

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber, Wiltshire Council Offices, Browfort, Devizes
Date: Thursday 4 February 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Janice Green, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718380 or email janice.green@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

Membership:

| | |
|---------------------|---------------------------|
| Cllr Philip Brown | Cllr Charles Howard |
| Cllr Mark Connolly | Cllr Chris Humphries |
| Cllr Peggy Dow | Cllr Laura Mayes |
| Cllr Nick Fogg | Cllr Christopher Williams |
| Cllr Richard Gamble | |

Substitutes:

| | |
|------------------------|--------------------------|
| Cllr Lionel Grundy OBE | Cllr Jemima Milton |
| Cllr G Jeans | Cllr Christopher Newbury |
| Cllr Jerry Kunkler | Cllr Jeffrey Ody |

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** *(Pages 1 - 6)*

To approve and sign as a correct record the minutes of the meeting held on 14th January 2010 (copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

The chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Planning Appeals** *(Pages 7 - 8)*

To receive details of the completed and pending appeals (copy herewith).

7. **Planning Applications** *(Pages 9 - 20)*

To consider and determine planning applications in the attached schedule.

8. **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None.

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EASTERN AREA PLANNING

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 14 JANUARY 2010 AT 6:00 PM AT BROWFORT, DEVIZES

Present:

Councillor P Brown (Chairman), Councillor P Dow, Councillor R Gamble,
Councillor C Williams.

Apologies:

Councillor M Connolly, Councillor J Fogg, Councillor C Howard, Councillor C
Humphries, Councillor L Mayes.

Substitutes:

Councillor J Kunkler, Councillor J Milton, Councillor J Ody.

1. MINUTES

The minutes of the meeting held on 17th December 2009 were confirmed
as a correct record and signed by the Chairman.

2. CHAIRMANS ANNOUNCEMENTS

There were none.

3. DECLARATIONS OF INTEREST

E/09/0160/CAC – Councillor Gamble declared a personal interest in this
item, having a personal friendship with those involved on both sides,
however this was not a prejudicial interest and he would participate in the
debate and vote.

E/09/1558/FUL – Councillor Brown declared a personal interest in this
item as his neighbours property has a gateway onto this application site,
however this is not a prejudicial interest and he would participate in the
debate and vote.

4. **PLANNING APPEALS**

The Members of the Committee noted the appeal decisions within the planning appeals determined report.

5. **E/09/0160/CAC – Conservation area consent for demolition of existing house – ‘Copsewood’, Low Road, Little Cheverell, SN10 4JZ**

Public Participation:

- 1) 2 late items were reported:
 - i) A letter detailing otter sightings.
 - ii) A further letter of support containing similar issues to those outlined within the report.
- 2) Mr Michael Maxwell spoke in objection to the application.
- 3) Mr Howard Waters spoke in objection to the application.
- 4) Mr Rawlins spoke in support of the application.
- 5) Lady Hawley spoke in support of the application.
- 6) Sarah Walker, the applicant, spoke in support of the application.
- 7) Mr Cannon, Kennet CPRE, spoke in objection to the application.
- 8) Mr Brain, Little Cheverell Parish Council, spoke in support of the application.
- 9) Councillor Richard Gamble, Unitary Member for The Lavingtons and Erlestoke, spoke in support of the application.

Resolved:

That Conservation Area Consent be GRANTED for the following reasons:

The Council has considered the matter afresh and has considered that the existing dwelling at Copsewood makes a positive contribution to the character and appearance of the area, as identified in the Little Cheverell Conservation Area Character Appraisal and Management Proposals. The Council is aware of the presumption in favour of retaining buildings which make such a contribution and of the broad criteria set out in paragraphs 3.16 - 3.19 of PPG15. However, the prime consideration the Council has had regard to is the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Little Cheverell Conservation Area. In this case, the Council has concluded that the design and siting of the replacement dwelling proposed would be an improvement on the existing and would enhance the character and appearance of the area to a greater extent that could be achieved by allowing the existing building to remain. In these circumstances, the Council does not consider that the cost of repairing the existing building should be given overriding weight as it does not consider that the building itself is of such importance and value that it should be

retained when set against the merits of the proposed replacement and its positive contribution to the conservation area.

Subject to the following conditions:

1. The works for which conservation area consent is hereby granted shall be begun within three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

2. The building shall not be demolished before a contract for the carrying out of works for the redevelopment of the site in accordance with the planning permission granted under reference E/09/0159/Ful has been made, with the relevant dates notified in writing to the local planning authority.

