

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	22nd June 2011		
Application Number	N/11/01156/FUL		
Site Address	White Lodge Farm Buildings, Filands, Malmesbury, SN16 9JN		
Proposal	Retention of existing wall and reinstate original coping stones.		
Applicant	David Hendry Cars		
Town/Parish Council	St Paul Malmesbury Without		
Electoral Division	Sherston	Unitary Member	Cllr John Thomson
Grid Ref	393127 188724		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr John Thomson has requested that the Planning Committee consider this application to assess the impact of the wall.

1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon visual amenity and landscape character
- Previous appeal decision

St Pauls Malmesbury Without Parish Council object and the application has generated one letter of objection from Malmesbury & St Paul Without Residents' Association.

3. Site Description

4. Relevant Planning History

The site has a significant amount of planning history, but the most relevant is listed below.

Application Number	Proposal	Decision
06/03236/FUL	Change of use of buildings to garage, showrooms, offices, warehouse and spare parts stores.	Permission
07/01443/S73A, 08/0601/S73A	Amend condition 11 of 06/03236/FUL which required the front wall to be built up to a height of 1.8m so that it is built at 1.2m and 600mm in height respectively.	Refused

08/02753/S73A	Amend condition 11 of 06/03236/FUL and build wall to 0.9m above internal tarmac level.	Dismissed at appeal.
10/0087/S73A	Amend condition 11 of 06/03236/FUL and build wall at 1.5m above internal tarmac level	Permission.

5. Proposal

The application is to not comply with condition 11 of 06/03236/FUL, which required the front wall to be built to a height of 1.8m, but to build it to a height of 700mm by replacing the coping stones to the top.

6. Planning Policy

North Wiltshire Local Plan: Policies C3 and NE15.

7. Consultations

St Pauls Malmesbury Without Parish Council consider:

- The bricks to match the existing can be sourced from a specialist company.
- The costs quoted are due to a failure of the applicant not to comply with condition 11 of 06/02636/FUL and are irrelevant.
- The plans describing the wall are misleading as they do not reflect the fact that the internal ground level has been built up, so that cars are almost sitting on top of the present wall. The Inspector found this unsatisfactory.

Highways raise no objections.

Malmesbury & St Paul Without Residents' Association take the view that the 1.8m high wall was approved and required by Planning Committee as an integral and essential part of the permission. The application site history shows the attempts to get easement on this requirement. Nothing material has changed and companies exist which can match the bricks and Wiltshire Council should not need to take account of the financial issues described in the application. If the condition had been complied with originally the costs could have been accounted for and it is the delay with compliance with the condition that has added to the costs.

The applicant states cost of building the wall and lack of matching materials to be the main reasons for this application.

8. Publicity

The application was advertised by site notice and neighbour consultation.

9. Planning Considerations

Condition 11 of 06/03236/FUL was imposed by the Development Control Committee (of North Wiltshire District Council) to ensure that the visual amenity of the area is protected. The imposition of the condition was not appealed against although the planning history quoted in this report demonstrates that the applicant has consistently avoided building the approved wall and tried to implement alternatives. All such attempts to construct the wall differently have been resisted by the Council and when the decision on 08/2753/S73A was considered by the Planning Inspectorate the appeal was dismissed.

The application taken to appeal was for a 0.9m high wall (measured above the internal tarmac level). In dismissing the appeal, the Inspector was clear that although the recently built residential development opposite would have an impact, it lies within the framework boundary of Malmesbury and that the road provides a discernable demarcation between the north which has a generally rural agricultural character and the south which has a suburban appearance. She states that, "I consider that the premises sits within the rural agricultural context and the displayed cars are in my view a jarring interruption to the otherwise largely enclosed and verdant countryside on the north side of the B4014. Raising the wall by the proposed 300mm would do very little to either effectively screen the cars or visually enclose the site and the harmful impact of the cars would thus remain."

The wall now proposed would achieve a maximum height of 0.7m in height some 200mm lower than the wall the Inspector considered inadequate.

The applicants concerns over costs were always known to him and there are specialist brick companies which will adequately match historic bricks. Circumstances have not changed since the previous refusal and thus the application should be refused for the following reason:

11. Recommendation

Planning Permission be REFUSED for the following reason:

1. Non compliance with condition 11 of 06/03236/FUL and construction of a 700mm high wall would lead to the resulting development, associated deliveries and, notably, the parking and display of vehicles, being overly visible and prominent in the countryside contrary to policies C3 and NE15 of the North Wiltshire Local Plan 2011.

