

## Wiltshire Council

### Western Area Planning Committee

14th October 2015

### Appeal Performance 2015

#### 1. Purpose of Report

To review the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee since the last report in December 2014.

#### 2. Appeal Decisions

Since December, the Council has received decisions on 26 appeals in the area covered by the Western Area Planning Committee (this number includes two decisions on applications dealt with by the Strategic Planning Committee on sites in the area covered by the Western Area Planning Committee). Sixteen of these were on decisions taken under delegated powers. Ten were made by councillors at committee, including the two determined by the Strategic Committee. Overall, sixteen appeals were dismissed and ten allowed.

**Table A – Appeal Decisions on applications determined under delegated powers**

Reference	Location	Description	Decision
13/06053/VAR	112, Beanacre, Melksham	Change to garden wall/fences	Dismissed
14/02453/VAR	The Chase, Hiperton	Annex changed to dwelling	Allowed
14/00953/FUL	5, Park Lane, Heywood	New dwelling	Dismissed
13/04731/FUL	35, Barnwell Rd Melksham	First floor extension	Allowed
14/08173/PNCOU	Barn, Little Common Lane, North Bradley	Conversion to dwelling	Dismissed
14/06888/FUL	27, Murray Walk, Melksham	Brick-built store	Dismissed
14/07681/FUL	Chalford house Hotel, Westbury	Photography platform	Allowed
14/05782/FUL	5, Imber Court, Warminster	Alterations	Allowed
15/00351/FUL	1, College Road, Trowbridge	Two storey extension	Dismissed
14/00131/LBC	6, Castle Street, Trowbridge	Redecoration and new signage	Dismissed
14/03475/ADV	6, Castle Street, Trowbridge	New signage	Dismissed
14/07159/FUL	4, Marshmead, Hilperton	Two dwellings	Dismissed
13/03862/FUL	156, Winsley	One dwelling	Dismissed
14/10916/VAR	22, Horse Rd, Hilperton	Separate occupation of annex	Allowed
14/09737/FUL	Barn at Hoopers Pool, Southwick	Conversion to dwelling	Dismissed
14/09946/VAR	Little Ashley, Bradford on Avon	Removal of occupancy condition	Dismissed

**Table B – Appeal Decisions on applications determined by Western Area Committee**

Reference	Location	Description	Decision
14/02339/FUL	Beechwood, Bratton Rd, West Ashton	New dwelling	Allowed
14/08400/FUL	Beechwood, Bratton Rd, West Ashton	New dwelling	Allowed
14/03770/FUL	Sienna Valley Farm, Chapmanslade	Barn extension	Dismissed
14/05253/FUL	Ganbrook Farm, Little Chalfield	Solar Farm (25ha)	Dismissed
14/03465/FUL	93, Victoria Rd Trowbridge	House extensions	Dismissed
14/05120/FUL	3, Goose Street, Southwick	3 houses	Dismissed
14/10385/VAR	Redstocks, Melksham	Variation of conditions	Dismissed
15/01668/FUL	221, Melksham Road, Holt	Single storey extension	Allowed

**Table C - Appeal Decisions on applications determined by Strategic Committee**

Reference	Location	Description	Decision
13/06140/FUL	Snarlton Farm, Melksham	Solar Farm (80ha)	Allowed
14/07284/FUL	The Poplars, Southwick	Gypsy & traveller site expansion	Allowed

### 3. Comments

The Council's overall success rate in defending its original decisions in the area covered by the Western Area Planning Committee was 61.5%, which is lower than the national average for 2014/15 (65.5%). The success rate on delegated decisions was higher than the national average at 69%.

During the period, the Council challenged the Secretary of State via a judicial review on two appeal decisions – the appeal at the Chase, Hilperton (14/02453/VAR) and an earlier decision at Devizes Road, Hilperton (13/06879/OUT) for 15 dwellings. Unfortunately, whilst the Judge found that the decision at Devizes Road, Hilperton, was unlawful, due to the actions of the planning inspectorate, she declined to quash the decision, considering that this would be unfair to the appellants.

There is no real common theme emerging through these decisions. However, it is clear that the adoption of the Wiltshire Core Strategy has had an impact. Fewer appeals against larger housing schemes in the western area have been received this year, with one of the largest (an appeal against the refusal of permission for 98 houses at Holt) being withdrawn by the appellants before reaching a public inquiry.

There were no cost awards against the Council for unreasonable behaviour on any of the appeals, nor were any costs awarded to the Council. An application by the Council for the costs it incurred up to the date of the withdrawal of the Holt application is currently being considered by the Planning Inspectorate.

In the absence of larger housing schemes, the two largest schemes determined at appeal were for solar farms. The smaller of these (Ganbrook Farm 25ha) was dismissed. The largest (Snarlton Farm, nr Melksham 80 ha) was allowed. In the former, the Inspector considered that the landscape impact and degree of harm to heritage assets in the nearby South Wraxall Conservation Area justified dismissal of the appeal. In the latter, the Inspector

found that the limited landscape impact was outweighed by the benefits of the scheme, in terms of the amount of renewable energy being generated and the economic benefits of the investment in the local economy.

#### **4. Future Trends**

An appeal has been lodged against the decision made by the Strategic Committee (in line with the officer's recommendation), to refuse a proposal for 300 houses at Bitham Park, Westbury. However, delays by the Inspectorate mean that the appeal is unlikely to be heard before late Spring/Summer. The Council currently considers that it has a five year land supply, and it is likely that the number of appeals against residential schemes and their success or failure in the future will be heavily influenced by any differing conclusions on this matter by Inspectors at appeal.

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