REASON: To prevent premature demolition of the building, which would have an adverse impact on the character and appearance of the conservation area.

6. E/09/1558/FUL – Full planning application for change of use of land from agriculture to equestrian. Erection of stables and a ménage together with a parking area for horse box and vehicles (resubmission of E/09/0992/FUL)

Public participation:

- 1) Mr Cole, the agent, spoke in support of the application.
- 2) Councillor Jonathon Seed spoke in support of the application.
- 3) Councillor Philip Brown, Unitary Member for Bromham, Rowde and Potterne, spoke support of the application.

Resolved:

That Planning Permission be GRANTED, for the following reasons:

The decision to grant planning permission has been taken on the grounds that the proposed development would not have any adverse impact on the character and appearance of the area, and would be in accordance with policies NR7 & PD1 of the Kennet Local Plan.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years of 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. No development shall commence on site until a scheme of landscaping has been approved in writing by the Local Planning Authority. This shall include details of the species, spacing and height upon planting of any proposed hedging and tree planting, together with details of any hedgerows already in existence and that are to be retained. The landscaping shall be carried out in the first planting and seeding season following the bringing into use of the manege or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development.

3. No part of the development hereby permitted shall be first brought into use until the existing roadside kerbs across the entire access position have been replaced with lowered bull nose kerbs at 20mm upstand.

REASON: In the interests of highway safety.

4. No part of the development hereby approved shall be first brought into use until at least the first 7.5 metres of the access from the carriageway have been surfaced in a well bound consolidated material (not loose stone and gravel)..

REASON: In the interests of road safety.

5. Notwithstanding the submitted details, the colour of the onduline roof of the stable block shall be black.

REASON: To protect the appearance of the area.

6. The development hereby approved shall be used solely for the domestic recreational use of the owners and shall not be used for any commercial use, including livery or training, without the further grant of planning permission by the local planning authority.

REASON: The use of the site for commercial purposes may give rise to other planning issues, such as increased traffic, that would need to be considered in a fresh planning application.

7. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Refs: 10/09/1/1A; 6/09/3/1 & 2A; OS 1:2500 scale plan at 1:2500 - all plans received on 27th November 2009.

8. INFORMATIVE TO APPLICANT:

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. Public footpath 14 runs along the west side of the site and either a 2.5 metre strip must be maintained free of obstruction along the footpath route, or if paddock fences are constructed across the route, stiles must be provided at each point.

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
4 February 2010

Produced by Janice Green, Democratic Services, Direct Line 01225 718380
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Appeals Determined

| Reference | Parish | Location | Description | Committee/ Delegated | Decision |
|---------------|------------------------|----------------------------------|-------------|-------------------------|----------|
| E/09/0235/Ful | Collingbourne Ducis | Acorn Bungalow Cadley Road | 2 houses | Committee | Allowed |

Notes:

An application for an award of costs against the Council was made on the appeal at Collingbourne Ducis. The application was dismissed.

Copies of the Inspector's decision letters are automatically sent to the relevant Division Member by the Council's Planning Administration Team and are published on the Council's public web site. Copies are available for any other Councillor on request.

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Wiltshire Council

East Area Planning Committee

February 4th 2010

List of Applications for Consideration

1. **E/09/01602/FUL** (page 10)

Full planning application (retrospective) for: Retention of storage container

At: 'Blacksmiths Yard, Alton Priors, ALTON, SN8 4JX

RECOMMENDATION: Refuse planning permission

2. **E/09/1483/FUL** (page 14)

Full planning application for: Removal of gravel surfacing and creation of hardstanding using cellular grass reinforcement grid for the parking of vehicles in connection with field maintenance

At: Witcha House, Marrison Hill, Witcha RAMSBURY SN8 2HQ

RECOMMENDATION: Grant planning permission

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| | |
|----------------------------|--|
| Date of Meeting | 4 th February 2010 |
| Application Number | E/09/1602/FUL |
| Site Address | Blacksmiths Yard, Alton Priors, Wilts, SN8 4JX |
| Proposal | Retention of a single storage container |
| Applicant | E and A G Stratton |
| Parish Council | ALTON |
| Grid Ref | 411023 162318 |
| Type of application | Full Planning |
| Case Officer | Andrew Guest |

Reason for the application being considered by Committee

The application is before the Committee at the request of the local member, Brigadier Robert Hall.

