

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 APRIL 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Jonathon Seed, Cllr Suzanne Wickham, Cllr Gordon King (Substitute) and Cllr Mike Sankey (Substitute)

#### **Also Present:**

Cllr David Vigar

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#### 17 **Apologies**

Apologies for absence were received from:

- Councillor Bill Parks, who was substituted by Councillor Mike Sankey
- Councillor David Vigar, who was substituted by Councillor Gordon King
- Councillor Pip Ridout

#### 18 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 13 March 2024 were considered. In response to a query with regard to the appeal decision relating to application PL/2023/00952, it was clarified that as there were no planning applications to be determined during the meeting, the decision would be included within the next appeals report submitted to the Committee.

After which, it was:

#### **Resolved:**

**The Committee approved and signed the minutes of the previous meeting held on 13 March 2024 as a true and correct record.**

#### 19 **Declarations of Interest**

There were no declarations of interest.

#### 20 **Chairman's Announcements**

There were no specific Chairman's announcements.

21 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

22 **Southwick Court Fields: Southwick and North Bradley - Application No. 2020/02TVG**

Public Participation

There were no named public speakers.

The Senior Definitive Map Officer, Janice Green, presented a report considering the Advisory Report, dated 9 February 2024, submitted by Mr William Webster of 3 Paper Buildings, appointed by Wiltshire Council as the Commons Registration Authority (CRA), to act as an independent Inspector to:

- Preside over a non-statutory public inquiry, held on 21-22 November 2023 at St Johns Parish Centre, Studley Green, Trowbridge, to consider an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a Town or Village Green (TVG), and
- Produce an Advisory Report to include a recommendation to the CRA to assist in its determination of the application.

The officer explained the background to the application including planning trigger events which extinguish the right to apply to register land as a TVG; the legislation which governs applications; the identification of Grove Ward, Trowbridge, as the locality for the application; and the presence of public rights of way and other tracks over the land. The officer set out the Inspector's recommendation that the application to register land as a TVG at Southwick Court Fields, in the parishes of Southwick and North Bradley, should be rejected on the ground that all the criteria for registration laid down in Section 15(2) of the Commons Act 2006 had not been satisfied, and the evidential reasons for this recommendation, as set out in the Inspector's Advisory Report dated 9 February 2024.

Members of the Committee then had the opportunity to ask technical questions. There being none, and there being no named public speakers, Councillor David Vigar, as the Local Unitary Member for Trowbridge Grove, then spoke as to the Inspector's recommendation and proposed decision. Cllr Vigar highlighted the timing of the application and the trigger events being critical, and where the trigger events in the form of an outline planning application and the adopted Wiltshire Housing Sites Allocation Plan (WHSAP) had occurred after the original application to register the land as a TVG, which the Inspector recommended

should have been treated as duly made on the date the application was lodged on 13 January 2020. Cllr Vigar also noted that the reason for the red hatching on the application plan (land excluded from the application) was not obvious from the report, therefore he felt that the Committee had not been presented with an argument for a valid trigger event leading to the possibility of an error of fact or law where the 2017 Draft WHSAP could be the operative trigger event.

A debate followed where Members acknowledged the concerns raised by Cllr Vigar and sought clarification from the Legal Officers as to whether the validity of the trigger events would have impacted on the Inspector's findings.

During the debate, a motion to defer the application in order to seek Counsel's Opinion on the trigger event points raised by Cllr Vigar was moved by Councillor Trevor Carbin and was seconded by Councillor Ernie Clark. Following a vote on the motion, it was:

**Resolved:**

**The Committee DEFERRED determination of the application to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a Town or Village Green, to seek Counsel's Opinion on the question of whether the Draft Wiltshire Housing Sites Allocation Plan forms a valid trigger event at the time of application, which would extinguish the right to apply to register part of the land as a Town or Village Green.**

23 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.45 pm)

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