

**Commons Act 2006 – Sections 15(1) and (2)**

**Application to Register Land as Town or Village Green – Land off Seagry Road, Lower Stanton St Quintin**

**Appendix 12 – Planning Trigger and Terminating Event Consultation Replies:**

**Application no.2018/01 Consultation dated: 8<sup>th</sup> May 2018:**

**Planning Inspectorate – 06/06/18**

*“I confirm that no trigger or terminating event has occurred on the land”*

**Development Control (Wiltshire Council) – 09/05/18**

*“In relation to your request, as set out below, I can confirm that a trigger event has occurred on part of this land, but no corresponding terminating event has occurred.*

*Commons Act 2006 – Section 15(1) & (2)*

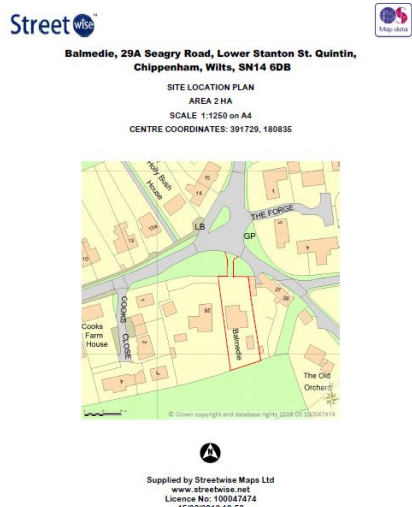
*Application to Register Land as Town or Village Green at Stanton St Quintin*

*I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land*

*The area cross hatched red and pointed to by the large arrow was the subject of a planning application submitted earlier this year. This was publicised, thus constituting a trigger event.*

*Although the planning application was determined in March 2018, it was refused. In these circumstances, the terminating event would be: In circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld. The period within which an appeal to the Planning Inspectorate could be lodged will expire six months after the refusal – ie on 7<sup>th</sup> September 2018. So in my view, assuming that challenging a refusal through a planning appeal is a ‘legal proceeding’ then the terminating event will not be until either 7<sup>th</sup> September if no appeal is lodged (no appeal has yet been received), or if one is, when the outcome of that appeal is known and the six week period for challenging such a decision by the Inspector has expired.*

*The trigger event related only to the portion of the green identified. A scaled copy of the location plan submitted with the application is attached. The application itself can be found on the Council's web site."*



### **Spatial Planning (Wiltshire Council) – 30/05/18**

*"I have assumed that the land [the subject of this Village Green Application] is marked as "parish" and part shaded in pink on the attached plan. I am also aware that the land was nominated for listing as an asset of community value in March 2018. It is therefore clear to me that the Parish Council intend to protect what they refer to as the 'village green'.*

*I have considered the Village Green Application in the light of the policies of the adopted Wiltshire Core Strategy (WCS, January 2015); the emerging Wiltshire Housing Site Allocations Plan (WHSAP); the fact that the Parish of Stanton St Quintin was designated for the purposes of Neighbourhood Planning on 20<sup>th</sup> September 2017; and knowledge of an emerging Neighbourhood Plan.*

*Stanton St. Quintin and Lower St. Quintin are identified in Core Policy 10 as Small Villages. Neither the WCS or emerging WHSAP identify land for development at Small Villages.*

*No substantive progress has been made by the Qualifying Body in terms of preparing their neighbourhood plan. However, any emerging plan would need to be capable of demonstrating that any subsequent policies/proposals are in general conformity with the WCS. In this regard, Core Policies 1,2 and 9 of the WCS will be directly relevant insofar as they assume any development proposed within the neighbourhood plan for Stanton St Quintin/Lower Stanton St Quintin will be limited to modest infill within the existing built area.*

*In summary, there is no indication in any development plan (adopted or emerging) that the specific area of land [the subject of Village Green Application] is proposed for development, or has the potential for development.*

*Having reviewed the relevant legislation in respect of the Village Green Application, I therefore conclude that no trigger points have been executed.”*

#### **Application no.2018/01 - Consultation dated 4<sup>th</sup> December 2018:**

**Planning Inspectorate – 28/02/19**

*“I confirm that no trigger or terminating event has occurred on the land”*

**Development Control (Wiltshire Council) – 0512/18**

*“I refer to your letter of 4<sup>th</sup> December 2018 to Mike Wilmott and a schedule of planning decisions set out below.*

