

Wiltshire Council

Western Area Planning Committee

12 October 2016

Question From: Mr Francis Morland

Question

What was the constitutional basis on which officers of Wiltshire Council overruled the decision of the Strategic Planning Committee on Wednesday, 11 March 2015 to refuse planning application 14/09262/OUT (Land north of Bitham Park Trowbridge Road Westbury) for the five reasons set out in the Minutes of that meeting and in the Decision Notice of the same date, without first consulting yourself as Chairman, then and now, of the planning committee that took that decision, and why was the officers' stance not reported to the Committee at either of its meetings on Wednesday, 11 May 2016 or Wednesday, 2 June 2016?

Response

The Council was advised by the Barrister instructed to represent the Council at the Bitham Park Inquiry that the significant change in circumstances since the original decision was made (namely the demonstrable lack of a 5 year land supply) meant that Council would be likely to receive an award of costs against it if it pursued the appeal. To minimise the likelihood of this occurring, a decision had to be made quickly before the Statements of Case were due to be submitted to the Planning Inspectorate in a timeframe that did not allow for the matter to be reported to the Strategic Planning Committee. The Officers discussed the matter with the local Division Member and attempted to contact the Chairman of the Strategic Committee but were unable to do so. They therefore contacted the Portfolio holder who agreed that in the circumstances the Council should not oppose the appeal.

The decision was reported on the Council's web site well in advance of the Inquiry taking place and the appeal decision will be reported to the Strategic Planning Committee.

As a consequence, of this action, no costs were awarded against the Council.

The failure to report the processes which were followed as part of a previous appeals update to Committee was an unintentional oversight.