

## Eastern Area Planning Committee

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JULY 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

#### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Adrian Foster, Cllr Kelvin Nash, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Dominic Muns (Substitute) and Cllr Sam Pearce-Kearney (Substitute)

#### **Also Present:**

Cllr Tamara Reay

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#### 52. **Apologies**

Apologies for absence were received from:

- Cllr Stuart Wheeler – substituted by Cllr Dominic Muns
- Cllr Dr Brian Mathew MP – substituted by Cllr Sam Pearce-Kearney

#### 53. **Minutes of the Previous Meeting**

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

##### **Resolved**

**To approve the minutes of the meeting held on 13 June 2024 as a true and correct record.**

#### 54. **Declarations of Interest**

There were no declarations of interest.

#### 55. **Chairman's Announcements**

There were no announcements.

#### 56. **Public Participation**

The Committee noted the rules on public participation.

#### 57. **Planning Appeals and Updates**

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

## Resolved

To note the planning appeals report for the period between 21 May and 28 June 2024.

58. **PL/2024/03269: Land to the Rear of 7 The Stocks, Seend, Wiltshire, SN12 6PL**

### Public Participation

- Mr Colin Smith (Colin Smith Planning Ltd) – spoke in opposition to the application.
- Mr Alan Watters – spoke in opposition to the application.
- Ms Charlotte Watkins (LP Planning Ltd) – spoke in support of the application.
- Mrs Helen Robinson-Gordon – spoke in support of the application.

The Senior Planning Officer, Lucy Rutter-Dowd introduced a report which recommended that the outline application for the erection of a self-build dwelling, with all matters reserved except for access, be refused for the reasons outlined in the report. Key details were stated to include the principle and sustainability of the development, the landscape and visual impacts, as well as the impact on neighbouring amenity.

Attention was drawn to a late representation made by the Agent highlighting that the Route 49, Swindon to Trowbridge, bus ran an hourly service on weekdays between 6:40am and 7:40pm. However, the Senior Planning Officer stated that this did not alter her view that the proposed development was in an unsustainable location being reliant on the use of a private vehicle.

It was highlighted that the proposal sought only to establish the principle of development and means of access, so the drawings provided were merely indicative. The Senior Planning Officer explained that the planning statement indicated that the proposed building would be a detached four-bedroomed dwelling with a separate garage. The drawings suggested that the building would be partly set into the landscape so significant excavation work would be required.

The Senior Planning Officer noted that the general pattern of development in the area comprised of single rows of properties fronting the highway, whereas the proposed development would create 'back land' development in open countryside. As the proposed development was not consistent with the pattern of development in the area, it was considered to cause landscape harm and was contrary to Core Policy 51 (Landscape) and Core Policy 57 (High Quality Design and Place Shaping) of the Wiltshire Core Strategy.

Furthermore, the principle of development was not supported, as the proposed development was contrary to Core Policy 1 (Settlement Strategy) and Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy. As exception criteria in the Wiltshire Core Strategy were not met, the proposed development was

also not in accordance with Policy SP 11 of the Seend Parish Neighbourhood Plan. The proposal was not considered to be infill development, a sort that might have been considered acceptable in small villages such as Seend Cleeve.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought on whether the application would have been recommended for approval if Wiltshire Council was still required to maintain a five-year housing land supply. It was confirmed that the application could only be considered against current policy. It was also noted that 5 The Stocks was the immediate neighbouring property.

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

The Unitary Division Member, Cllr Tamara Reay then spoke in support of the application.

In response to the points raised by the public and Unitary Division Member, the Senior Planning Officer confirmed that plans for a Passivhaus dwelling had not been included as part of the submission, so could not be considered by the Committee when deciding whether to approve outline permission.

Addressing concerns that Wiltshire Council had been unable to demonstrate that it had permitted enough developments to meet demand for self-build housing, Senior Conservation and Planning Officer, Ruaridh O'Donoghue, emphasised the differences between the subject application and an appeal decision by the Inspector to allow a development of 26 self-build dwellings outside Malmsbury. He stressed that each application needed to be judged on its own merits. Although the proposed single dwelling would make a small contribution towards meeting the demand, it would cause visual harm.

In reply to a point that the proposed development would not be visible from the road, the Senior Conservation and Planning Officer explained that, although the proposed development was not set in a protected landscape, the beauty of the surrounding countryside did need to be considered. He highlighted that, were the Committee minded to approve the application, there would be opportunities to impose conditions to address some concerns about the visual impact. There would also be opportunities to add conditions at the reserved matters stage.

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

A debate followed where issues such as the demand for self-build properties, transport, the sustainability of village life and visual impact of the development were discussed.

During the debate a vote to refuse permission for the application was lost. Cllr Dominic Muns, seconded by Cllr Iain Wallis, then proposed that the application be granted.

It was discussed whether it would be possible to condition the orientation of the property to address concerns about overlooking the neighbouring property. The planning officers noted that the indicative sight plan showed the proposed property orientated towards the neighbouring property. Although the final scale and orientation of the dwelling could be controlled at the reserved matters stage, it would be possible to add an informative to advise that the neighbouring property, 5 The Stocks, should not be overlooked.

