

**Wiltshire Council – Area West
Planning Committee**

Agenda item no.08

**PLANNING APPEALS UPDATE REPORT
February 2010**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/09/01550/FUL	Lagoon Off Marina Drive Staverton	Staverton	Creation of 15 moorings for temporary storage of boats in lagoon and embankment protection works	DEL	REF	WR
W/09/01631/FUL	Land Adjoining Priory Cottages Stradbrook Bratton	Bratton	Erection of detached house with double garage	DEL	REF	WR
W/09/01750/FUL	Mowlems Wynsome Street Southwick	Southwick	Residential development for 54 new build dwellings and conversion of existing building to 2 dwellings	COM	REF	INQ

NB The Mowlems appeal was restarted by the Planning Inspectorate and it has been changed to an Inquiry

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
08/00334/BLD_L	Land Adjacent Crusader Park Furnax Lane Warminster	Warminster	deposit of waste material without planning permission and engineering operations to raise the level of the land	ENFORCEMENT		INQ	DISMISSED

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

❖ **Points of interest arising from decisions**

08/00334/BLD_L - Land Adjacent Crusader Park Furnax Lane Warminster

There were two appeals and the Inspector dismissed both the appeals and upheld the Enforcement Notice on the first and on the second directed that the wording of the Enforcement Notice should be varied.

The appeals related to unauthorised engineering operations and deposit of waste material to raise the level of land in excess of the levels shown on an approved plan.

In reaching his decision the Inspector concluded that on the balance of probabilities the importation of waste was not in accordance with any planning consent. Furthermore, that the works undertaken were not in accordance with any subsequent landscaping scheme which could not be considered in isolation from the earlier approval. The works undertaken at the site were effectively a separate engineering operation for which planning permission did not exist

Applications for costs were made against the appellant by the Council and by the appellant against the Council.

The Inspector made a full award of costs to the Council as he considered that 'these spurious appeals' had no realistic prospect of success and that the Council had incurred unnecessary expense as a result of this unreasonable behaviour in dealing with them.

He concluded in regard to the appellant's application for costs that the appeals had no realistic prospect of success. This gave the Council little option but to take enforcement action to bring a halt to a serious breach of planning control and the Council had not behaved unreasonably.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/09/02386/FUL	Land South West Of Bonnie Farm Court Lane Bratton	Bratton	Mobile home, day room and caravan	HRG	CR1	02.03.2010
W/09/01022/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Application to discharge clauses within section 106 agreement dated 6 February 2004	INQ	CC	23.03.2010
W/09/01142	Kingsdown Farm Lords Hill Longbridge Deverill	Sutton Veny	Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings	INQ	CC	26.05.2010 27.05.2010 28.05.2010