

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 DECEMBER 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Jonathon Seed, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Mike Sankey (Substitute)

#### **Also Present:**

Cllr Phil Alford

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#### 81 **Apologies**

Apologies for absence were received from Councillors Edward Kirk and Pip Ridout.

Councillor Ridout was substituted by Councillor Mike Sankey.

#### 82 **Minutes of the Previous Meeting**

The minutes of the meeting held on 26 October 2022 were presented for consideration, and it was,

#### **Resolved:**

**To approve and sign the minutes as a true and correct record.**

#### 83 **Declarations of Interest**

Councillor Ernie Clark declared in relation to Minute 86 that whilst he had a predisposition relating to the item, he had not predetermined the matter, and would consider the matter with an open mind.

#### 84 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### 85 **Public Participation**

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

86 **Town and Country Planning Act 1990 s.257 diversion for Footpath Hilperton 54**

Public Participation

Alex Winter, Barratt Homes, spoke in support of the order.

Ali Roberts, Definitive Map Officer, presented a report regarding the proposed diversion to Hilperton Footpath 54 and modification to the definitive map and statement. The necessary legal test under s257 of the Town and Country Planning Act 1990 was detailed as set out in the report, in that the council must be satisfied that the diversion was necessary to enable development to be carried out, in accordance with planning permission granted under Part III of the 1990 Act.

Details were provided of the planning permission for the site which the current right of way crossed, and objections submitted in relation to the proposed orders and officer responses to those objections. It was considered that the proposed diversion met the legal test for a s.257 order and was in any case not inconvenient, and included improvements.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought about the impact on the hedgerows crossing the site.

A member of the public then addressed the Committee, as detailed above.

The Local Member, Councillor Ernie Clark, then spoke and was not in support of the order.

A short debate followed. It was confirmed that as objections had been received, if the Committee wished to proceed with the orders this would need to be forwarded to the Secretary of State.

On the motion of Councillor Stewart Palmen, seconded by Councillor Bill Parks, it was then,

**Resolved:**

**That the Wiltshire Council Parish of Hilperton 54 Diversion Order and Definitive Map and Statement Modification Order 2022 be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.**

87 **Planning Appeals and Updates**

Kenny Green, Development Management, Area Team Leader, presented the Planning Appeals Update Report.

Details were provided on four appeals decided between 14 October 2022 and 2 December 2022. Particular attention was drawn to the dismissal of application

20/10353/FUL, an application for a replacement dwelling at 37A Monkton Farleigh which was refused by the Committee in September 2021 against officer recommendation. Although the appointed inspector did not agree the appealed development would be harmful to neighbours, which was part of the refusal decision, it was found to be harmful to the Green Belt and the Committee was congratulated on its planning judgment in this regard.

Separately on the s78 appeal, the appellant applied for full costs against the Council arguing that the Council had acted unreasonably in refusing the application against officer recommendation. The costs application was however dismissed by the appointed inspector.

At the conclusion of discussion, it was,

**Resolved:**

**To note the Planning Appeals Update Report.**

88 **Planning Applications**

The Committee considered the following application.

89 **PL/2022/07194 - Ivy Lodge, Lower Woodrow, Forest, Melksham, SN12 7RB**

**Public Participation**

Jane Ayliffe, applicant, spoke in support of the application.

Phil Rigg spoke in support of the application.

Kenny Green, Development Management Area Team Leader, presented the officer report recommending that permission for a proposed two storey extension to Ivy Lodge be refused. Key issues included the size, design and impact of the extension which would more than double the size of the existing property.

The planning history of the site was explained that included planning permission being granted under a 2019 application for the existing dwelling in association to an established equestrian business.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was confirmed that the application was submitted and should be assessed as a householder extension, albeit a significant one, and that an assessment on viability was not required.

Members were advised that WCS Core Policy 57 was the key policy to assess this application. Responses were also provided in terms of the proposed size of the extension, number of bedrooms proposed, proximity to other neighbouring properties and their size and scale as well as confirming the previous removal of permitted development rights and the application of WCS CP48.

Members of the public then had the opportunity to address the Committee, as detailed above.

The Local Member, Councillor Phil Alford, then spoke in support of the application.

The Committee then debated the application. The character of the area was identified as being rural with a number of larger properties supporting numerous local businesses. The modest size of the existing dwelling and its suitability for the growing business and family needs was discussed, as well as the lack of any objections from residents or the parish council.

Members also questioned and debated potential planning conditions should planning permission be granted.

At the conclusion of debate, and on the motion of Councillor Mike Sankey, seconded by Councillor Bill Parks, it was,

**Resolved:**

**To grant planning permission subject to the following 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:**

**Proposed Floor Plans and Elevations – Project No:10338, Drawing No: P – 01 dated 05.2022**

**Location Plan – Project No:10338, Drawing No: P – 02 dated 05.2022**

**Proposed Site Plan – Project No:10338, Drawing No: P – 03 dated 05.2022**

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

- 3. 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, B, D, E, shall take place on the dwellinghouse or within the curtilage.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

4. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the training/keeping/breeding of horses, in agriculture or in forestry in the locality, or a widow or widower of such a person, and to any resident dependants.

**REASON:** The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a dwelling/residential accommodation in this location having been demonstrated.

### **Informatives**

- 1) Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 2) The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 3) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

90 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.15 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,  
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