

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 JUNE 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Kelvin Nash, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Carole King (Substitute) and Cllr Sam Pearce-Kearney (Substitute)

43. **Apologies**

Apologies for absence were received from:

- Cllr Adrian Foster – substituted by Cllr Carole King
- Cllr Dr Brian Mathew – substituted by Cllr Sam Pearce-Kearney
- Cllr Stuart Wheeler

44. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Kelvin Nash, it was:

Resolved

To approve the minutes of the meeting held on 25 April 2024 as a true and correct record.

45. **Declarations of Interest**

In relation to the Rights of Way item, Cllr Iain Wallis made an additional declaration that he worked for the Department of Environment, Food and Rural Affairs. He emphasised that he did not work in the footpaths department or in the Secretary of State's private office. He would be speaking in a personal capacity and any views expressed were not necessarily representative of the department.

46. **Chairman's Announcements**

There were no announcements.

47. **Public Participation**

The Committee noted the rules on public participation.

48. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by the Vice-Chairman, it was:

Resolved

To note the planning appeals update for the period 12 April to 31 May 2024.

49. **PL/2024/02018: 13 Collis Terrace, Crawlboys Lane, Ludgershall, Andover, SP11 9QZ**

Public Participation

- Mr Paul Flippance (Inter County Surveys), spoke in support of the application

The Planning Officer, Hayley Clark, introduced a report which recommended that the application for the change of use of a grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb be refused for the reasons outlined in the report. Key details were stated to include the visual impact, residential amenity and highway considerations.

Attention was drawn that there was an error in the plan of elevation three, shown on page 28 of the agenda pack, as it showed the garden gate rather than the proposed dropped kerb. However, an updated version was available on page nine of Agenda Supplement 1 and shown as part of the Planning Officer's presentation.

The Committee were informed that the application site comprised an existing end-terraced dwelling located within an established residential area. The Planning Officer considered that the proposal, to incorporate an adjacent area of open green space within the residential curtilage, would have a negative impact on the character of the area due to the loss of openness and as the green space broke up the built form. She explained that the proposals were contrary to Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy, as well as paragraphs 131 and 135 of the National Planning Policy Framework. There were a mix of boundary types in the area and there were concerns about granting permission for the proposed development, as it would set a precedent that may see the loss of further green space on the estate.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer. Details were sought about why the Applicant was installing wooden panels at the back to make the structure higher. The Planning Officer explained that the proposed structure would be similar in height to the existing boundary wall at the rear of the property to maintain privacy. However, the wall towards the front of the property would be far shorter.

In response to queries about the existing road sign and utility box on the site, the Planning Officer explained that they would need to be moved as they were located within the boundary of the proposed wall. Permission to change the access to the utilities would be required, but this was not a planning matter. She

had not seen any details of designs showing the road sign behind the proposed wall.

The Committee noted that the Highway Authority had recommended that if the proposed application was granted, the grey utility box should be set back behind the utility box. Questions were asked about whether they would be able to propose a condition about the box's location. The Planning Officer confirmed that was a separate issue for the Highway Authority, so it would not be necessary to impose a condition.

Details were also sought about the potential impact of a covenant agreed when the Applicant purchased the grass verge from Aster Housing Association, which stated that the land must be used as part of the residential curtilage. The Legal Advisor, Solicitor Level 2, Alwyn Thomas, confirmed that the covenant was separate to planning permission and was not a material consideration in assessing planning applications.

The Planning Officer was not aware of any other grass verges had been sold by Aster in the local area, although the Chairman did note that he was aware of other cases.

The member of the public then had the opportunity to present his views to the Committee as detailed above.

The Unitary Division Member, Cllr Christopher Williams then spoke in support of the application.

In response to the points raised by the public and Unitary Division Member, the Planning Officer confirmed that the loss of amenity space included the impact on visual amenity and landscaping of the built environment. The Development Management Team Leader (South), Richard Hughes noted that the reasons for refusal did not claim that the grass verge was used for recreational activities such as ball games.

So that the Committee had something to debate, the Chairman, seconded by Cllr Carole King, proposed that the application be refused for the reasons outlined in the report.

A debate followed where issues such as the impact on visual amenity, height of the proposed wall, and current use of the land were discussed.

During the debate, a vote to refuse the motion was lost. Cllr Kelvin Nash then proposed that the application be approved, which was seconded by Cllr Sam Pearce-Kearney.

The Development Management Team Leader (South) highlighted that the Highways Authority had recommended that there was not any obstruction to the visibility of their splays over the height of 600mm. Although the proposed application was for a boundary up to 937mm, they had not submitted a formal objection. The Committee noted that they would not wish to restrict the height of

the proposed wall to 600mm but wished to see the splays be kept free of obstruction.

In response to queries it was stated that the materials of the wall could be conditioned and that it would not be necessary to condition the utility box.

The Committee noted that they would be happy to delegate the final wording of the conditions to the Planning Officer and Development Management Team Leader (South). At the conclusion of the debate, it was:

Resolved

To GRANT planning permission for the change of use of the grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb.

Reason

Whilst the grass verge did have some visual amenity value, the poorly maintained condition of the land meant that the proposed development was not felt to have a negative visual impact and would actually slightly enhance the appearance of the site. The proposed development was not out of keeping with other boundary treatments in the area.