*Notwithstanding what I think might be an erroneous site address and rather vague location plan, I surmise your query to relate to the entirety of the piece of grassed land to the front of No.29 and 29A Seagry Road, Lower Stanton St Quintin. As I understand it, the land in question is not regarded as public highway, a position the Council maintained at planning appeal under reference 18/01108/FUL. You may wish to confirm with Chris Manns in the Highways Team and Sally Madgwick in the Rights of Way team, both of whom have had previous involvement on this matter. Only 18/01108/FUL (relating to No.29A) includes part of the land surmised to be the subject of this request. All other planning decisions relate to properties which directly adjoin, but include no part of the site subject to this query save for the right of access over it.*

*At the time of replying, only 18/07473/FUL remains inside of the time limit to seek leave for JR (6 weeks for the date of decision being 7<sup>th</sup> January 2019). As it stands, I am not aware of leave being sought.*

*I am unable to confirm whether a “trigger event” has been reached, it being a matter about which you must satisfy yourselves. I am, however, at your disposal to answer any further questions you might have.*

*Balmedie, 29A Seagry Road, Lower Stanton St Quintin, SN14 6DB*

*18/01108/FUL - New direct access to highway for vehicles and pedestrians over verge to class C*

*road in 30mph limit – REFUSED and APPEAL DISSMISED 03/10/18*

[\*https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,884688\*](https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,884688)

*15/08031/FUL - Conversion of Bungalow to a House by Adding a Second Storey and New Roof –*

*PERMISSION 07/10/15*

[\*https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,854630\*](https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,854630)

*The Willows, 29 Seagry Road, Lower Stanton St Quintin, Wiltshire, SN14 6DB*

*17/03213/FUL - Retrospective boundary fence – REFUSED 13/06/17*

[\*https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,874457\*](https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,874457)

*29 Seagry Road Lower Stanton St Quintin Chippenham Wiltshire SN14 6DB*

*18/07473/FUL - Erection of New Dwelling Following Removal of Existing Outbuildings and Swimming*

*Pool – PERMISSION 26/11/18*

[\*https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,890866\*](https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,890866)

**Spatial Planning** (Wiltshire Council) – 07/12/18

*“I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land.*

*Application for full planning permission (ref: 18/01108/FUL) submitted 01/02/2018 for new direct access to highway for vehicles and pedestrians over verge to class C road in 30mph limit.*

*Application was refused on 07/03/2018, terminating the trigger event.”*

**Application no.2019/01 - Consultation dated 30<sup>th</sup> April 2019:**

**Planning Inspectorate** – 17/05/19

*"I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land*

*The land is part of a site allocation plan which is with our Local Plans/Development Plans Team and still under consideration as part of the Wiltshire Council Local Plan. I would suggest discussing with the relevant Team/Programme Officer at Wiltshire but I think the Trigger Event might be para 3 of Schedule 1A of the Commons Act 2006."*

**Development Control** (Wiltshire Council) – 07/06/19

*"As previously advised, the only planning application received and determined on this piece of land is 18/01108/FUL. Following being refused planning permission an appeal was lodged and was subsequently dismissed." (Appeal decision attached to e-mail).*

**Spatial Planning** (Wiltshire Council) – 30/05/19

*"I have reviewed the above site and can respond as follows:*

*A trigger event (listed under schedule 1A of the Commons Act 2006) occurred in relation to the land at Seagry Road, Stanton St Quintin, where a planning application (re 18/01108/FUL) for "new direct access to highway for vehicles and pedestrians over verge to class C road on 30 mph limit" was registered on 01/02/2018. The application was refused in a decision issued by Wiltshire Council on 07/03/2018, terminating the trigger event. An appeal was lodged against the decision on 10 July 2018 but was later dismissed in a decision issued 03 October 2018, effectively re-commencing and terminating the trigger event.*

*Having regard to the recent Cooper Estates vs Wiltshire Council judgement I can confirm that the land in question is outside the defined limits of development established by the adopted Wiltshire Core Strategy, meaning that the presumption in favour of sustainable development does not apply at this location. To the best of my knowledge, there are no extant or emerging development plan documents, neighbourhood plan at a sufficiently advanced stage, or development orders that identify the land for potential development. Consequently no other trigger events*

*listed under schedule 1A of the Commons Act 2006 have occurred in relation to the above land.”*

**Spatial Planning** (Wiltshire Council) - 07/06/19 (in response to Planning Inspectorate reply)

*“I think PINS must be referring to the Wiltshire Housing Site Allocations Plan (WHSAP) which was submitted for examination on 31<sup>st</sup> July 2018. The WHSAP is a site specific plan and does not propose any allocations for development at Lower Stanton St Quintin. As far as I understand it, this means no trigger event in relation to the land has occurred.”*