Purpose of Report

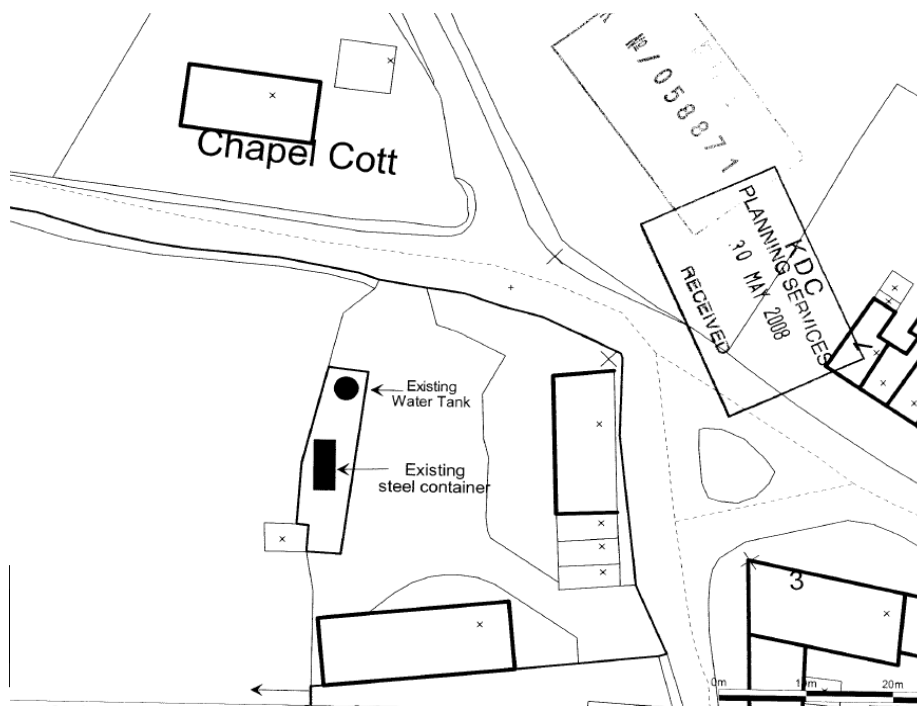
To consider the recommendation that the application be refused.

Report Summary

The main issues in this case are the impact of the development on the character and appearance of the Alton Conservation Area, the area of outstanding natural beauty, and the setting of nearby listed buildings.

Site Description

The application site is prominently located within Alton Priors on the south side of the Alton Priors to Wilcot road. It forms part of a farmyard ('Blacksmith's Yard') which comprises three grade II listed traditional agricultural buildings fronting an open yard. The site itself is located on the west side of this yard, approximately 20m from the road.



Site Location

The application site and its surroundings lie within the Alton Conservation Area and the Area of Outstanding Natural Beauty.

Planning History

K/57863/F – Retention of one water tank and one steel container and the siting of one additional container for agricultural use – withdrawn 06/02/08.

K/58871/COL – Siting of a water storage tank and steel container for the storage of agricultural chemicals (application for a Certificate of Lawfulness) – refused 05/08/08.

ENF/2007/142 – Enforcement Notice issued relating to the unauthorised stationing of a steel storage container and a water tank – 27/10/08; appeal dismissed in respect of the steel storage container (water tank deemed to not comprise development) 13/07/09.

Proposal

It is proposed to retain a grey-coloured steel storage container. The container measures 6m by 2.6m by 2.6m high, and is sited approximately 20m from the road. The container is used to provide secure storage for chemicals used on the farm.

The grey-coloured container was brought on to the site probably in early 2007 (at this time a complaint was received by the local planning authority, and an enforcement investigation commenced). The grey-coloured container replaced another (finished in red oxide) which had been at the yard prior to this.



Planning Policy

Kennet Local Plan 2011 – Policy PD1;

Planning Policy Guidance note no. 15 relating to conservation areas and listed buildings; and

Planning Policy Statement no. 7 relating to the area of outstanding natural beauty.

Consultations

North Wessex Downs AONB Partnership – object to the retention of the container. Lend their support to discussions over an alternative location.

CPRE Kennet District Group: The concern over retention of the chemical storage container in Blacksmith's Yard in Alton Priors is that it has an adverse visual impact on the Alton Conservation Area. Its effect is contrary to KLP HH5, which is not a 'saved' policy but is deemed to be covered by the Council's statutory duty. However, it is understood that it is an essential requirement for the working of Tim Carson's farm, and that it obeys safety regulations. Therefore this application should be allowed, but suggest as conditions the following further improvements to those cited in the application.

