

AGENDA SUPPLEMENT (1)

Meeting: Southern Area Planning Committee

Place: Wylve Room, Five Rivers Health & Wellbeing Centre, Hulse Road,
Salisbury, Wiltshire, SP1 3NR

Date: Thursday 2 February 2023

Time: 3.00 pm

The Agenda for the above meeting was published on 25 January 2023. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Lisa Alexander of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Part I (Pages 3 - 54)

- 6 **Commons Act 2006: Schedule 2(6) – Application to De-register Buildings Wrongly Registered as Common Land – The Pound, Whiteparish - Application no.2021/01ACR (Pages 55 - 64)**
- 7 **Planning Appeals and Updates (Pages 65 - 66)**

DATE OF PUBLICATION: 30.01.23

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Southern Area Planning Committee

2nd February 2023

**COMMONS ACT 2006 –
SCHEDULE 2(6) APPLICATION TO
DE-REGISTER BUILDINGS WRONGLY
REGISTERED AS COMMON LAND –
THE POUND, WHITEPARISH**

Page 4

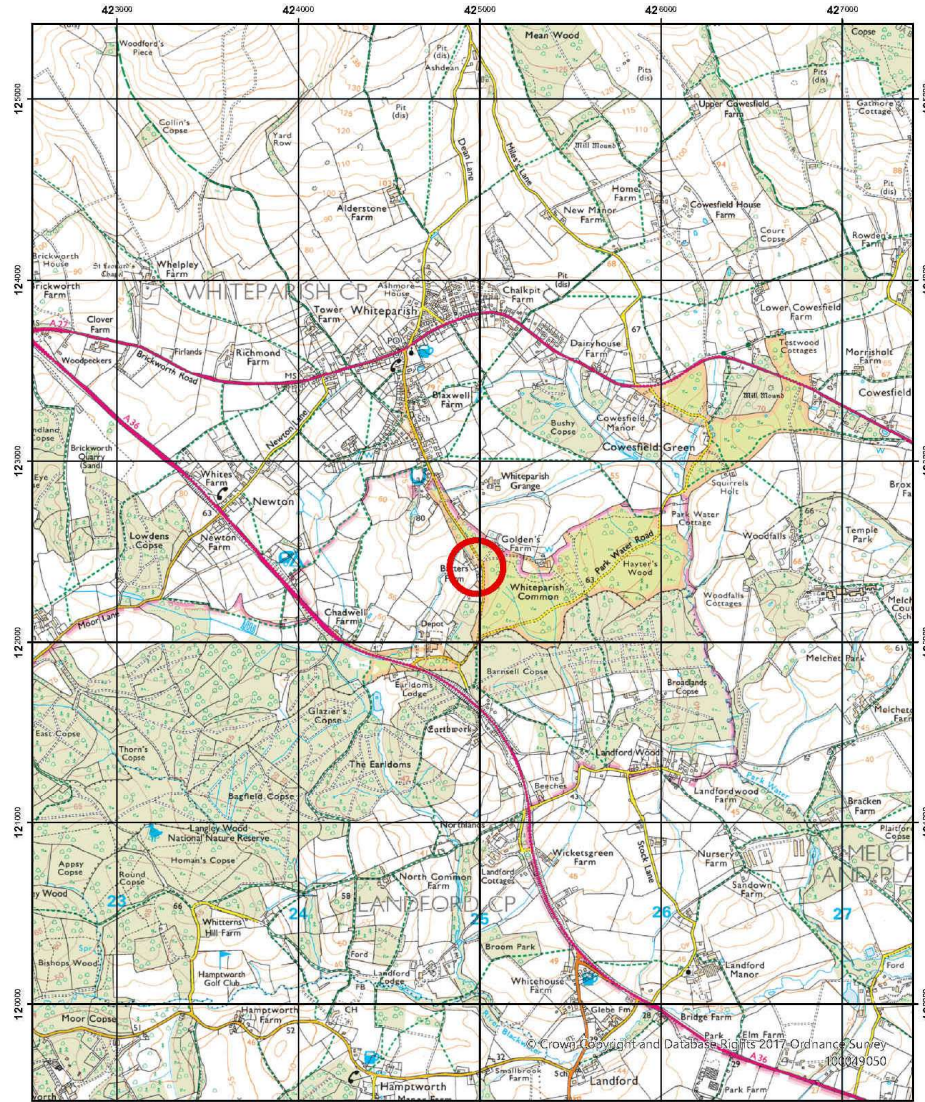
**AGENDA ITEM NO.6
SOUTHERN AREA PLANNING COMMITTEE:
2 FEBRUARY 2023**

**JANICE GREEN
SENIOR DEFINITIVE MAP OFFICER**

Location Plan

Wiltshire Council

Location Plan - The Pound, Whiteparish



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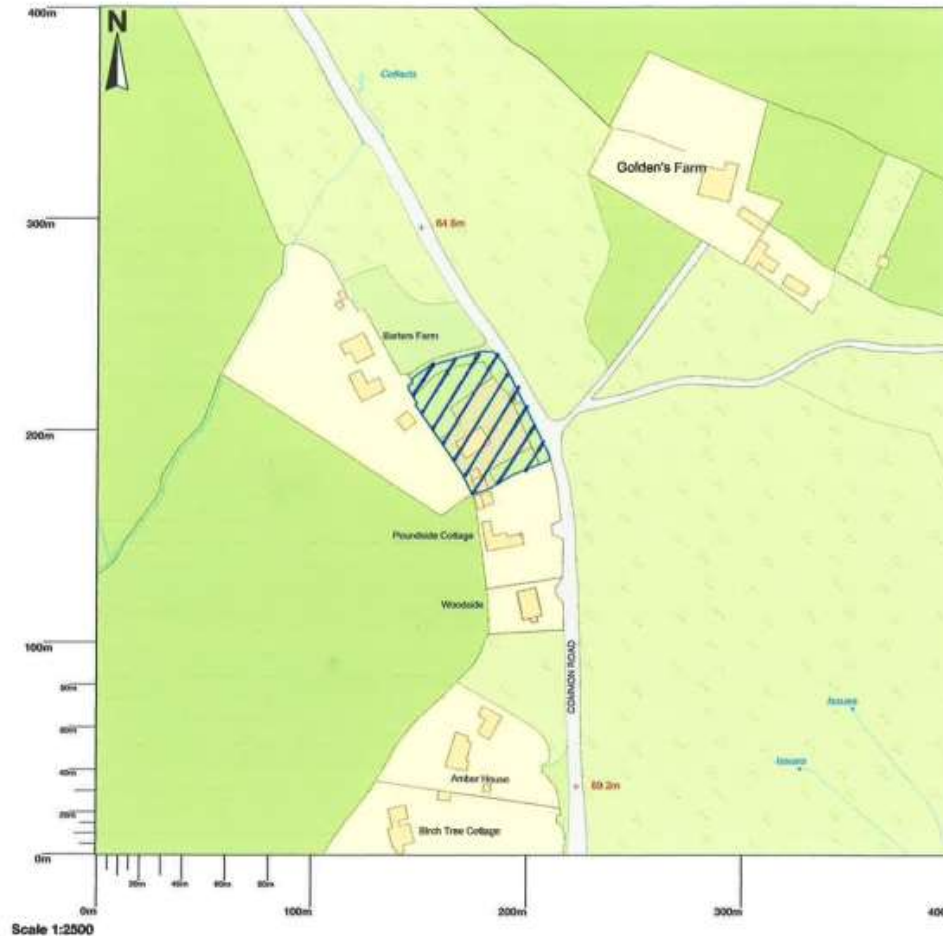
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28/04/2022

Application Plan – Schedule 2(6) Commons Act 2006 The Pound, Whiteparish (Application no.2021/01ACR)

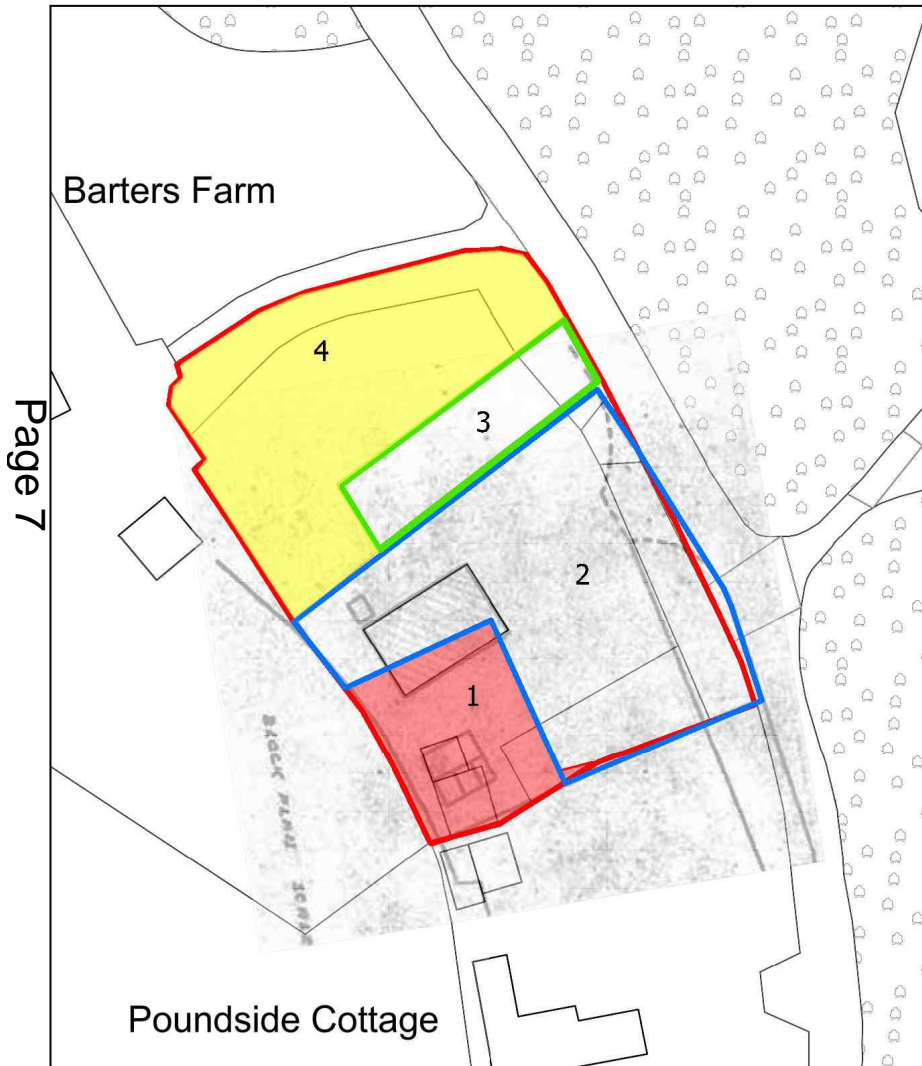


The Pound, Common road, Whiteparish, salisbury, Wilts , SP5
2RD



Map area bounded by: 424795,122235 425195,122635. Produced on 20 November 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p16buk/537801/728496

Application Land – 4 Areas



The legal tests set out at Schedule 2(6) of the Commons Act 2006 regarding the de-registration of buildings wrongly registered as common land, have been considered in relation to 4 areas of the application land:

1 = Not registered common land – to be excluded (shaded red)

2 = Site included in block plans for planning applications/consents for change of use and erection of workshop building at the Pound site, 1967 (outlined blue)

3 = Hardstanding outside 1967 planning site (outlined green)

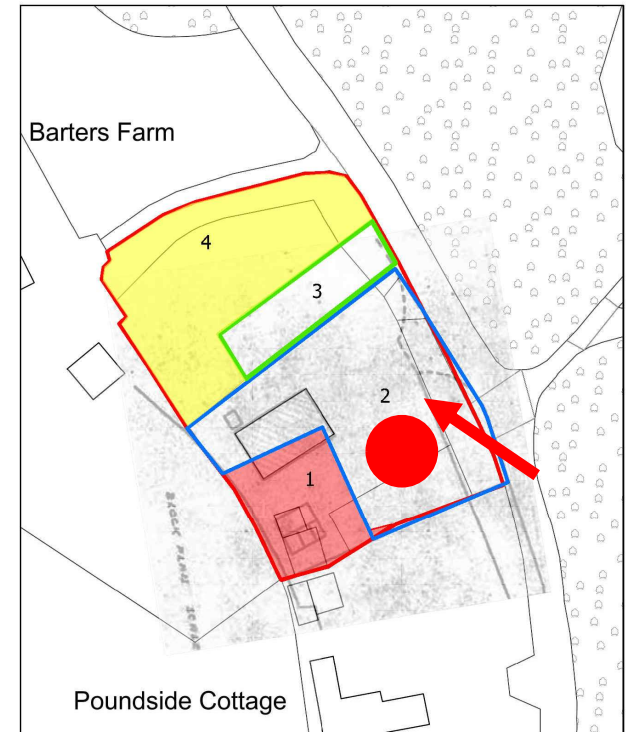
4 = Grass / wooded area at north of application area, outside 1967 planning site (shaded yellow)