Other conditions discussed included those relating to planning commencement, outdoor lighting, ecology, parking provision, access, self-build occupancy, drainage as well as the provision of a management statement and removal of permitted development rights. In addition, it was noted that an informative could be added to secure a unilateral undertaking to meet the relevant planning obligations.

It was taken by ascent of Committee that they were happy for the final wording to be delegated to the Senior Planning Officer, in consultation with the Chairman. At the conclusion of the discussion, it was:

### **Resolved**

**To GRANT outline planning permission for the erection of a self-build dwelling, with all matters reserved except for access.**

### **Reasons**

**The proposed development would make a contribution towards addressing the demand for self-build development opportunities in Wiltshire and the housing need within the parish of Seend. This contribution was felt to outweigh the visual harm and landscape impacts. The Committee recognised that the proposed development would create a reliance on use of a private vehicle, but they were reassured that the presence of a regular bus service meant that the location was more sustainable than many comparable settlements in Wiltshire. Although the development site did not fall within one of the site allocations for housing identified within the Seend Neighbourhood Plan, the plan did support the principle of development that contributed to the continued and sustainable growth of the parish.**

### **Conditions**

#### **1) OUTLINE PLANNING PERMISSION -COMMENCEMENT - WA2**

**The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the**

expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

## **2) RESERVED MATTERS TO BE SUBMITTED - WA4**

An application for the approval of all of the reserved matters specified in condition 3 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

## **3) RESERVED MATTERS TO BE SUBMITTED - WA4**

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- a) The scale of the development;
- b) The layout of the development;
- c) The external appearance of the development;
- d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **4) APPROVED PLANS - WM13**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

**Drg Title:** Location Plan Proposed. **Drg No:** 1030:P:20. **Dated:** March 2024.

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

## **5) ACCESS LAYOUT – BESPOKE CONDITION**

**The access and parking only shall be laid out in accordance with the following approved plan and maintained as such for the lifetime of the development.**

**Drg Title: Plan: Site Proposed. Drg No: 1030:P:21.**

**REASON: For the avoidance of doubt and in the interests of proper planning as the layout of the dwelling is also shown on this plan to which this matter is reserved.**

#### **6) ENHANCEMENTS FOR BIODIVERSITY**

**Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. The approved details shall be implemented before occupation of the final works. This condition will be discharged once photographic evidence of installed features has been submitted to and approved by the local planning authority.**

**REASON: To provide mitigation /enhancement for biodiversity.**

#### **7) LIGHTING**

**No new external lighting will be installed within the site unless otherwise agreed in writing with the LPA, other than domestic lighting necessary for safety.**

**REASON: To avoid illumination of habitat used by bats.**

#### **8) PARKING PROVISION**

**No part of the development hereby permitted shall be first brought into use /occupied until the access, turning area and parking spaces on the approved drawing have been provided with at least one space for the new build having EV provision. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.**

**REASON: In the interests of highway safety.**

#### **9) CONSOLIDATED ACCESS**

**The development hereby permitted shall not be first brought into use/occupied until the first 5m 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**

## **10) CONSTRUCTION MANAGEMENT STATEMENT**

**No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:**

- 1. the parking of vehicles of site operatives and visitors;**
- 2. Number and size of delivery vehicles/ construction vehicles**
- 3. loading and unloading of plant and materials;**
- 4. storage of plant and materials used in constructing the development;**
- 5. wheel washing facilities;**
- 6. measures to control the emission of dust and dirt during construction;**
- 7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- 8. measures for the protection of the natural environment.**
- 9. hours of construction, including deliveries;**
- 10. Site plan showing the location of operative parking, storage , delivery drop off area and wheel washing station.**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.**

**REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.**

## **11) PERMITTED DEVELOPMENT REMOVAL-GENERAL - WE1**

**Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse hereby permitted or within its curtilage.**

**REASON: In the interests of the amenity of the area as the site is in a prominent position within the open countryside, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions, or enlargements.**

## **12) SELF-BUILD AND CUSTOM HOUSEBUILDING DWELLING**

The residential unit in the development hereby permitted shall be constructed as a self-build and custom housebuilding dwelling within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act (as amended):

- i. The first occupation of the unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling, and who intends to live in the unit for at least 3 years;
- ii. The Council shall be notified of the persons who intend to take up first occupation of each unit in the development hereby permitted as least two months prior to first occupation.

**REASON:** To ensure the development complies with the self-build and custom housebuilding definition, to help to meet the districts self-build requirement in accordance with National Policy, and to ensure the development complies with The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

**SUGGESTED INFORMATIVES:**

**13) DRAINAGE**

All new drainage will need to comply with Building Regulations Part H. Any soakaways should be constructed in accordance with CIRIA C574 and the Wiltshire Guidance.

**14) UNILATERAL UNDERTAKING**

This permission shall be read in conjunction with the Unilateral Undertaking' (dated: .....) relating to land To the rear of 7 The Stocks, Seend, SN12 6PL.

**15) LAYOUT, SCALE AND DESIGN**

The layout, scale and design of the dwelling shall be designed as such so as to completely avoid any impacts to neighbour amenity in terms of proximity, over shadowing, overbearing impact and especially overlooking/loss of privacy. Consideration should be given to position of the dwelling and outbuildings within the plot, orientation of the buildings, window placement and boundary treatments to ensure this remains the case.

59. **Urgent items**

There were no urgent items.



(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services,  
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