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Enforcement Report

Report subject: Dance studio at Paddock View, 17 Beechfield, Newton Tony.

Report to: Northern Area Committee.

Date: 10th April 2008.

Author: Stephen Hawkins, Principal Planning Officer (Enforcement)

Report Summary

To update Members regarding progress towards regularising breaches of planning control at the above address.

Introduction:

Members will recall that the breach of a condition of planning permission concerning the erection of a boundary wall was the subject of a report to the Northern Area Committee meeting on 13th December 2007, where Members resolved to enforce compliance with a condition requiring erection of a screen wall by serving a Breach of Condition Notice on the owner/occupier of the property.

The Notice required erection of the screen wall by 3rd February 2008. Prior to that date, the owner/occupier contacted the Council and advised that she was going into hospital with a convalescent period of 6 weeks and her builder would be unable to finish the wall until the end of March. At a site visit subsequent to 3rd February, it was established that the screen wall required by the condition had been erected; however it had yet to be rendered/painted to match the adjoining wall as also required. Officers have since had limited contact with the owner/occupier; at the time of writing she is understood to be convalescing prior to two further operations.

Members will also recall refusing permission at the December NAC for a lean –to conservatory at the rear of the dwelling. This proposal was partly retrospective, in that it involved the retention of the base and walls of an earlier, unauthorised conservatory, which had largely been demolished following enforcement action taken in 2005. At the time of writing, no appeal had been made against the Council's decision to the Planning Inspectorate.



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Housing Services
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Considerations:

In both of the above cases, the failure to complete the required remedial works in breach of the Breach of Condition Notices amounts to an offence. However, in relation to the screen wall, the works have largely been undertaken and there is the prospect that they will be completed in the near future. In relation to the base and walls of the conservatory, factors such as the owner/occupier's advanced age and state of health and the nature of the breach) would be a factor which would significantly influence a minimal penalty being imposed by Magistrates, even in the event of a prosecution case being brought by the Council at this stage. The Courts have made it clear to the Council that they see planning prosecutions as the very last resort and that such proceedings should not be brought precipitously.

The site will continue to be monitored and the above conclusions will be kept under review. Further action need not be ruled out a later date, in the event of continuing non-compliance.

It is hoped to update Members on the above at the meeting on any further progress in relation to the above matters since the report was written.

Recommendation:

A: That Members note the report.

B: That a further report be brought to a Northern Area Committee within the next three months, to update Members regarding progress to remedying the above breaches of planning control.