Area 2 - Workshop building and hardstanding part of 1967 planning site

Page 8



Wiltshire Council Application Land - Areas 1-4 The Pound, Whiteparish



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13/06/2022

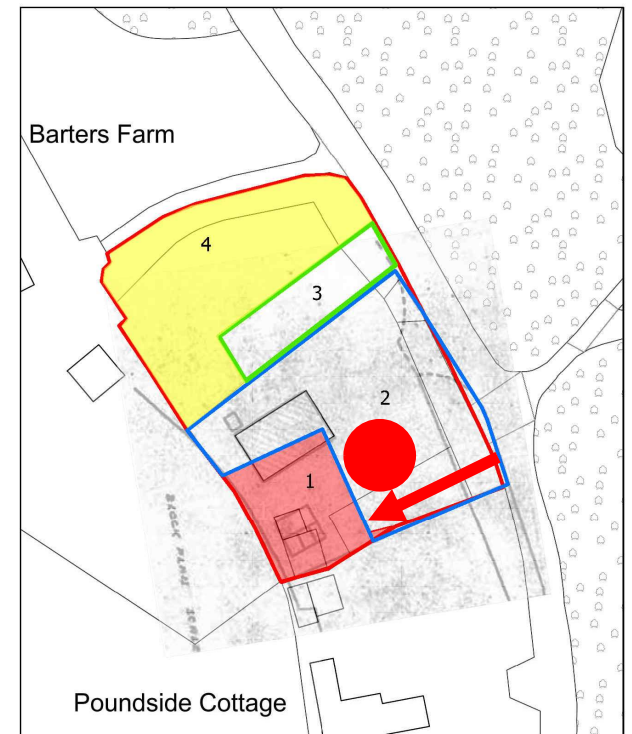
Scale 1:500 @ A4



Area 1 - South-west corner of the application area which does not form part of the registered common land CL7 – to be excluded from the application



Wiltshire Council Application Land - Areas 1-4 The Pound, Whiteparish



13/06/2022

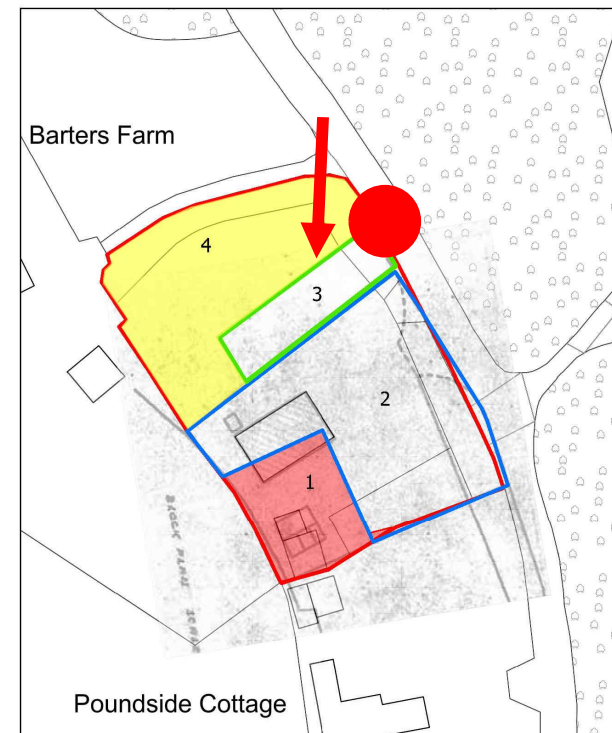
Scale 1:500 @ A4

Area 3 – Hardstanding to the north of (and excluded from) 1967 planning site

Page 10



Wiltshire Council Application Land - Areas 1-4 The Pound, Whiteparish



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13/06/2022

Scale 1:500 @ A4

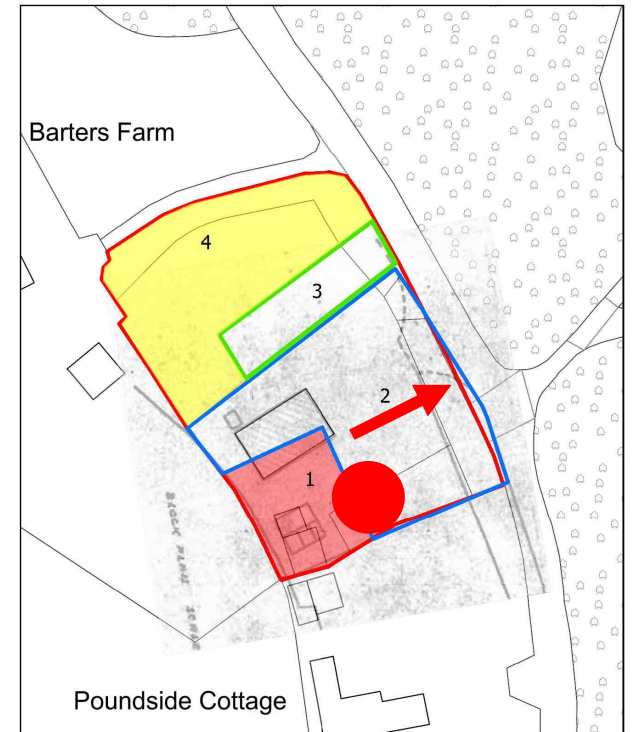


Area 2 - Land to the south-east of the workshop building, included in 1967 planning site

Page 11



Wiltshire Council Application Land - Areas 1-4 The Pound, Whiteparish



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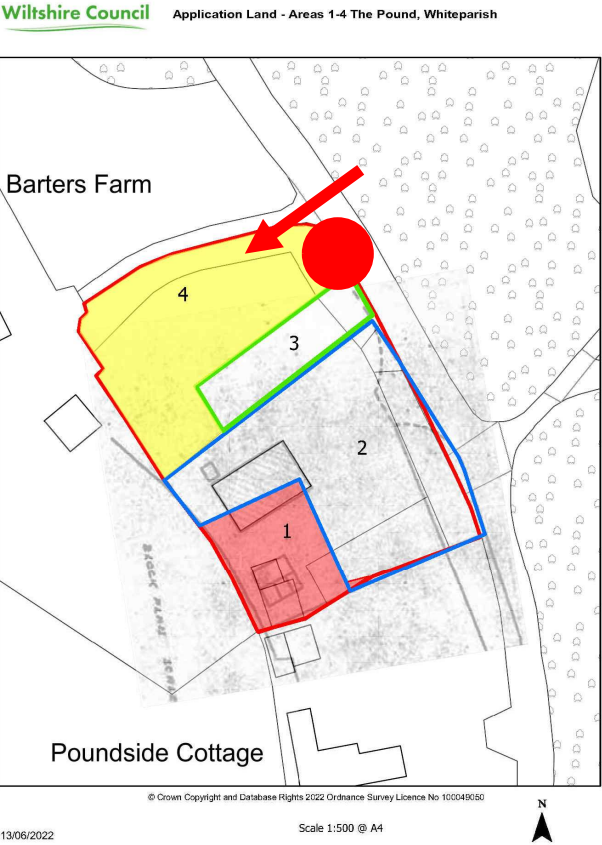
13/06/2022

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Area 4 – Wooded area at north of application land, excluded from 1967 planning site

Page 12

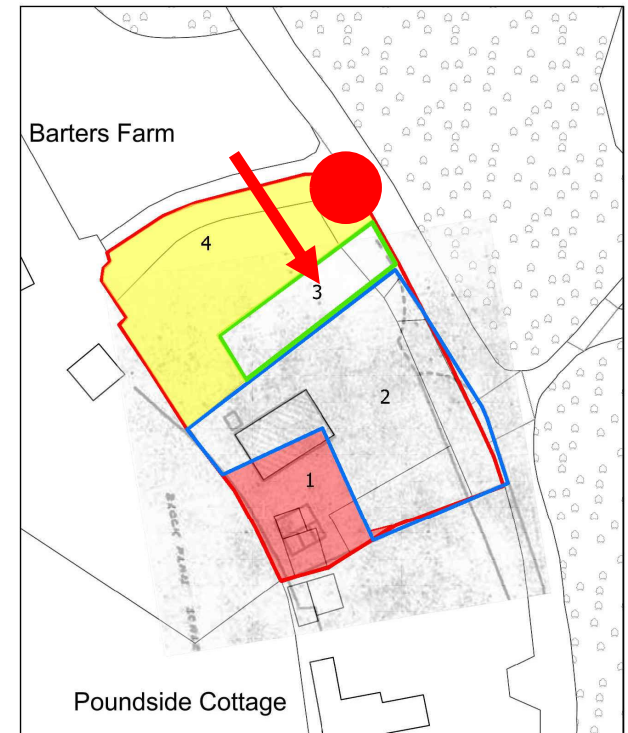


Green area alongside Common Road is not highway maintainable at public expense. Area 2 contains part of visibility splay required in planning conditions for change of use of The Pound site 1967

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Wiltshire Council Application Land - Areas 1-4 The Pound, Whiteparish



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13/06/2022

Scale 1:500 @ A4



The Legislation

The application is made under Schedule 2, Paragraph 6 of the Commons Act 2006:

- 6 (1) *If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of common land.*
- (2) *This paragraph applies to land where-*
- (a) *the land was provisionally registered as common land under section 4 of the 1965 Act;*
 - (b) *on the date of the provisional registration the land was **covered by a building** or was **within the curtilage of a building**;*
 - (c) *the provisional registration became final; and*
 - (d) *since the date of the provisional registration the land has at all times been, and still is, **covered by a building** or **within the curtilage of a building**.*

The Application

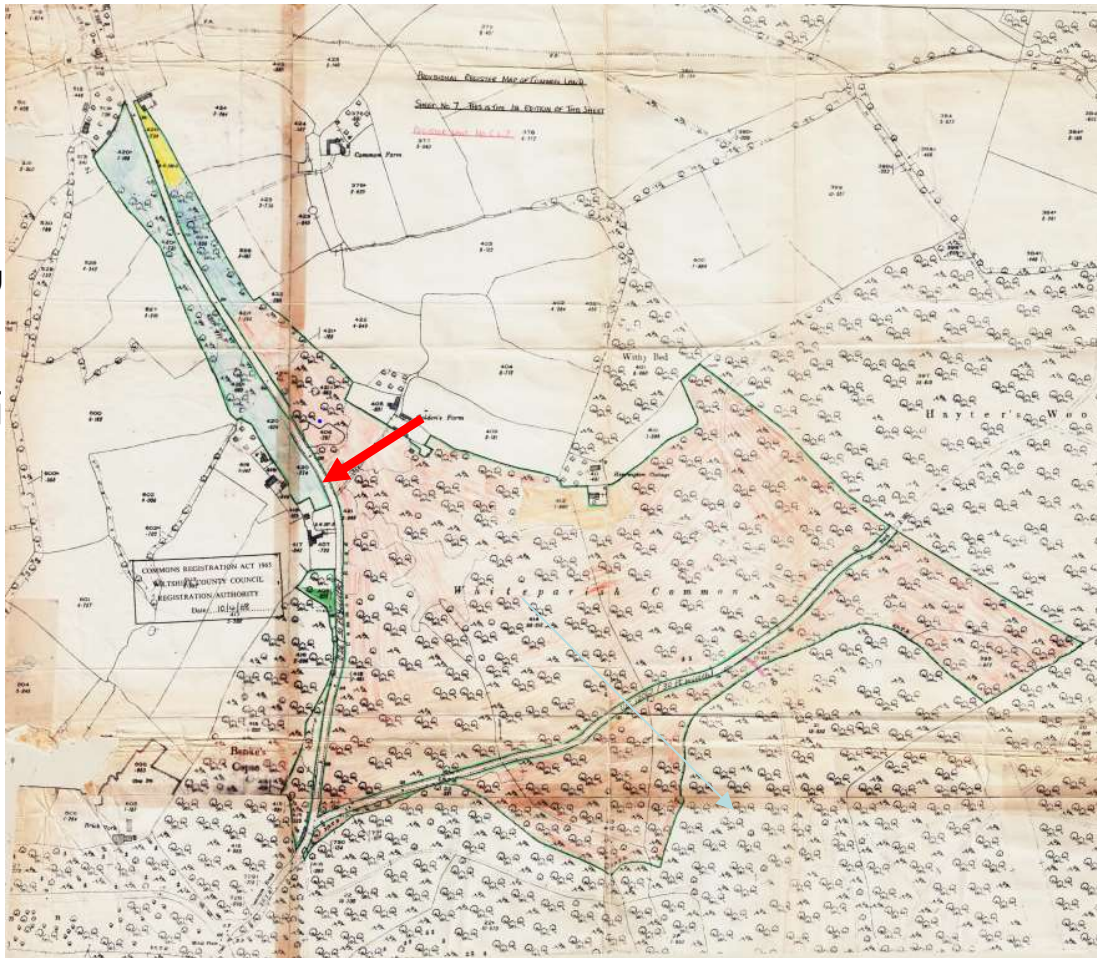
- **The application is made by Mr & Mrs S Skeates, Owners of The Pound, Whiteparish to de-register buildings wrongly registered as common land**
- **The application is dated 2 January 2021, found to be in order on 16 March 2021 and allotted no.2021/01ACR**
- **The relevant date of the application is the date it was received by Wiltshire Council as the CRA – 4 January 2021**
- **Objectors:**
 - Open Spaces Society – Mr H Craddock**
 - Mr T King**
 - Mr S Byrne**

