

**West Wiltshire District Council****Council****21 June 2006****Question from Cllr Ernie Clark to  
Cllr Paul Batchelor, Chairman of Council****Question**

I believe that this authority is annually invited to nominate two councillors to attend one of HM The Queen's garden parties at Buckingham Palace.

In the past the names of the fortunate recipients have been announced to fellow members. This year, however, I do not recall any announcement being made of the names of those awarded this accolade.

Could you please tell me the names of the two councillors who were selected in 2006, please?

**Answer**

As explained in the Members' Information Sheet Issue No. 564, those attending will be Councillor Nick Blakemore with partner and myself with partner. The date we are all attending is Tuesday, 11 July 2006.

**Questions from Cllr Terry Chivers to  
Cllr Jeff Osborn, Portfolio Holder for Planning and Development****Question**

When was the planning application for a replacement dwelling known as Sheeshnag Shaw received?

**Answer**

Planning application for the replacement dwelling received 09.09.2002 and permitted on 04.11.2002.

Subsequent planning application for revised siting of garage received 03.09.2003 and permitted on 21.10.2003

**Question**

When did the Council become aware that a track had been laid across open countryside without planning permission?

**Answer**

Complaint about track across field received 31.03.2003

The owners claimed track was required initially on a temporary basis in connection with the building of the replacement dwelling and garage. This is permitted development for the duration of the building works. They agreed that only construction vehicles would use track and that other vehicles to the site would use existing access to the site. The owners subsequently submitted a planning application to retain the track as a permanent access to Sheeshnag. This was refused planning permission on 04.06.2003 and a subsequent appeal dismissed on 27.01. 2004. In accordance with usual practice, any enforcement action was suspended for the duration of the application and appeal.

### **Question**

How many complaints have been received from local residents regarding the lack of enforcement action regarding this matter?

### **Answer**

The council has had correspondence with 8 nearby residents regarding this site, 7 of whom have complained about the lack of progress in taking enforcement action.

### **Question**

How many official complaints have been received from local residents with regard to this issue, and has it been referred to the Ombudsman?

### **Answer**

See answer to previous question

The council received notice of a complaint to the ombudsman on 19th June.

### **Question**

Many local residents have lost total confidence in the planning department; do you like me share this view?

### **Answer**

I have not lost total confidence in the planning department.

Any action which the council may consider taking at this site is constrained by the applicant being able to claim that so long as the ongoing building works remain uncompleted at Sheeshnag, this track could be retained as a temporary feature for the duration of the building works. Although work at the site has been stalled for sometime, building works have not been completed. Re-commencing the building works would negate any attempts by the council to take enforcement action to secure the removal of the track. As recently as the spring of this year more building materials appeared at the site and the owner of the site stated that he would be completing the outstanding works at the site as soon as possible.

However, the council must consider also 'the four year rule' relating to unauthorised works at the end of which the unauthorised works could be claimed to have planning permission by default. Notwithstanding the above comments the council is aware of the need to have an enforcement notice in place within this four year period. The four year

period in this case ends in early 2007. To achieve this it is our intention in to commence formal enforcement action at the beginning of July. Three nearby residents and the local ward member were advised of this in replies to letters in April and May of this year. The owner of the site has admitted in the last two weeks that he is not in a position to continue with building works for the foreseeable future. As a consequence of this statement, formal enforcement action has been brought forward and was commenced on 20<sup>th</sup> June when planning contravention notices were served.

In the event of an enforcement notice being challenged, this approach will enable the council to demonstrate that it has behaved reasonably in giving the owner of Sheeshnag ample time to complete the development. It will serve also help the council undermine any further claim the owner may make about needing to retain the track because of ongoing building work.

The council has continued to be active at this site over the past two years (since the appeal decision). It has –

- Ensured that the track is gated to limit its use to vehicles associated with the building works
- Continued to monitor works at the site and to respond to nearby residents complaints about the site and track, including unauthorised use of the track
- Undertaken works to mitigate impact of the track on a public right of way, including securing a kissing gate on the footpath.