1. That the container be painted in a colour that would help to reduce its visual impact.
2. That the planting to screen the container be enhanced to include a hedge (with some evergreens eg. yew or/and holly) along the field boundary alongside the container, retaining some of the standard trees already in position that are rapidly reaching heights that no longer serve the purpose of screening.
3. That no further containers be permitted on Blacksmith's Yard, to prevent spoiling the view of the group of listed historic farm buildings which form a strategic road-side location here. These comprise a recently restored cart shed, which is a dominant, thatched feature of the area; a staddle-stone granary; and a timber-framed Blacksmith's barn.

Representations

The application has generated 5 letters of support from local residents summarised as follows –

- no objection provided the container meets all the regulations for security/safe storage of chemicals. It is clear that this storage facility is essential for the operation of the enterprise;
- site is adequately screened to the west side. Some improvement to existing screening should be provided;
- the chemical store is kept on this site away from farm animals and grain drying operations.

Planning Considerations

The main issues in this case are the impact of the storage container on the character and appearance of the Alton Conservation Area and the setting of the adjacent listed buildings.

An important material consideration in this case is the 'live' enforcement notice relating to the storage container. This was issued by the local planning authority in October 2008 and has taken effect following an unsuccessful appeal. The main reason for issuing the enforcement notice was that the storage container, by reason of its prominent siting and stark utilitarian appearance, detracts from the character and appearance of the area, neither preserving nor enhancing its status as a conservation area and area of outstanding natural beauty. In appealing the applicant opted for the inspector to primarily consider matters of planning law (that is, whether or not the container is operational development, whether or not the local planning authority was too late to take enforcement action, and whether or not the requirements of the notice are ambiguous). The applicant chose not to ask the inspector to look at the merits of the proposal. As stated already, the inspector dismissed the appeal and upheld the enforcement notice. Commencement of prosecution proceedings against non-compliance with the enforcement notice have been held back pending determination of the current planning application.

The application site lies within a particularly sensitive and unspoilt part of the Alton Conservation Area and area of outstanding natural beauty. Immediately to the side and rear of the storage container are three traditional agricultural buildings, all listed. These include a thatched staddle-stone granary about 5m away. They were described by the appeal inspector as being of '*undisputed merit*'. In the Alton Conservation Area Appraisal they are noted as '*a rare example of a complete group of historic farm buildings*'.

To the immediate west of the container is an open field and beyond this further sporadic residential development, again comprising traditional buildings, some of which are listed. This area is noted in the Alton Conservation Area Appraisal and Management Plan as being significant due to its rustic, agricultural and un-sanitised character. These characteristics also define its natural beauty and so justify its designation as an area of outstanding natural beauty.



The proposal is to retain the storage container on the site for storage of farm chemicals. Whilst there is no objection in principle to a secure storage container being kept at the farm, which covers an extensive area, this particular location is wholly unsuitable. The box-like steel container has a stark and ugly appearance which is clearly harmful to the setting of the adjacent listed buildings and detracts considerably from the character and appearance of the farmyard and its wider setting. The harmful impact is particularly apparent in view of the prominent and open nature of the farmyard which is visible from many vantage points. This development neither preserves nor enhances the character or appearance of the conservation area and detracts from its status as an area of outstanding natural beauty.

Council officers have sought to persuade the applicant to agree an alternative location, but have been unsuccessful. This has resulted in a need to issue the enforcement notice to secure the removal of the container from this inappropriate location. Officers are still prepared to discuss an alternative location but it is clear that the retention of the container on this site is completely contrary to both national and local planning policies and guidance.

RECOMMENDATION

Refuse

- 1 The steel storage container, by reason of its prominent siting and stark utilitarian appearance, detracts from the character and appearance of the area, neither preserving nor enhancing its status as a conservation area and area of outstanding natural beauty. The container also detracts from the setting of the adjacent historic listed farm buildings, This is contrary to policies PD1 and NR7 of the Kennet Local Plan 2011 and Central Government planning policy set out in PPS7 (Sustainable Development in Rural Areas) and PPG15 (Planning and the Historic Environment).

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file and related history files.

REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No. 2

| | |
|----------------------------|---|
| Date of Meeting | 4 February 2010 |
| Application Number | E/09/1483/FUL |
| Site Address | Witcha House, Marridge Hill, Witcha, Ramsbury, Wiltshire SN8 2HQ |
| Proposal | Removal of gravel surfacing and creation of hardstanding using cellular grass reinforcement grid for the parking of vehicles in connection with field maintenance |
| Applicant | Mr P W Nelson |
| Parish Council | RAMSBURY |
| Grid Ref | 430030 173659 |
| Type of application | Full Planning |
| Case Officer | Peter Horton |

Reason for the application being considered by Committee

This application has been called to committee at the request of the ward member, Cllr Humphries.

1. Purpose of Report

To consider the recommendation that the application be approved subject to the conditions set out.

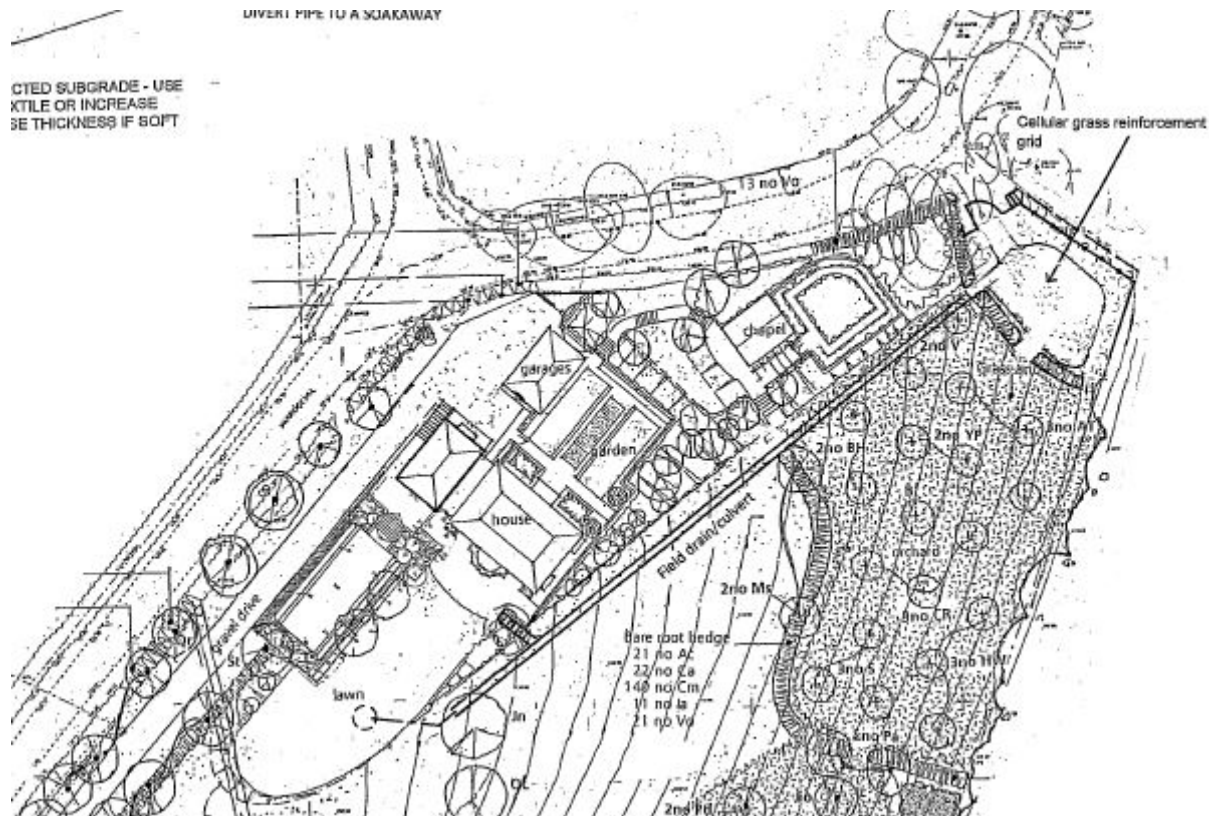
2. Report Summary

The main planning issue is the visual impact of the proposal in relation to the scenic quality of the area of outstanding natural beauty (AONB).

3. Site Description

Witcha House is a recently constructed replacement dwelling in an isolated location within the North Wessex Downs AONB. It is situated 1.8km north east of Whittonditch on the Whittonditch to Membury road, at its junction with the lane which leads through to Marridge Hill.

The application concerns a piece of land on rising ground behind an existing field gate which is situated just to the north of Witcha House. It lies outside the property's residential curtilage. Ramsbury public footpath 23 runs along the northern side of the site.