The Burden of Proof

- **In order for an application to be successful each component of the legal test set out at Schedule 2(6), paragraph 2, A-D, must be met in full, in which case de-registration is mandatory**
- **The burden of proof lies with the applicant**
- **The CRA has no investigative powers**
- **The standard of proof is the balance of probabilities**

The Evidence – Tests A and C

The application building and land (excluding Area 1) form part of Common Land Register Entry no.CL 7, Whiteparish Common, as shown on the register entry map:



Test A - The land was provisionally registered as common land under section 4 of the 1965 Act (Schedule 2(6)(2)(a)):

CL 7 Provisional Registration – 10 April 1968

Test C - The provisional registration became final (Schedule 2(6)(2)(c)):

CL 7 Provisional Registration being undisputed became final on 1 October 1970

Tests A and C are met over part of the application area

The Evidence – Tests B and D

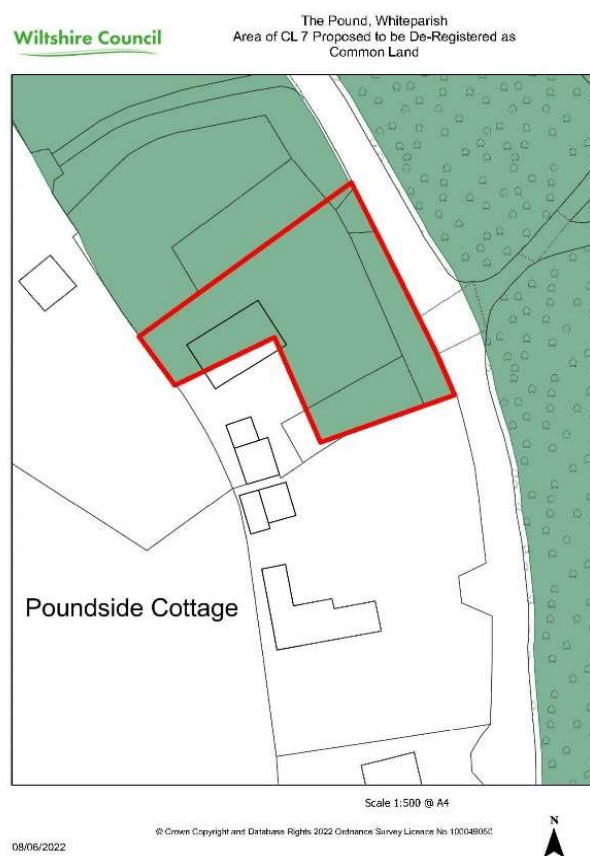
- The building is the main focus of the application. There is no dispute that the workshop building was present on the land at the time of provisional registration and at all times since.
- There is dispute regarding the extent of the application land as “curtilage” of a building which also qualifies for de-registration under Schedule 2(6) of the Commons Act 2006.
- It is considered that the 4 parts of the legal test set out at Schedule 2(6)(2) of the Commons Act 2006 are met in full only over Area 2, i.e. the area set out in the block plans associated with planning for the change of use and erection of the workshop building at The Pound, Whiteparish, in 1967, as the only area so intimately associated with the building as to lead to the conclusion that it forms part and parcel of the building*, i.e. the curtilage of the building at provisional registration and at all times since, (excluding Area 1 shaded red which is not registered common land).

* *Methuen-Campbell v Walters* [1979] 2 QB 525

Officers' Recommendation

Based on the evidence, that the land at The Pound, Whiteparish, currently registered as Common Land, part of Register Entry no.CL7, Whiteparish Common and subject to application made under Schedule 2(6) of the Commons Act 2006 to de-register buildings wrongly registered as common land, be part de-registered over that part of the application area which is covered by a building or the curtilage of a building, for the reasons set out at paragraphs 40 and 41 of the report, as shown outlined in red on the plan below:

Page 19



Where the CRA does not intend to hold a public inquiry, the Applicant and other parties be given opportunity to make oral submissions regarding the proposal, (as per paragraph 27(7) of the Regulations), to the Southern Area Planning Committee. The debate to follow will consider any oral submissions made, or alternatively the meeting may be adjourned for the submissions to be considered in a report and recommendation to the Committee at a later date.

Decision

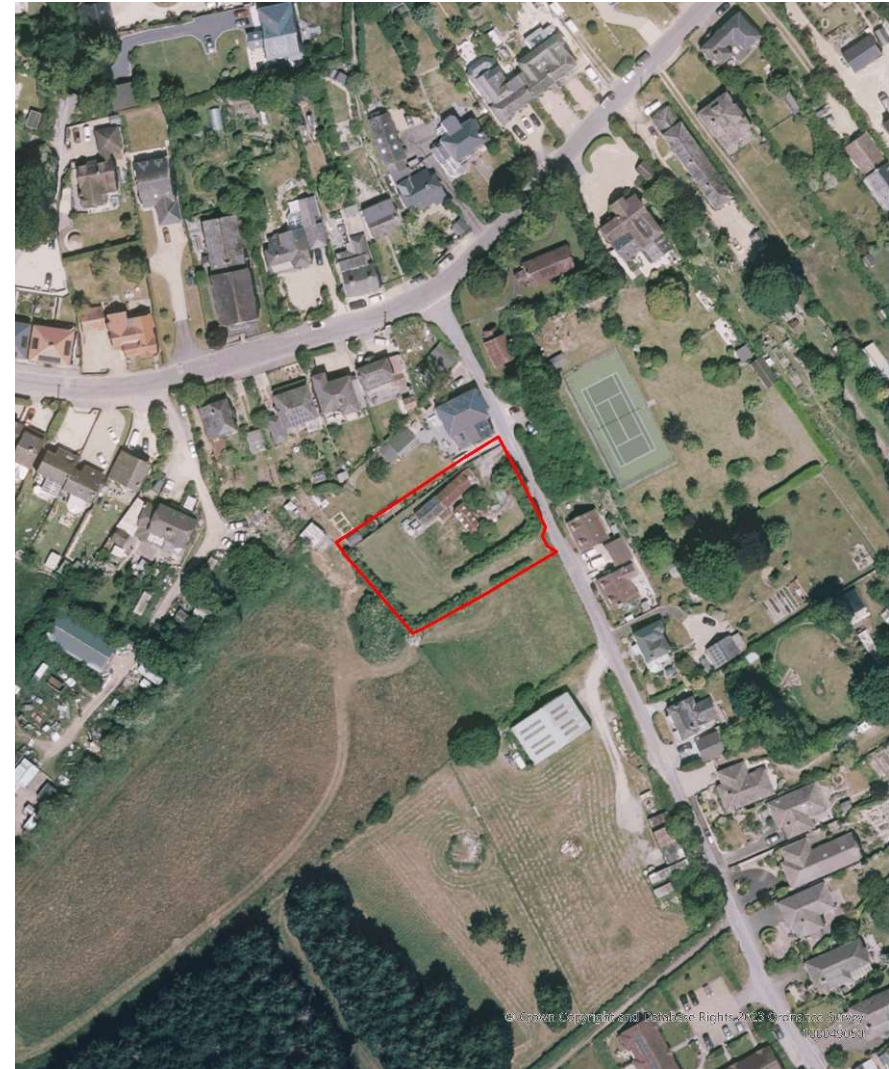
- **The Committee is acting in its Regulatory function which requires the Committee to act in a quasi-judicial capacity.**
- **When a Committee acts in its quasi-judicial capacity, it must follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing.**
- **If the Committee uses its power to determine the application against the Officers' recommendation there must be clear evidential reasons given for this determination.**

8a) PL/2022/07116 - Land to the south of 1 Witt Road, Winterslow

Erection of 3 detached dwellings, garages, parking and access following demolition of 3 existing buildings
(Outline application relating to access and layout)

