

(5) PUBLIC QUESTIONS

The following Question has been submitted, and a response provided, as follows:-

(1) From Cllr. Richard Harrison, on behalf of the Planning Committee of Fairford Town Council to Councillor RL Hughes, Chairman of Planning and Licensing Committee

'Unauthorised works were commenced last March for a single storey extension to Fayre Court (a NDHA) in Fairford, including demolition of parts of a stone wall within the conservation area and fronting onto a green space which is a key feature of the CA as well as the Special Landscape Area. The partial demolition of the wall within the CA without the required planning permission is an offence under section 196D of the Town & Country Planning Act 1990 (as amended), as referred to in Fairford Town Council's objection comments dated 22 November 2018 on the planning application (18/04042/FUL). We understand this has been subject of an enforcement investigation. However, in the meantime the site remains an eyesore detracting from a key part of the conservation area and potentially impacting tourism here. Given that key information (including Proposed Elevations) required for a valid planning application (with reference to the relevant validation checklist) has still not been submitted to the local planning authority as part of this partly (at least) retrospective application, and that in any case section 196D(9) of the Act states "Where, after a person commits an offence under this section, planning permission is granted for any development carried out before the grant of the permission, that grant does not affect the person's liability for the offence.", **what is holding up the enforcement action and what action is the planning authority now intending to take?**

The duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant

Response from Councillor Hughes

Thank you for your question in respect of Fayre Court, Fairford.

The Council was made aware of works taking place at the site in July 2018 and visited the site soon thereafter. The property is considered to be a non-designated heritage asset. It was established that the demolition of the rear boundary wall, the extension under construction at that time and the gates and gate piers to the front of the property required planning permission. The owner of the site was advised of the requirement for planning permission and, in turn, advised the Council that a retrospective planning application would be submitted to regularise the unauthorised works. On that basis, Officers determined that it would not be expedient to initiate enforcement action to remedy the breaches at that time.

The planning application to retain the part-built extension was received in October 2018 (application reference: 18/04024/FUL) but was found to be lacking in some detail in relation to the heritage implications of the works, and additional plans were also sought. Additional details and drawings have now been received and are under consideration by the Council's Planning Case Officer, in consultation with a Conservation Officer. Fairford Town Council has been re-consulted on the revised details and will have a further opportunity to comment on the scheme. Whilst the planning application is under consideration, it would not be expedient to pursue enforcement action. The District Council will consider its position with regards to the expediency of initiating enforcement action once the current planning application has been determined.

The issue of whether or not it would be expedient to initiate enforcement action in relation to the unauthorised gates and gate piers to the front of the site is being considered separately.'

Notes:

(i) If the questioner is present at the Meeting, he will be entitled to ask one supplementary question in relation to each question submitted - which must arise directly out of either the answer given or the original question.

(ii) The Member to whom any supplementary question is addressed will try and answer any supplementary question at the Meeting; but if this is not possible, then the Member will answer as much as possible at the Meeting and then provide a full response within five working days. If, for any reason, a full response cannot be provided within those five days, then a holding response will be sent to the questioner, along with the reason for delay and a likely timescale for the full response.

(END)