Location of site – the area subject to the application is at the top right hand corner

4. Planning History

K/56691/F - Approve with Conditions 19/07/2007

Replacement dwelling and garage with associated landscaping including change of use of land to incorporate formation of new access and driveway

K/57671/F - Approve with Conditions 17/12/2007

Replacement dwelling and garage (amendment to planning permission K/56691/F - increase in size of basement and minor adjustments to fenestration).

K/58264/F - Approve with Conditions 15/04/2008

Replacement dwelling and garage (amendment to planning permission K/57671/F - increase in width of dwelling by 900mm).

K/59190/F - Approve with Conditions 16/09/2008

Replacement dwelling and garage (amendment to planning permission K/58264/F to insert additional dormer in the north west elevation)

E/09/1165/FUL – Withdrawn 02/11/2009

Retrospective application for retention of gravelled hardstanding

5. The Proposal

The application proposes the retention of (but with modification) a hardstanding area which was constructed in 2009 without the benefit of planning permission. The hardstanding provides an area capable of accommodating up to 5 vehicles associated with the occasional maintenance of the field to the rear of the house.

An earlier application for the retention of the hardstanding as is (i.e. light coloured gravel) was withdrawn in November 2009 as officers considered that the proposal had an unacceptable visual impact and would have refused the application.

The current application proposes the replacement of the gravel with a cellular grass reinforcement grid.



6. Planning Policy

Central Government planning policy on countryside planning issues, including issues relating to AONBs, is contained in PPS7 'Sustainable Development in Rural Areas'.

Kennet Local Plan policy NR7 covers landscape protection issues.

Kennet Local Plan policy PD1 sets out broad development control principles which all developments are required to satisfy.

7. Consultations

Parish Council: Welcomes the proposal to remove the gravel. However the application does not resolve their previous concern that the parking area will be in a very prominent position in the landscape and the entrance is on a bend and concealed. The parking area would be better located below the entrance to the house where it will be less visible and the entrance would be safer.

CPRE: Regardless of whether parked on grass or gravel, vehicles parked in this location are highly visible and have an adverse impact on the AONB. Given the limited size of the landholding, why are up to 5 vehicles required to maintain it?

Landscape & Countryside Officer: The proposed grassed area would not be unduly visible from outside the site and would not result in a significant change to the character of the area. However the site should not be used for any domestic parking. There should be no overnight parking.

8. Publicity

Concerns have been expressed by one local household. Their main concerns have been that gravel is an inappropriate surface material and that cars parked on the site are visually obtrusive: From the south they appear to be parked beside the roof of the house and from the north they are in the foreground of views from the public footpath. The proposal to replace the gravel with a grass reinforcement grid is welcomed, but parking should be restricted to maintenance vehicles only and there should be no overnight parking.

9. Planning Considerations

The key issue is the impact of the proposal on the scenic quality of the AONB, both in terms of the surfacing of the hardstanding and the visual impact of vehicles parked on it.

Unlike the present gravelled surface, which has an unacceptable impact, the proposed grassed surface, achieved by the installation of a cellular grass reinforcement grid, will have minimal visual impact. Hence subject to a condition requiring the removal of and replacement of the gravel with grass within three months, there would be no basis to maintain an objection to the hardstanding itself.

Because of both the elevated nature of the site and the proximity of the public footpath, vehicles parked on the hardstanding will have a visual impact in the downland landscape. However if, as stated, the hardstanding would be used solely by field maintenance vehicles during the day time and comparatively infrequently, then this impact would be transient and not warranting of a planning refusal.

The agent has expressed a willingness to accept a condition restricting the number, type and hours of vehicles parking on the hardstanding. Any proposed conditions would have to pass tests of (amongst other things) reasonableness and enforceability. However it is considered reasonable to restrict use of the hardstanding to field maintenance (i.e. non-domestic) vehicles only, as this use is prescribed by the description of development. Following on from this, there should be no need for any such vehicles to remain parked there outside normal working hours, so a restrictive hours condition is justified.

There is no need to impose a maximum number of vehicles condition as the capacity of the hardstanding is limited by its finite size.

10. Conclusion

That subject to suitable conditions, neither the proposed hardstanding nor its use will have any significant landscape impact.

RECOMMENDATION

Approve with Conditions

- 1 Within three months of the date of this permission, the present gravelled surface shall have been replaced with the cellular grass reinforcement grid specified in the application.

