

Georgina Morgan-Denn

From: Councillor Stanka Adamcova <SAdamcova@swindon.gov.uk>
Sent: 18 May 2025 18:16
To: Georgina Morgan-Denn
Cc: Julie McMorro
Subject: ExternalRE: 1b The Brow, Haydon Wick, Swindon, SN25 1HT

Hi Georgina,

I hope that you are well.

At one of the Full Council meetings, I was asked about an update on the planning enforcement on 1Brow.

Please, kindly see the explanation from the planning enforcement:

"I have reviewed the development planning and planning enforcement history of this site "The Brow".

Planning consent was granted for "Erection of 1no dwelling", under reference S/19/1161 in September 2019.

A Planning Enforcement complaint was received regarding the approved dwelling not being built in accordance with the approved plans in 2020, as such Planning Enforcement case EN/20/0400 was opened and the alleged breach of planning control investigated.

During the Enforcement investigation EN/20/0400, the complainants were advised by a previous Enforcement Officer that the dormer window, in terms of in terms of dimensions and positioning would be within the remits of Permitted Development Rights (PDR). However, PDR are only valid once the house is constructed and completed, and not during construction.

Planning Enforcement case EN/20/0400 was closed due to the submission of a planning application (S/20/1614).

Planning application S/20/1614 was submitted for "Erection of 1no. dwelling without compliance with condition 12 (Drawings) from previous permission S/19/1161.". Application S/20/1614 was determined as "Finally Disposed Of" in June 2024. To determine an application as "Final Disposed Of" means that no decision was made either way (granted or refused), this occurs when applications are not progressing and the applicant/agent has failed to engaged with the LPA for at least 6 months.

I can confirm that there are no planning applications currently pending determination for this site.

As there was no longer an application pending determination, following a complaint to Planning Enforcement in January 2025, I opened a new case to investigate this site under reference EN/25/0002.

As the dormer window was erected during the construction phase, and not after completion, it is a technical breach of planning control. However, as it appears that the dormer window would not be liable to Planning Enforcement action should it have been constructed after completion, it would not be expedient for formal Planning Enforcement action to take place. The decision not to take formal

Planning Enforcement action is in accordance with SBCs Enforcement Policy for Planning Enforcement (October 2022): "Formal enforcement powers will not be used against trivial or technical breaches of planning control which cause no harm and are not in the public interest".

For the reason stated above, Planning Enforcement case EN/25/0002 will be closed and no further action taken.

I appreciate that the above outcome may not be what was hoped for. My apologies that Planning Enforcement have not been able to be of greater assistance in the matter."

Kind Regards,

Stanka

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