Recommendation: Approve with Conditions

Page 21

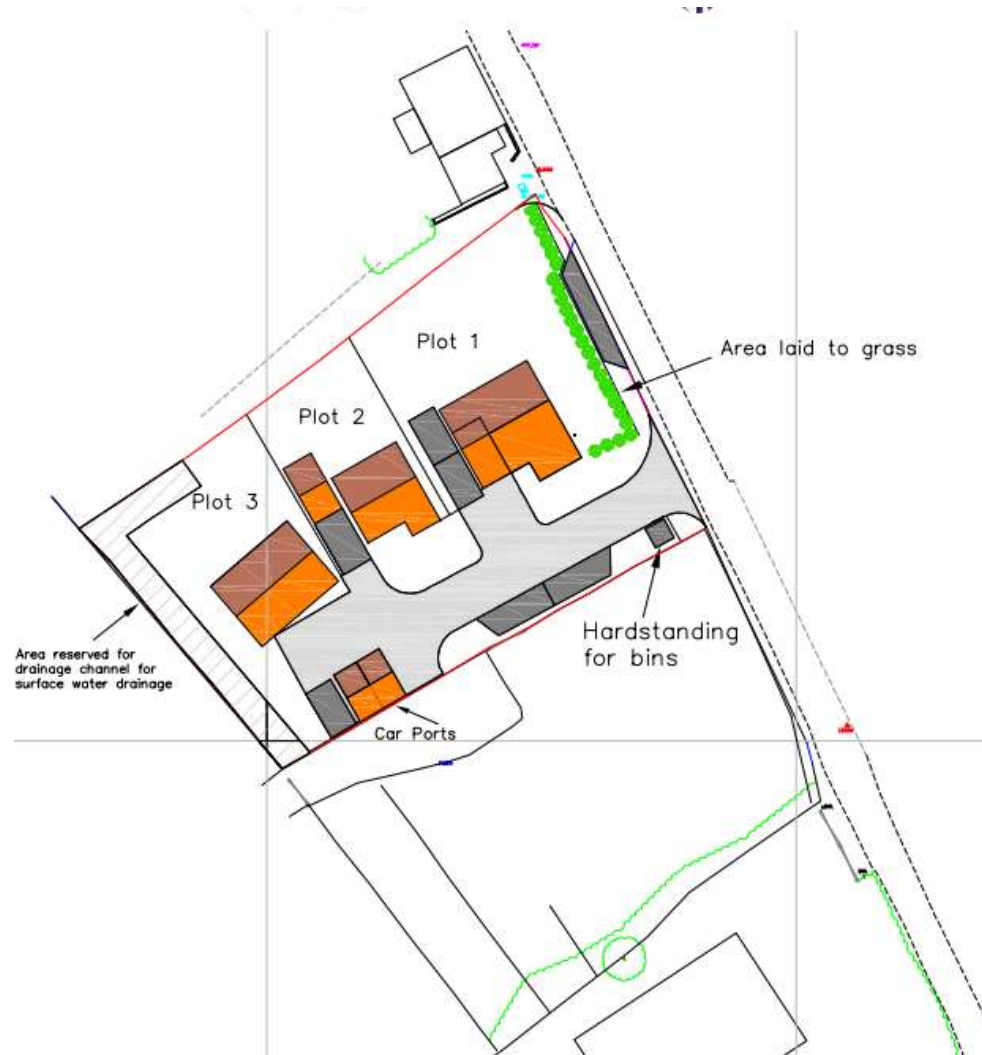


Site Location Plan

Aerial Photography

Site Plan for current application

Page 22



Site Plan submitted with previous application 19/03930/OUT

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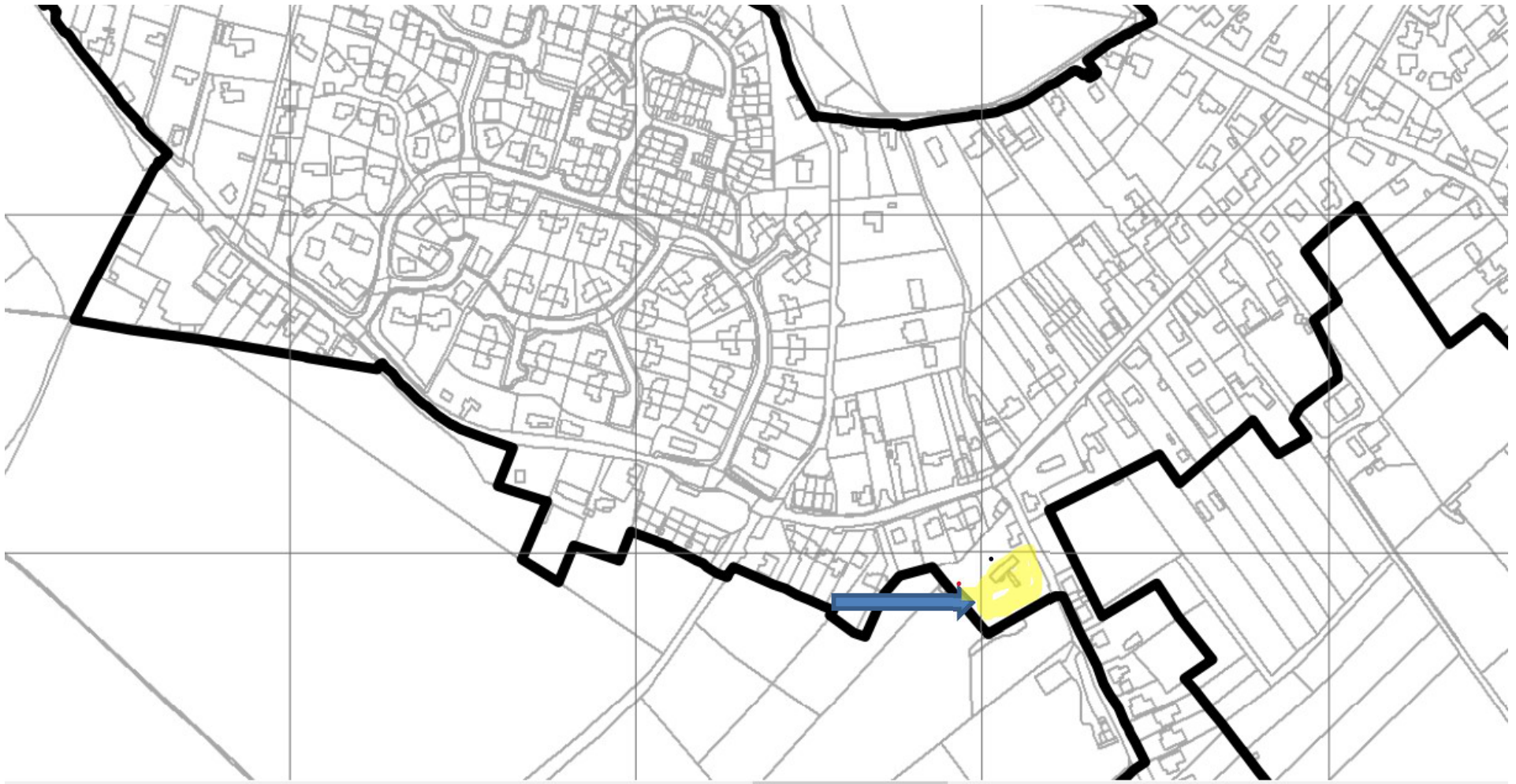
Plan submitted during appeal in respect of 19/03930/OUT

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Application site shown within Settlement Boundary of Winterslow

Page 25



Aerial photo of site showing relationship to dwelling to the north



Adjoining property 1 Witt Road, and access to be closed off



View from within site looking north towards 1 Witt Road

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View looking south along Witt Road, with car in location of proposed access

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View of existing buildings within the site from the northern access

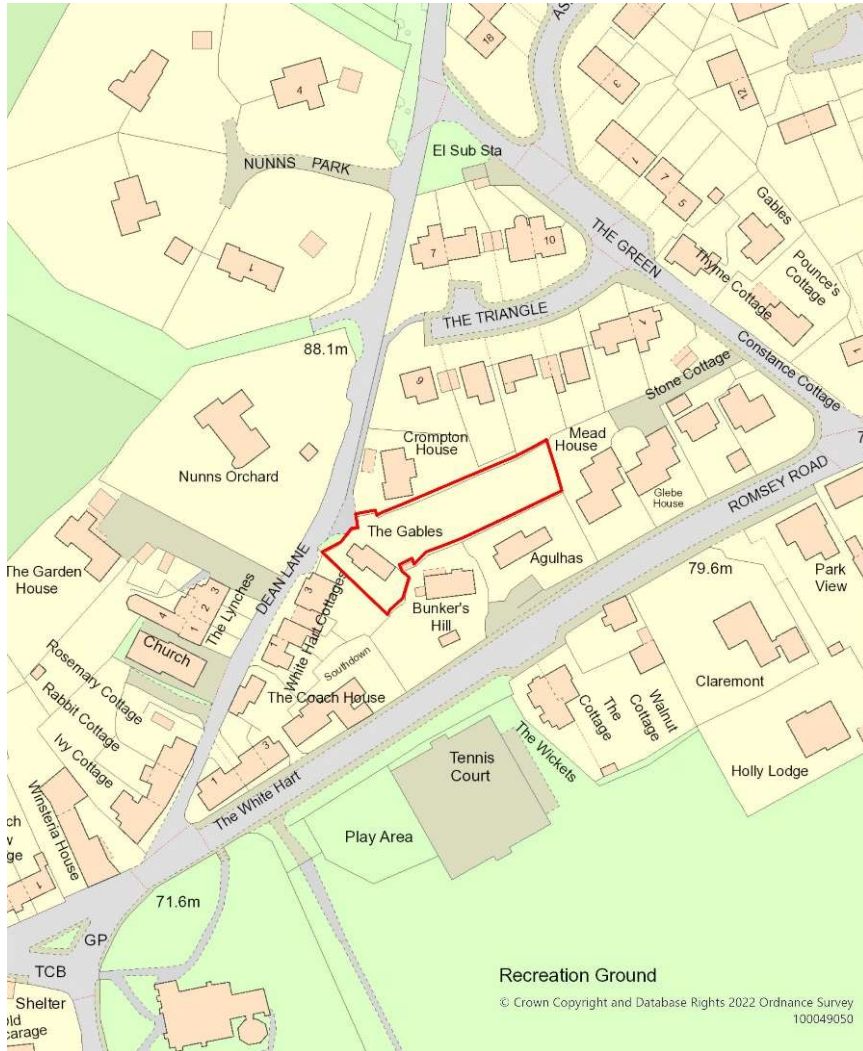


8b) PL/2022/07632 - The Gables, Dean Lane, Whiteparish, Salisbury, SP5 2RJ

Partial demolition, rebuild, extensions and internal alterations to the existing house and construction of a detached garage (part retrospective)

Recommendation: Approve with Conditions

Page 31

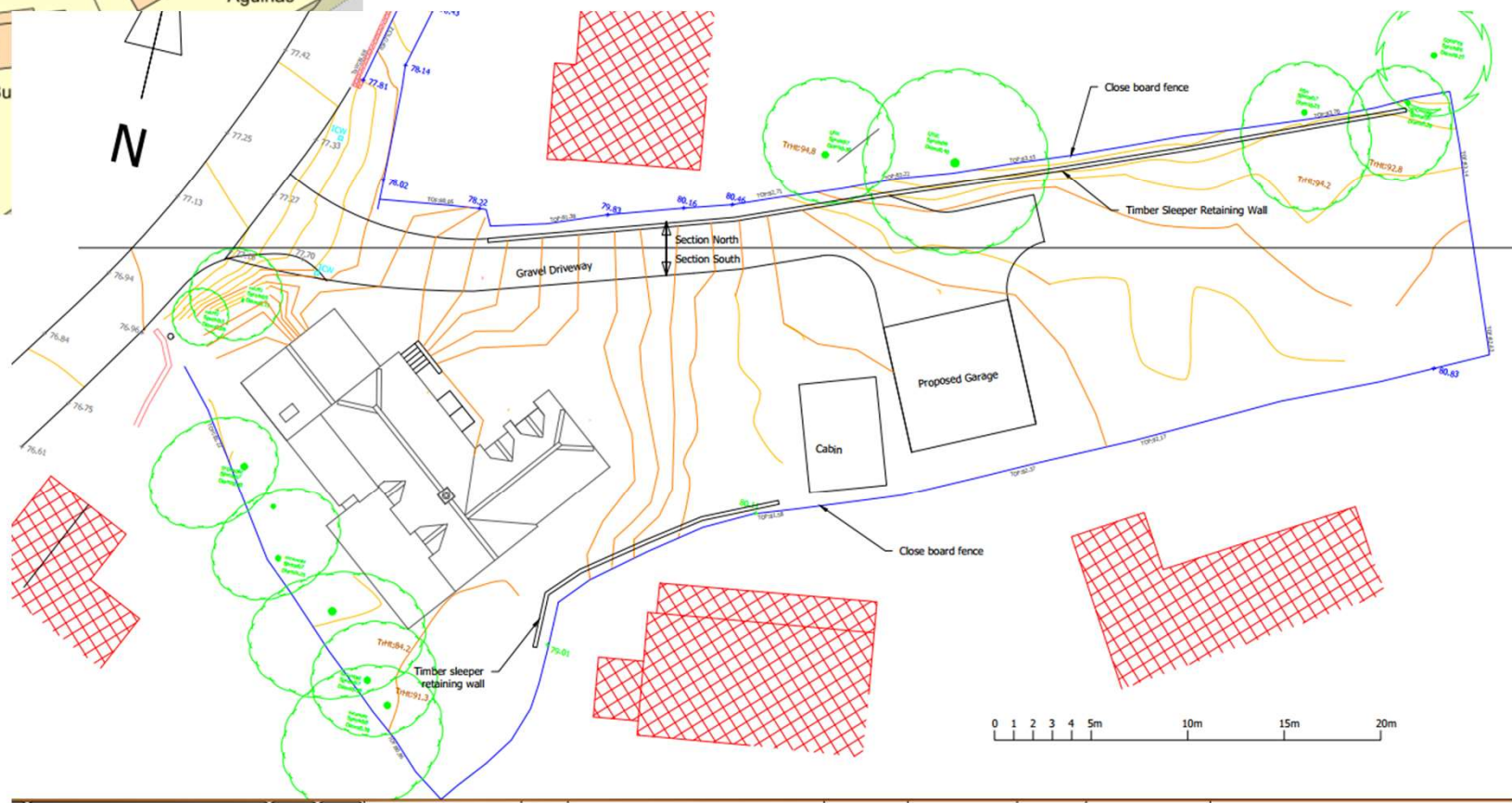
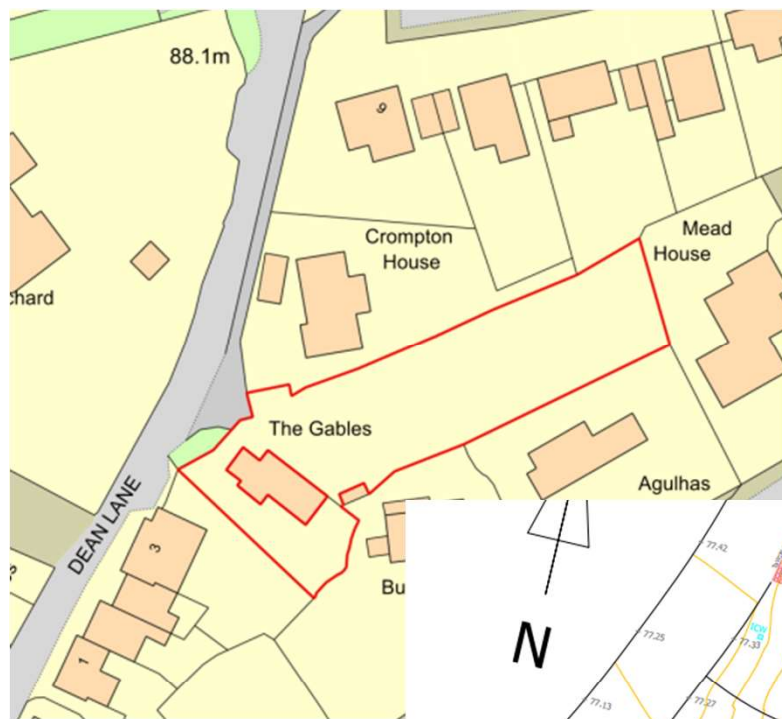