REASON:

In the interests of the scenic quality of the North Wessex Downs AONB.

- 2 The hardstanding hereby approved shall be used solely for the parking of vehicles required in connection with field maintenance, and between the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 Saturdays only. There shall be no parking on Sundays or Bank Holidays. The hardstanding shall not be used for the parking of domestic vehicles associated with Witcha House.

REASON:

Unrestricted parking on this prominent site would be detrimental to the scenic quality of the North Wessex Downs AONB.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plans Ref. 1:2500 location plan, drawing no. 09-01-PA-001A and cellular grid system detail on Design & Access Statement, all received 10/11/09

Appendices:

None

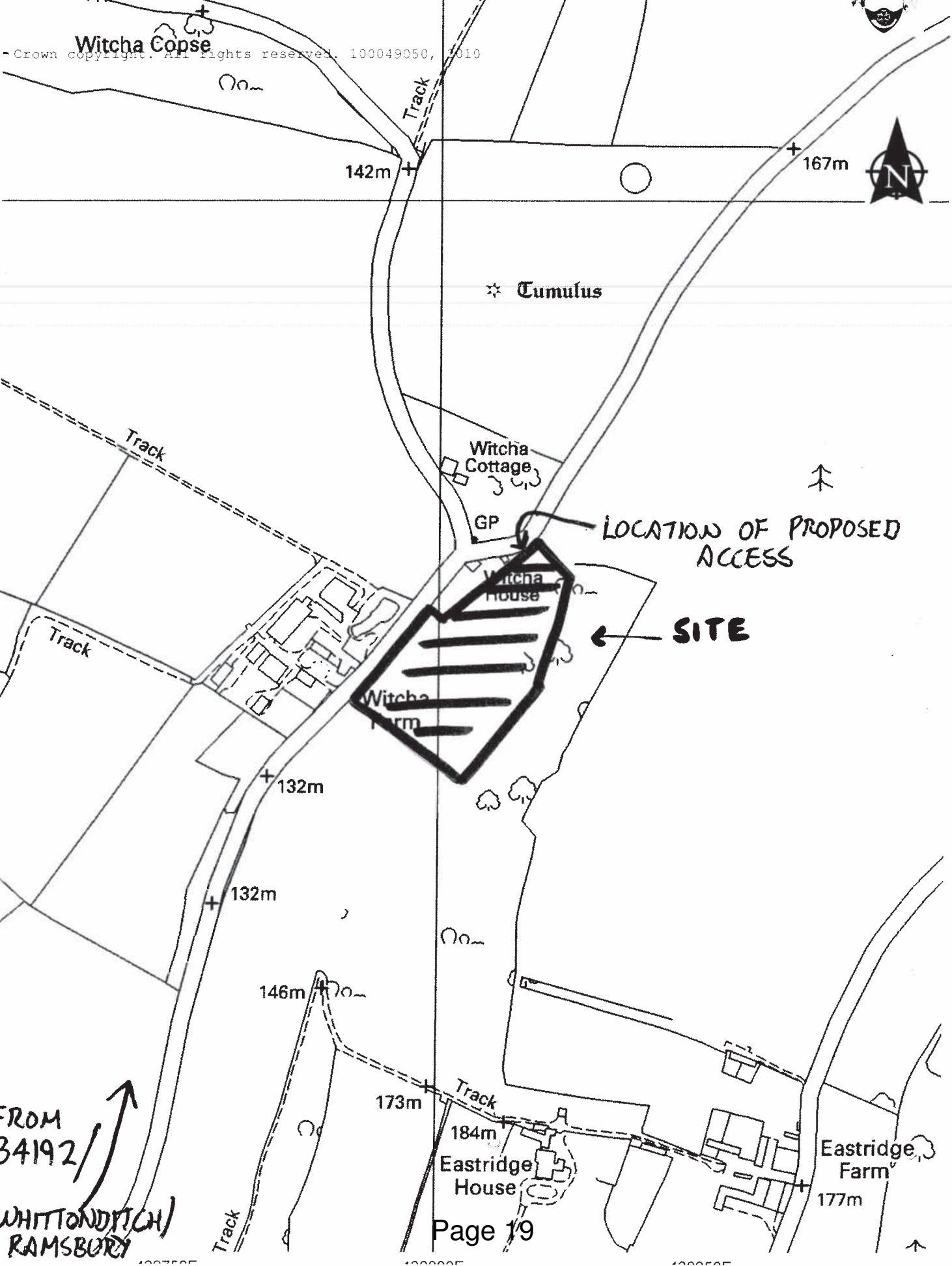
Background Documents Used in the Preparation of this Report:

The application file and associated history files.

