

26 April 2019

Mr M Wilding
request-571036-
ba677606@whatdotheyknow.com

Information Governance Team
Corporate Services & Digital
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Our ref: ENQ11138 REQ001

Dear Mr Wilding

Freedom of Information Request – Planning enforcement action against short-term lets

Thank you for your request for information dated 24 April 2019, in which you asked for the following information:

I'm seeking details of enforcement action taken by your authority's planning team in relation to properties offered for short-term lets via platforms such as Airbnb.

Please could you provide the following under the Freedom of Information Act:

The number of planning enforcement notices issued by your authority in relation to short-term lets in each financial year from 2011/12 to 2018/19.

The number of planning contravention notices issued by your authority in relation to short-term lets in each financial year from 2011/12 to 2018/19.

If available, please also provide the number of informal warnings issued by your authority's planning team in relation to short-term lets in each financial year from 2011/12 to 2018/19.

Under the Freedom of Information Act 2000 ('the Act') The Council is obliged to:

- Let you know whether we hold the information you have requested
- Provide you with the requested information, if held, (subject to any exemptions under the Act which may apply).

I am writing to advise you that, following a search of our records, I have established that the information you requested is not held by the council.

The use of a dwelling house as a short term let is not a material change of use (save for the exception of *Moore v. Secretary of State for Communities and Local Government*, which related to very large properties used in such a manner). There is also no provision in place such as Section 44 of the Deregulation Act that applies in the London Boroughs, which makes a short term let use a breach of planning control.

Given the above, we would not have served any enforcement notices or informal warnings as the use wouldn't have constituted a material change of use, nor would we have served any Planning Contravention Notices.

I am satisfied that the information you requested is not held by the council and that this confirmation satisfies the requirements of the legislation.

If you are dissatisfied with the above response you have a right to request a review of your request for information. Details of the complaints and review procedure are appended to this letter.

Yours sincerely

David Sausins
Information Governance Officer

Direct line: 01249 709558
Email: FOI@wiltshire.gov.uk

Freedom of Information Complaints & Review Procedure

Any person who has requested information from Wiltshire Council, which has been dealt with under the Freedom of Information Act is entitled to complain and request an internal review of their request for information if they are dissatisfied with the response they have received.

Requests for review of Freedom of Information requests must be made in writing (includes email) to:

Freedom of Information Lead
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Email FOI@wiltshire.gov.uk

Please include the reference number, date of your request and details of why the review is being requested. Requests for review should be brought to the attention of the Freedom of Information Lead within 40 calendar days of the response to the original request.

Any request for review will be acknowledged in writing confirming the reasons for the review. The Freedom of Information Lead will allocate the review to someone who is independent of the original decision. The person conducting the review will set a target date for a response with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The reviewer will conduct a full review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account any matters raised by the requestor.

On completion of the review the reviewer will reply to the requestor with the result of the review. If the requestor is still dissatisfied following the review they should contact the Information Commissioner to appeal the decision. The Information Commissioner can be contacted using the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate)
01625 545 745 (national rate)

Email: casework@ico.org.uk