Site Location Plan

Aerial Photography

Site Location and Proposed Block Plan

Page 32



Proposed Elevations to altered dwelling house

Page 33



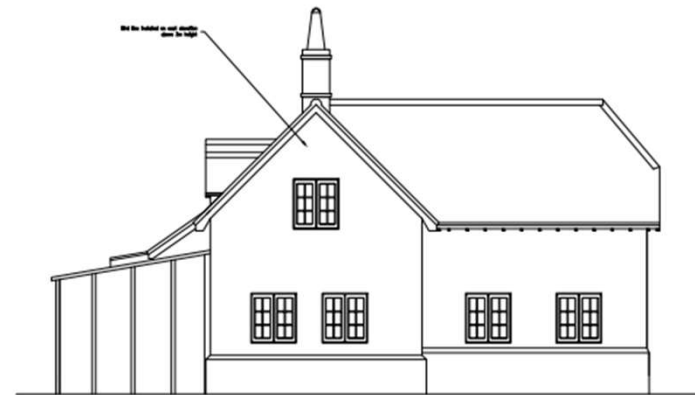
South Elevation



West Elevation



North Elevation

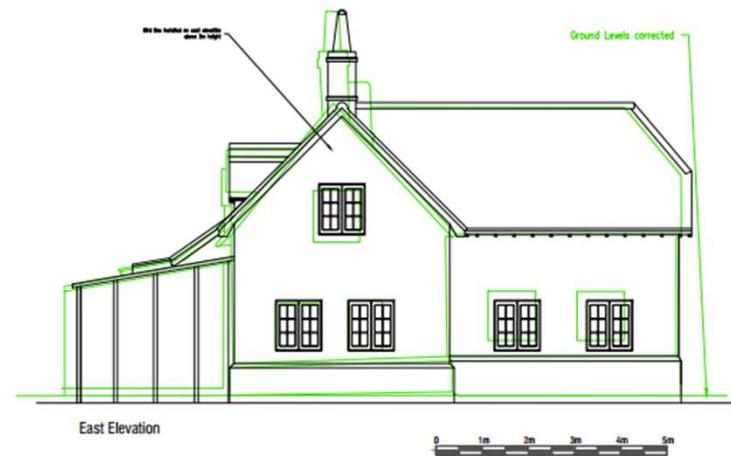
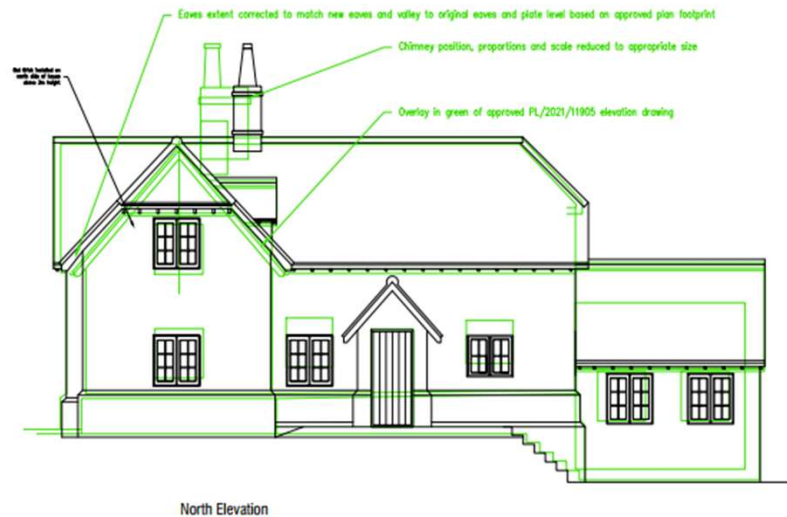
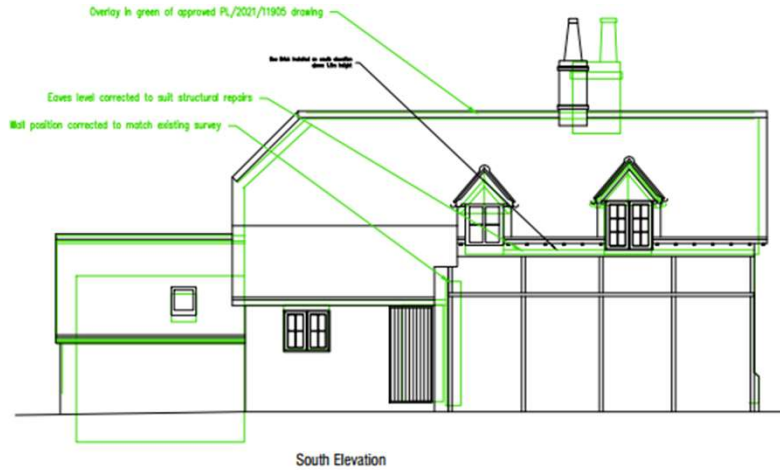


East Elevation



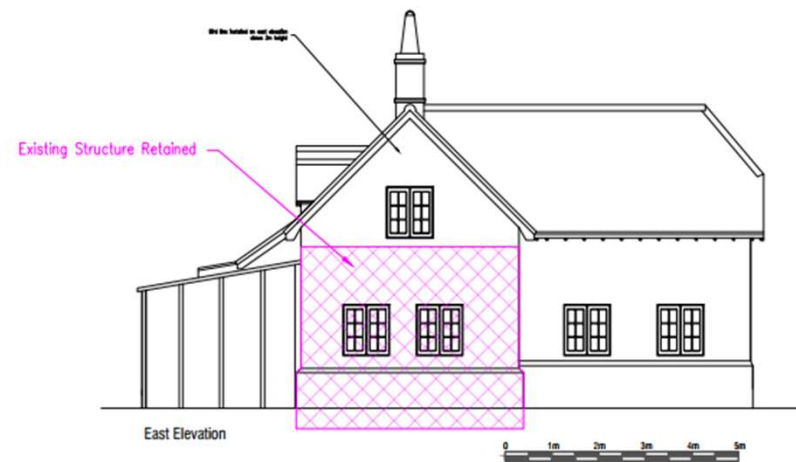
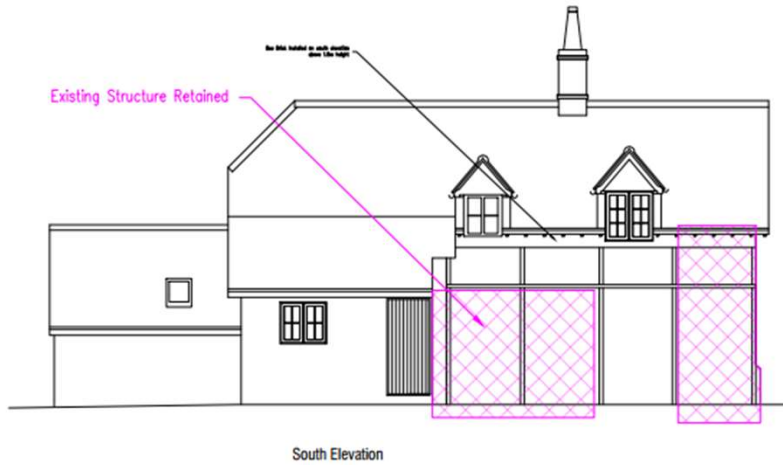
Elevations of previous approval PL/2021/11905 (in green)

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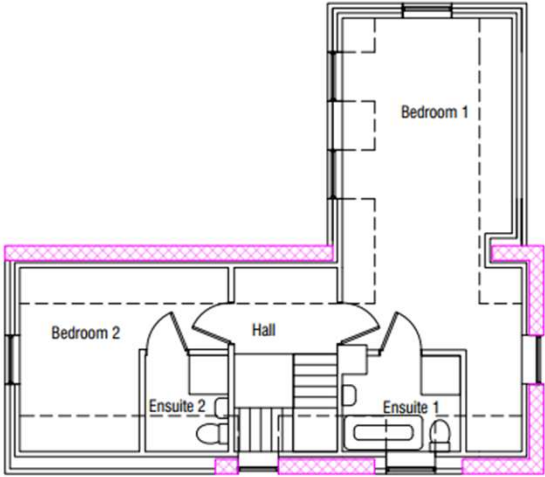
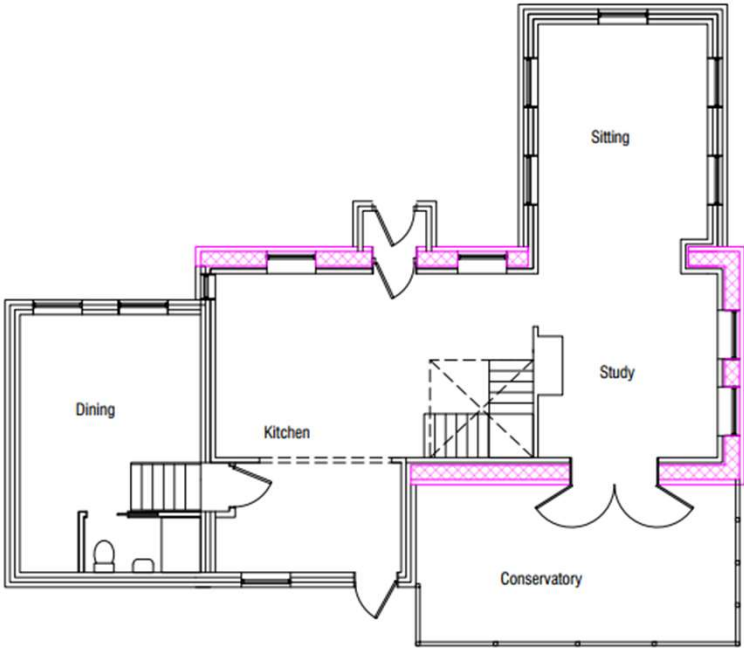
Elevations of dwelling to be retained (hatched in pink)

Page 35



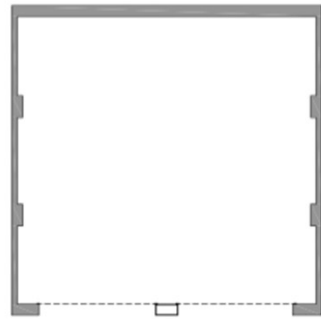
Proposed Floor Plans

Page 36

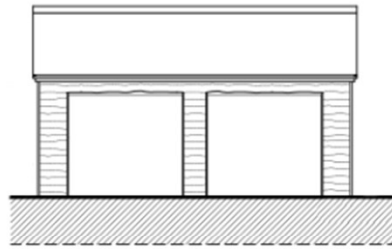


Proposed Garage Plans

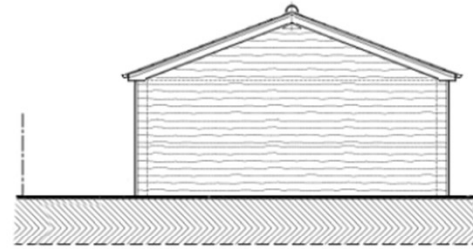
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PLAN