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Witcha Copse

142m

167m

* Tumulus

Witcha Cottage

GP

LOCATION OF PROPOSED ACCESS

Witcha House

SITE

Witcha Farm

132m

132m

146m

173m

184m
Eastridge House

Eastridge Farm

177m

FROM B4192

WHITTON DITCH / RAMSBURY

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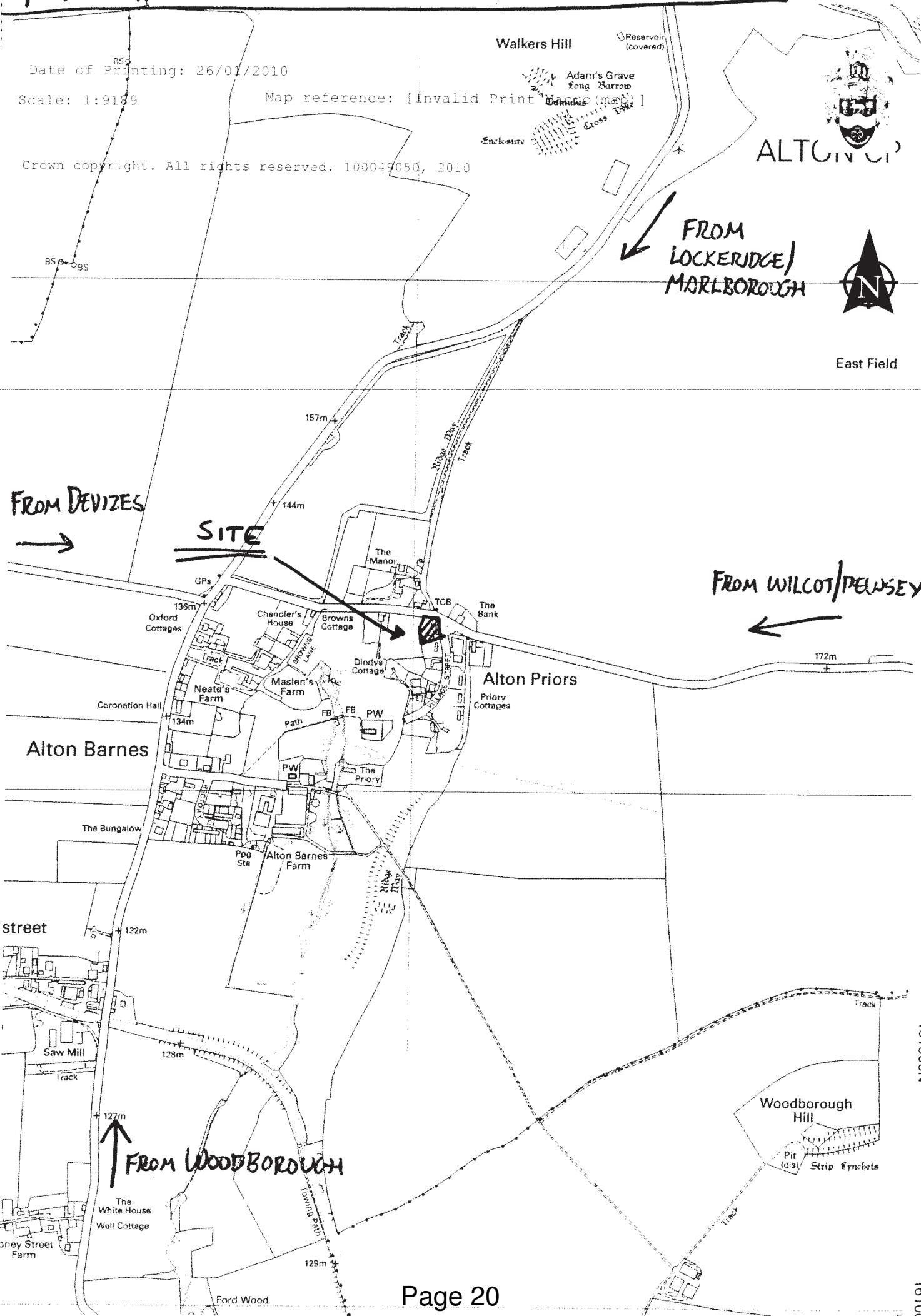
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