Conditions

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**
 - Application form received 19/03/2024 Location plan received 28/02/2024**
 - Proposed wall/fence elevations Drg no ICS/2117/03 Rev B (amended to include vehicle access for elevation 3) received 13/06/2024**
 - Photo visualisation received 12/06/2024**
 - Proposed site plan Drg no ICS/2117/02 Rev B received 16/04/2024**

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The bricks to be used in the construction of the main walling in the boundary wall shall match those of the main house (13 Collis Terrace) in colour and texture

REASON: In the interests of visual amenity

4. The development hereby permitted shall not be first brought into use until splays have been provided on both its sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. As per the approved drawing DWG No: ICS/2117/03 Rev B, the splays shall always be kept free of obstruction above the height of the approved boundary walls.

REASON: In the interests of highway safety.

5. The development hereby permitted shall not be first brought into use until the first 2m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

6. Notwithstanding the submitted details, the proposed development shall not be first brought into use until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

7. The vehicle access and parking spaces shall remain ungated.

REASON: In the interests of highway safety.

Informatives:

8. The application involves the creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their

website at <http://wiltshire.gov.uk/highways-streets> to make an application.

9. The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk.

50. **Ramsbury Paths 5, 6 and 8C and Little Bedwyn Path 20 Diversion and Definitive Map Statement Modification Order 2024**

Public Participation

- Mr Peter Gallagher (The Ramblers), spoke in opposition to the Order.
- Mr Bill Hughes (Ramsbury Manor Foundation Trustees), spoke in opposition to the Order.
- Ms Mary Askew (Ramsbury Estates Ltd.), spoke in support of the Order.

The Definitive Map Officer Craig Harlow introduced a report considering four objections to the application for the Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024.

A comprehensive overview of the Modification Order was provided by the Definitive Map Officer, which included detail about the application routes, Wiltshire Council's duty, the legal tests and the Order plans. He explained that the application had been submitted on 5 August 2022. The Applicant's land was changing from arable to pastoral farming, so they felt that the proposed route would help to reduce potential conflict between the enjoyment of the footpath and livestock. Diverting the existing routes would also help to separate the users of the bridleway and vehicle access to the newly constructed development at Park Farm as well as to improve security at that development. It was explained that there had been 23 responses to an initial consultation on the proposals, 16 of which were in objection. After taking comments into consideration the Order was made on 10 January 2024.

Objections to the Order included that the proposed diversion would be longer, and substantially less convenient, than the existing route. Further concerns were that the diversion was being done purely for the personal convenience of the Applicant and would impact the view and sporting rights enjoyed over the land.

Attention was drawn to a late submission from the British Horse Society, as published in Agenda Supplement 1. The British Horse Society had raised objections to the Order on the grounds that the proposed diversion crossed a

part concrete surface, had a narrower width than the existing route and that RAMS6 could potentially bring horses and riders into contact with shooting.

The Definitive Map Officer addressed each of the objections in turn. In response to concerns about the length and convenience of the new route, he referenced the Inspector's findings about an Order in the parish of Calne Without. Although there had been a proportionately larger increase in the distance of the revised route created in Calne Without, the Inspector had concluded that it was likely to be used as part of a leisure journey, so was not substantially less convenient for users. The Definitive Map Officer concluded that, by nature of the proposed location of the subject Modification Order, a similar conclusion could be adopted in this case. He also noted that legislation allowed for compensation to be claimed for the loss of sporting rights caused by a Diversion Order and, in his opinion, the view would not be any worse than that from the existing route.

He reported that the Wiltshire Countryside Access Officer had accessed the surface of the proposed diversion and was satisfied that it had a grooved, gritted appearance that would be suitable for horses. Furthermore, there was no evidence that the diversion would lead to an increased risk of horses being in proximity to shooting. The Definitive Map Officer also he felt that the new route would have the benefit of adding a recorded width for the path.

In conclusion, the Definitive Map Officer felt that the proposed diversion would not be substantially less convenient for users and would not negatively impact enjoyment of the route. He was also satisfied that it would only have a minimal detrimental impact on land on or adjoining the rights of way. Therefore, he recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee then had the opportunity to ask technical questions of the Definitive Map Officer. Details were sought about whether it would be possible to add conditions relating to rights of way to the planning permission granted for the development at Park Farm. The Definitive Map Officer confirmed that it would not be possible to add conditions at this stage, as permission had already been granted for the development, but informatives or conditions could have been added if appropriate at the time the planning application was determined.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The Unitary Division Members were not in attendance.

The Definitive Map Officer had the opportunity to respond to the points raised by the public.

So that the Committee had something to debate, the Chairman, seconded by Cllr Iain Wallis, proposed that the Definitive Map and Statement Modification

Order 2024 was forwarded to the SoSEFRA with the recommendation that it be confirmed as made.

A debate followed where issues such as the separation of dogs and livestock as well as the suitability of hard surfaces for horses, were discussed. In response to queries about the potential impact on Curlew nesting, the Definitive Map Officer explained that he had consulted with the North Wessex Downs National Landscape, who had not raised concerns about this issue. It was noted that strong feedback had been provided when nesting sites had been identified in the past.

At the conclusion of the debate, it was:

Resolved

The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024, of forwarded to the SoSEFRA with the recommendation that it be confirmed as made.

51. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.45 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

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