NORTH ELEVATION



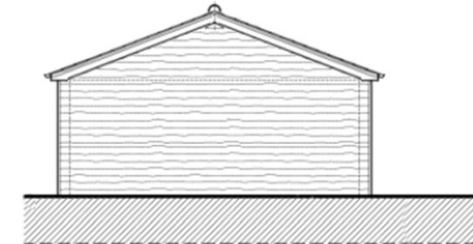
EAST ELEVATION



ROOF PLAN



SOUTH ELEVATION

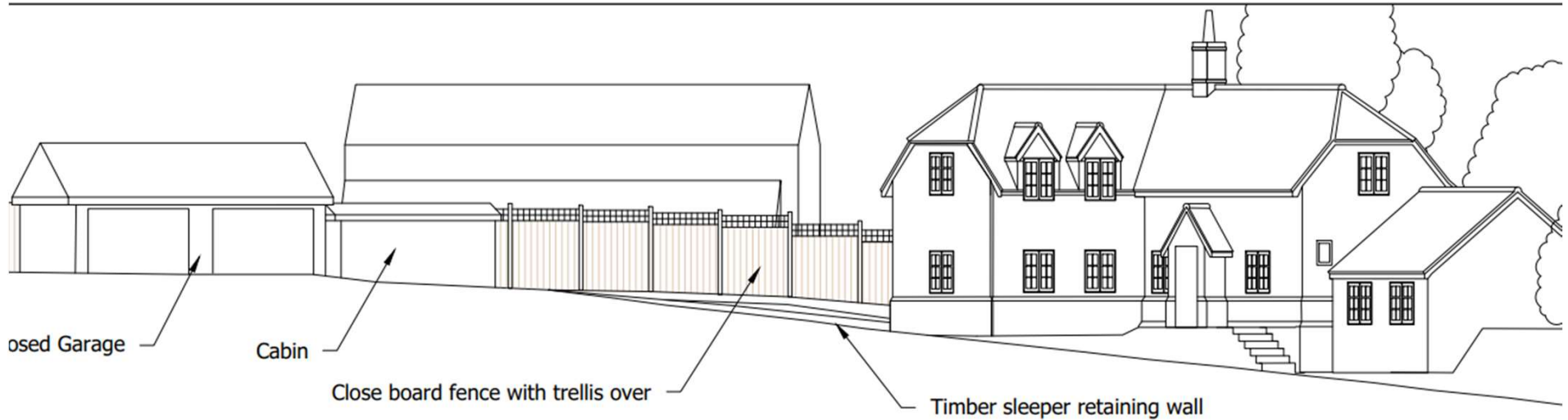
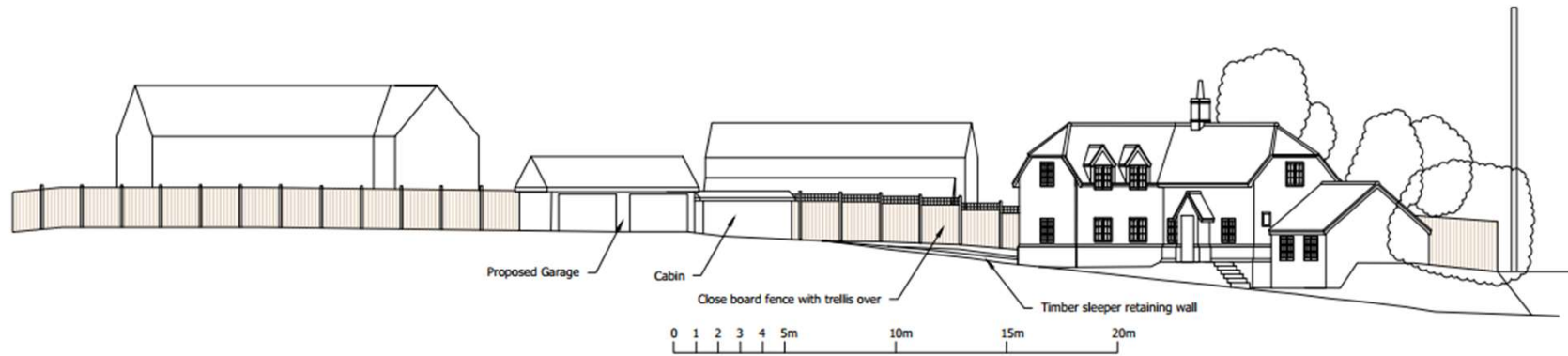


WEST ELEVATION

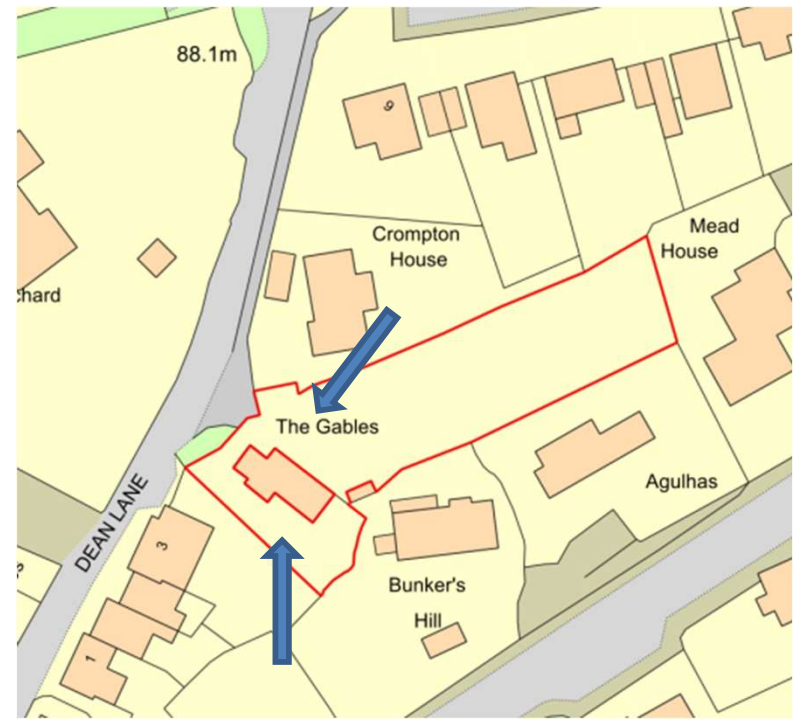


Proposed Site Section

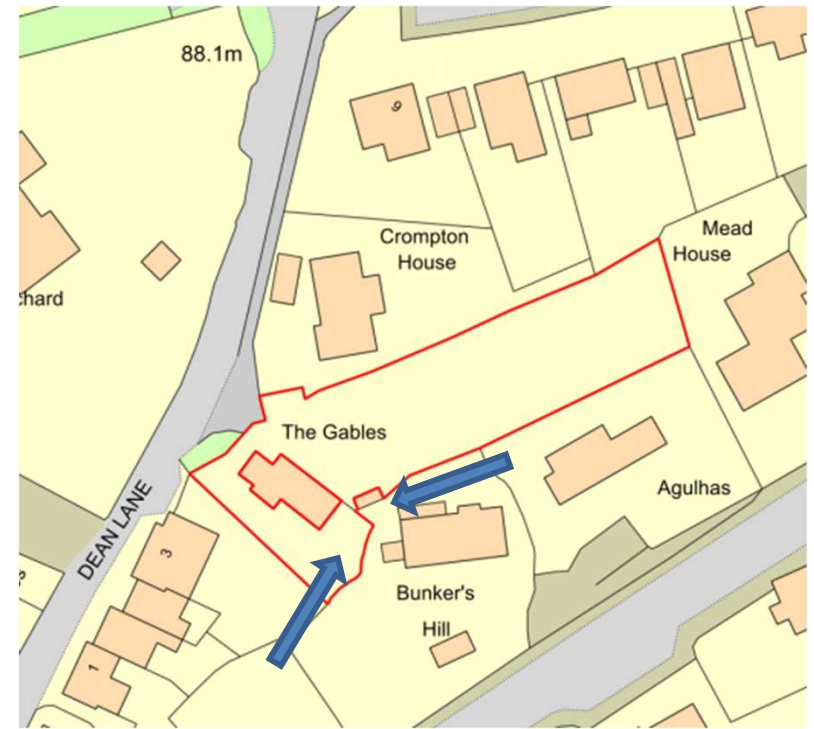
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Photos of dwelling



