable of resolution without

resorting to formal enforcement action or prosecution.

Where a person has been served with an enforcement notice they may have the right to appeal against it to the Planning Inspectorate (a government executive agency). When an appeal is made, it suspends an enforcement notice until it has been determined. An appeal often takes many months to determine and the timing is outside the council's control.

How to contact us

Good communication is essential, both when dealing with the party responsible for a breach of control and those reporting it. The map opposite contains relevant contact details for the council's planning offices located within our administrative boundaries.

If you have any questions relating to planning enforcement please contact the relevant enforcement team (details opposite)

Planning Services

Wiltshire Council or visit our website: www.wiltshire.gov.uk

Information about Wiltshire Council Services can be made available on request in other languages including BSL and formats such as large print and audio.

Please contact the council by telephone, 0300 456 0100, by textphone 01225 702500, or email customerservices@wiltshire.gov.uk

These notes are intended to help you to understand the processes the council needs to go through to enforce most of the complaints received. There is separate legislation that relates to carrying out works to a listed building without the necessary consent or deviating from or failing to discharge conditions attached to a consent. There are also different powers relating to the display of advertisements, works to protected trees and untidy land.

The council takes the enforcement of planning control very seriously and we hope that this leaflet gives you an understanding of our commitment regarding the expediency of pursuing enforcement action.

Useful Website Address

Planning Portal

Gives useful information to the public on all aspects of planning

<http://www.planningportal.gov.uk/>

Planning Advisory Service

General advice on planning and advice for Members

<http://www.pas.gov.uk/pas>

Communities and Local Government

Government website which includes information on legislation all the Planning Policy Statements and Guidance Notes

<http://www.communities.gov.uk/planningandbuilding/>

The Planning Inspectorate

Website that holds all information on appeals, including online appeals

<http://www.planning-inspectorate.gov.uk/pins/index.htm>

Wiltshire Planning Policies

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

Our website

www.wiltshire.gov.uk/environmentandplanning