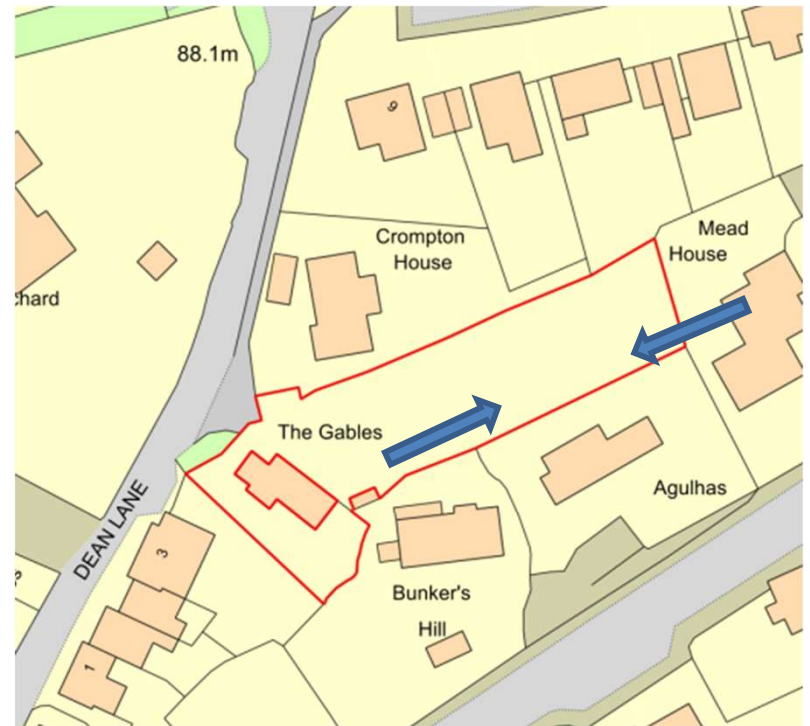
Photos of dwelling



Photos of dwelling



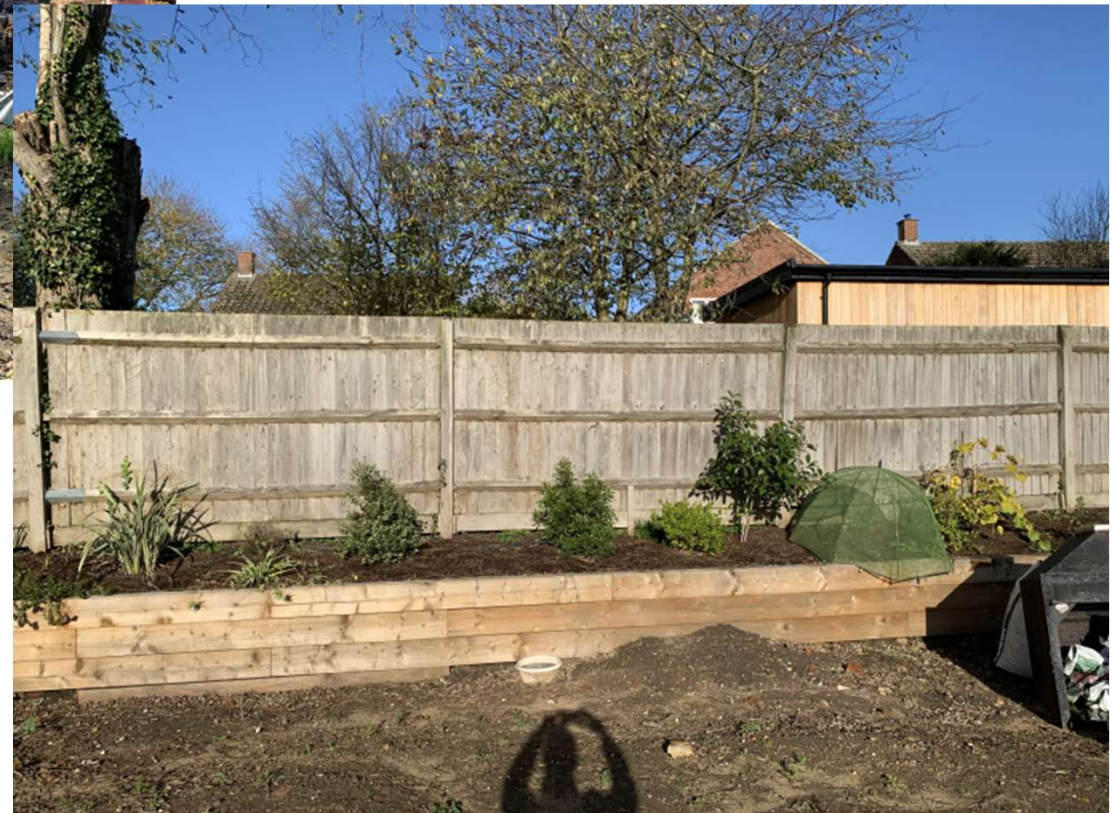
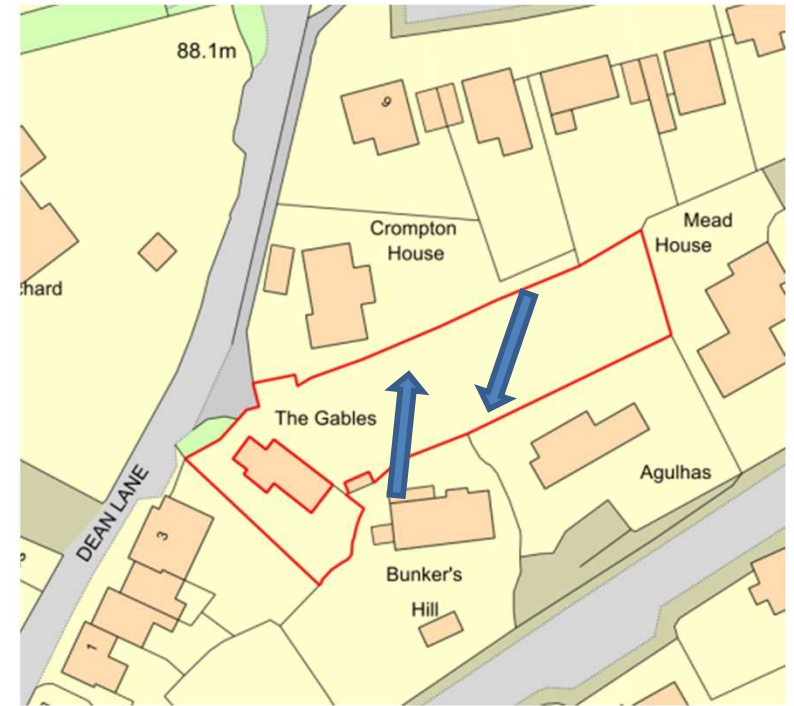
Photos of site



Photos of site

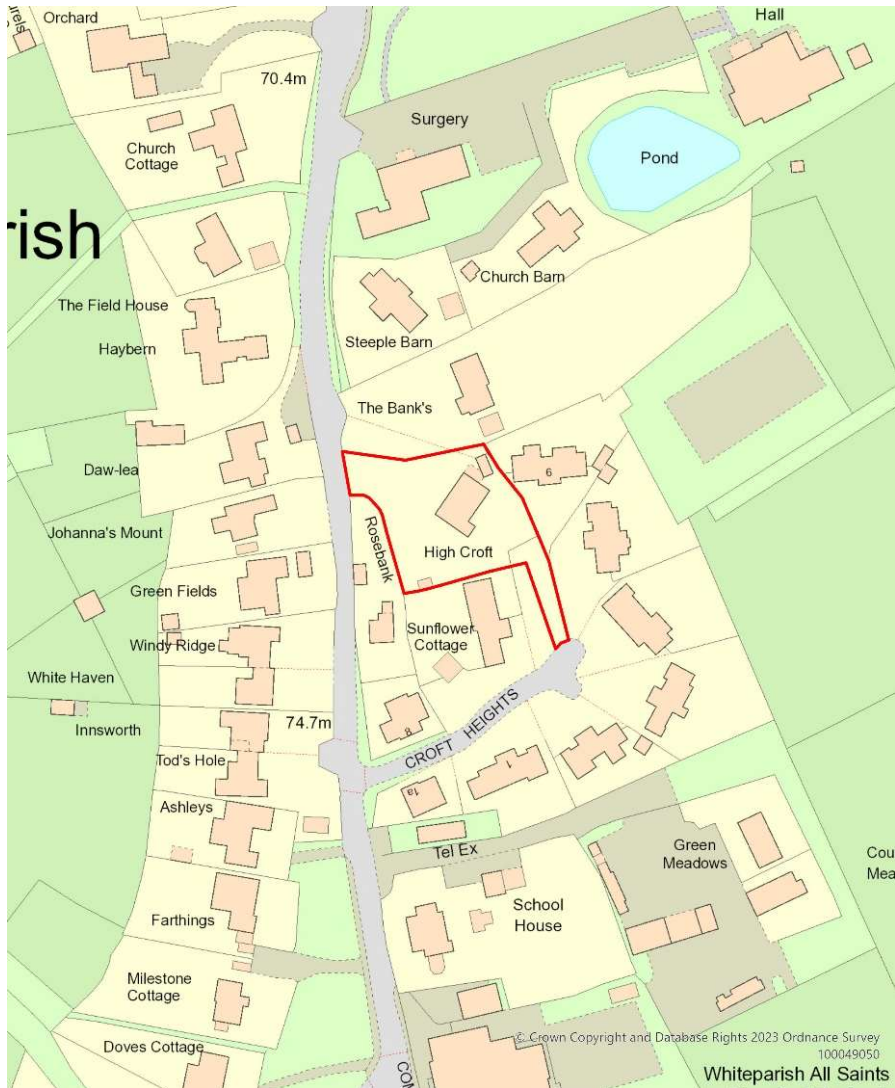


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8c) PL/2022/08216 - High Croft, Common Road, Whiteparish, Salisbury, SP5 2SU
Demolition of existing 5 bed dwelling and erection of 4 bed dwelling with garage and parking
Recommendation: Approve with Conditions

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Site Location Plan

Aerial Photography

Character of existing dwellings



8 Croft Heights

1a Croft Heights



Windyridge

Greenfields

Rosebank

High Croft



High Croft and Croft Heights

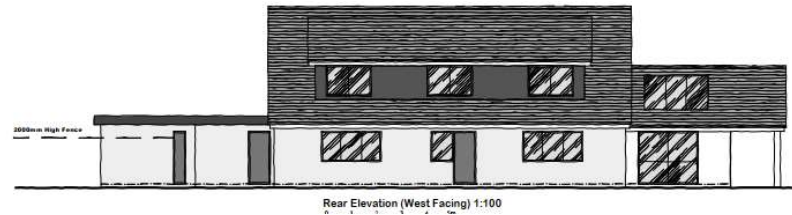
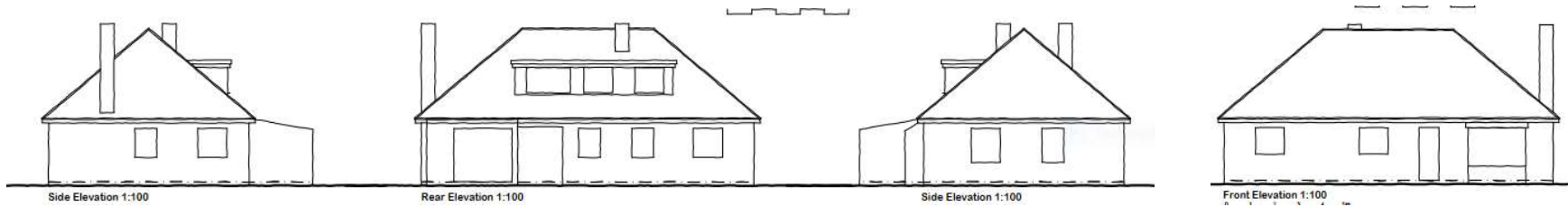


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Existing and Proposed High Croft

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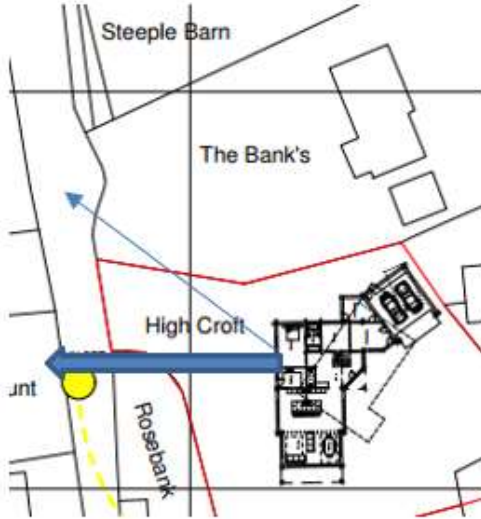
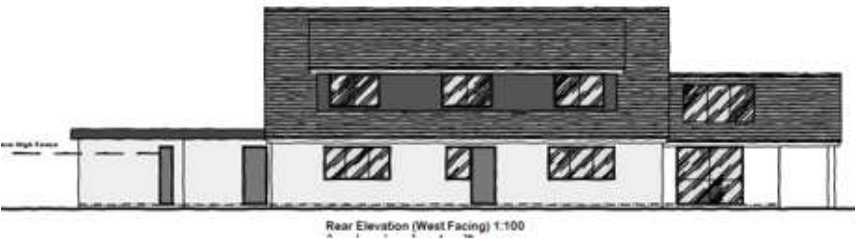


The Bank's



The Bank's

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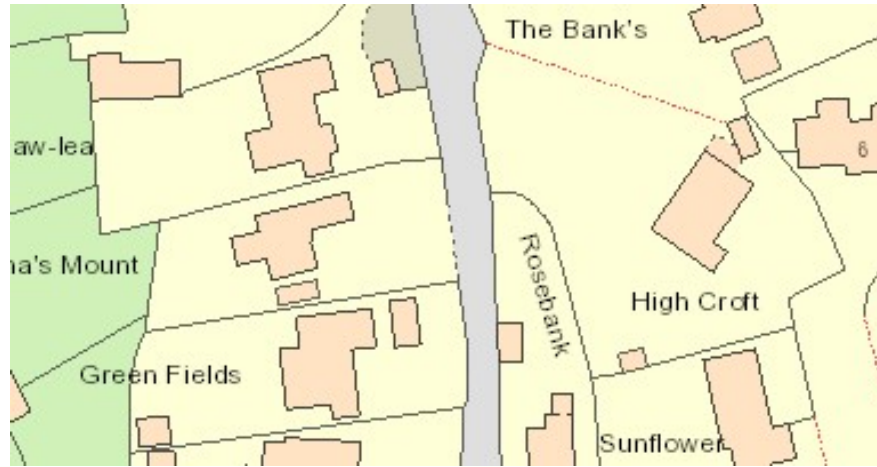
Common Road



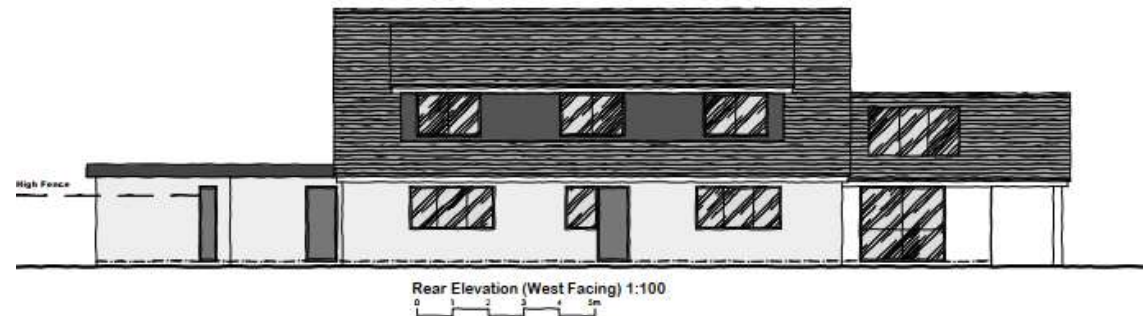
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Green Fields, Johanna's Mount and Meadowside



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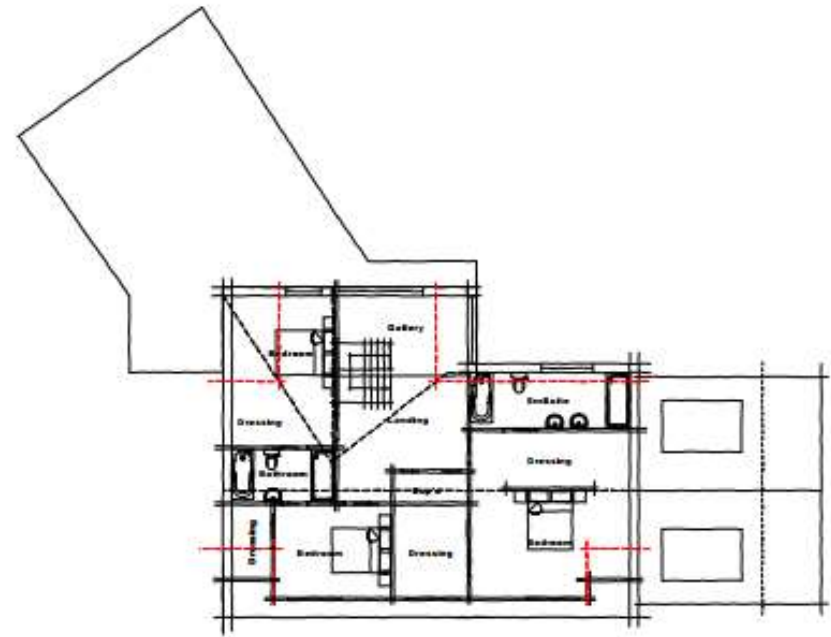
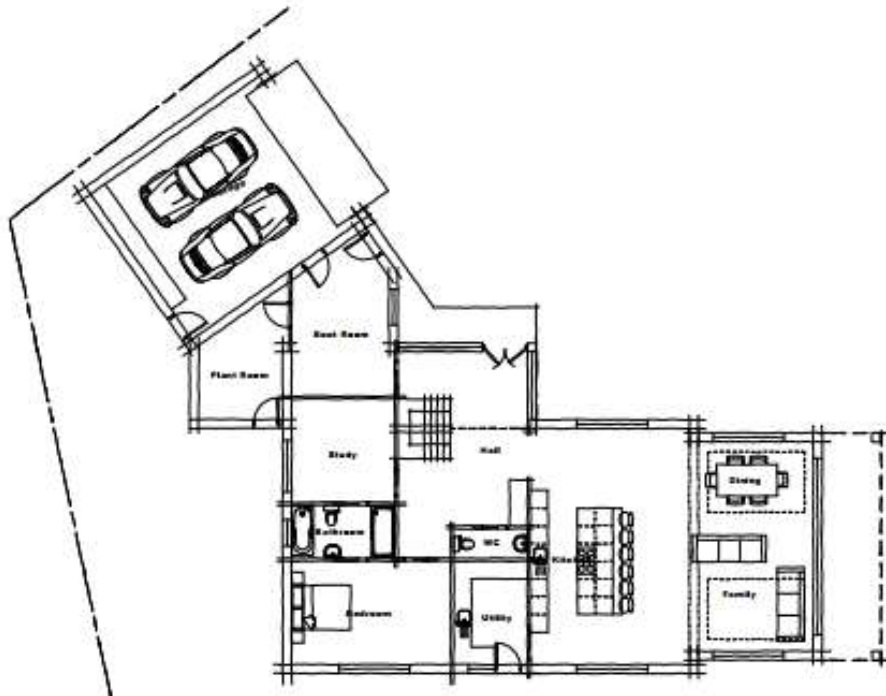


Green Fields, Johanna's Mount and Meadowside



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Southern Area Planning Committee

2nd February 2023

Agenda Item 6

From: [REDACTED]
Sent: 29 January 2023 17:23
To: [Green, Janice](#)
Subject: RE: Commons Act 2006 - Schedule 2(6) - Application to De-Register Buildings Wrongly Registered as Common Land - The Pound, Whiteparish

Attachments: [IMG_0151.JPG](#)
[IMG_0152.JPG](#)
[IMG_0160.JPG](#)
[IMG_0153.JPG](#)

Hi Janice,

Having read your in-depth report , we refer to page 226 Test B – Conclusion 3

Area 3 which you have concluded ‘to be excluded from the area to be de-registered where there is insufficient evidence’

Since reading the report, in full, we have obtained evidence that the hardstanding, in Area 3, was used from 1968

We have received an email from Mrs Sally Taylor, of [REDACTED], who has confirmed, by email (see below), that the hardstanding Area 3 was used to park the milk collecting lorries from the sixties until the eighties

To confirm this we have an aerial photograph, from the 1970’s, showing the hardstanding area in the bottom left-hand corner of the picture with a milk collecting lorry and a trailer with what we believe are two aluminium milk churns

We believe that this is enough evidence to show Area 3 ‘formed part and parcel of the building’

Would you please confirm you have received this email and we would appreciate you acting on this new information ASAP with the Southern Area Planning Committee meeting, on Thursday, being so close

Regards Sarah and Shane Skeates

From: [REDACTED]
Sent: 26 January 2023 14:12
To: [REDACTED]
Subject: COMMON land

Dear Sir,

I have lived at [REDACTED], Common Road with a few breaks since 1950. Mr Dear owned the site from the sixties until 2009. He used all the hard stand including area 3 marked in the application to de-register common land, The Pound, Whiteparish report, for parking lorries used in his milk depot business until the eighties.

Sent from Samsung tablet.
Yours Sincerely
Sally Taylor (Mrs)

From: Green, Janice <janice.green@wiltshire.gov.uk>
Sent: 16 January 2023 15:52
To: [REDACTED]
Subject: Re: Commons Act 2006 - Schedule 2(6) - Application to De-Register Buildings Wrongly Registered as Common Land - The Pound, Whiteparish

Good Afternoon Sarah,

Unfortunately, the report is not yet released for the Committee, it is still in its authorisation process. Additionally, Committee reports are not released to any of the parties ahead of publication, they are released to all parties at the same time, including Members, at the publication of the agenda.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Wiltshire Council
Direct Line: 01225 713345
E-mail: janice.green@wiltshire.gov.uk

Please note that any representations to this e-mail will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at <http://www.wiltshire.gov.uk/recreation-rights-of-way>

From: [REDACTED]
Sent: 16 January 2023 03:16
To: Green, Janice <janice.green@wiltshire.gov.uk>
Subject: RE: Commons Act 2006 - Schedule 2(6) - Application to De-Register Buildings Wrongly Registered as Common Land - The Pound, Whiteparish

Hi Janice,

As the applicant are we able to view the report before it is on the WC website ?

If it is only available to view 5-7 days before the meeting it doesn't allow us much time to prepare

Regards Sarah

From: Green, Janice <janice.green@wiltshire.gov.uk>

Sent: 16 January 2023 09:03

To: [REDACTED]

Subject: Re: Commons Act 2006 - Schedule 2(6) - Application to De-Register Buildings Wrongly Registered as Common Land - The Pound, Whiteparish

Good morning Sarah,

Thank you for your e-mail. Yes, just to confirm that all the correspondence associated with the application will be attached to the report as Appendices, which will be available to Members of the Committee.

I hope this is helpful.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Wiltshire Council
Direct Line: 01225 713345
E-mail: janice.green@wiltshire.gov.uk

Please note that any representations to this e-mail will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at <http://www.wiltshire.gov.uk/recreation-rights-of-way>

From: [REDACTED]

Sent: 15 January 2023 05:01

To: Green, Janice <janice.green@wiltshire.gov.uk>

Subject: RE: Commons Act 2006 - Schedule 2(6) - Application to De-Register Buildings Wrongly Registered as Common Land - The Pound, Whiteparish

Hi Janice,

Will the members of the Wiltshire Council Southern Area Planning Committee receive all the correspondence associated with our application or just the report?

Regards Sarah

From: Green, Janice <janice.green@wiltshire.gov.uk>

Sent: 13 January 2023 17:19

To: Sarah Skeates [REDACTED]

Subject: Commons Act 2006 - Schedule 2(6) - Application to De-Register Buildings Wrongly Registered as Common Land - The Pound, Whiteparish

Dear Mr and Mrs Skeates,

Commons Act 2006 - Schedule 2(6)

Application to De-Register Buildings Wrongly Registered as Common Land, The Pound, Whiteparish
Application no.2021/01ACR

Southern Area Planning Committee – 2nd February 2023

I am writing to advise you that a report regarding the above-mentioned application to de-register buildings, claimed to be wrongly registered as common land, The Pound, Whiteparish, is due to be considered by Members of the Wiltshire Council Southern Area Planning Committee at their meeting dated Thursday 2nd February 2023. The meeting start time and venue will be confirmed in the agenda.

I understand that the agenda and report will be published shortly before the meeting, (generally about 5-7 days before the meeting) and may be viewed on the Wiltshire Council website using the following link:

[Browse meetings - Southern Area Planning Committee | Wiltshire Council](#)

Please note: in the event that this agenda item is not considered at the meeting dated 2nd February, or the meeting is cancelled, the agenda item will be taken forward to the next meeting on 2nd March, please check the agenda using the link above, for updated information, before attending the meeting.

Public participation at the meeting is possible and members of the public who wish to speak either in favour or against the agenda item are asked to register with the Democratic Services Officer and submit the statement which they intend to read out at the meeting, before the deadline specified in the agenda. Please contact Lisa Alexander, Democratic Services Officer on e-mail:

lisa.alexander@wiltshire.gov.uk

The agenda will contain full details of public participation. The Chair will allow up to 3 speakers in favour and up to 3 speakers against an item. Each speaker will be given up to 3 minutes to speak and will be invited to speak immediately prior to the item being considered. Speakers for the Parish Council are in addition to the above and are given up to 4 minutes to speak.

I hope this information is helpful and please do not hesitate to contact me if you should have any further queries.

Yours sincerely,

Janice Green
Senior Definitive Map Officer
Direct Line: 01225 713345
E-mail: janice.green@wiltshire.gov.uk

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Wiltshire Council
Southern Area Planning Committee
2nd February 2023

There are no Planning Appeals Received between 25/11/2022 and 20/01/2023

Planning Appeals Decided between 25/11/2022 and 20/01/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/09272	42 Kitchener Road, Amesbury, Salisbury, SP4 7AD	Amesbury	Subdivision of plot, alterations to existing dwelling and the erection of 3 dwellings (Use Class C3) and associated works	DEL	Written Reps	Refuse	Dismissed	02/12/2022	None
PL/2021/11289	South Lea, Tytherley Road, Winterslow, Salisbury, Wilts, SP5 1PZ	Winterslow	Change of use from agricultural to E(g)(iii) light industrial (formerly B1)	DEL	Written Reps	Refuse	Dismissed	13/12/2022	None
PL/2021/11477	Former Piggery Building, West Dean Road, West Tytherley, SP5 1QA	Winterslow	Change of use of barn to dwelling	DEL	Written Reps	Refuse	Dismissed	13/12/2022	None
PL/2021/11842	15 Highfield Rise, Shrewton, Salisbury, Wilts, SP3 4DZ	Shrewton	Construction of upper storey to existing single storey dwelling	DEL	Written Reps	Refuse	Dismissed	12/12/2022	None
PL/2022/01129	Florence House, Romsey Road, Whiteparish, Salisbury, SP5 2SD	Whiteparish	Double Garage in front driveway together with associated landscaping	DEL	Written Reps	Refuse	Dismissed	13/12/2022	None
PL/2022/03156	69 Tollgate Road, Salisbury, SP1 2JP	Salisbury	New dwellinghouse	DEL	Written Reps	Refuse	Dismissed	13/12/2022	None
ENF/2021/00764	42 Antrobus Road, Amesbury, Salisbury, SP4 7NF	Amesbury	Alleged unauthorised erection of 6ft fence to front of property	DEL	Written Reps	-	Upheld	16/12/2022	None

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