

## **EASTERN AREA PLANNING COMMITTEE NOVEMBER 3rd 2011**

### **REPORT BY MIKE WILMOTT, AREA DEVELOPMENT MANAGER**

#### **APPEALS REPORT**

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##### **1.00 Purpose of Report**

1.01 To advise members of the Council's performance on planning appeals between January 1<sup>st</sup> and September 30<sup>th</sup> 2011 in the geographical area covered by the Eastern Area Planning Committee.

##### **2.00 Performance**

2.01 Decisions were received on 20 appeals between January 1<sup>st</sup> and September 30<sup>th</sup>. The attached table shows the location and outcome of each of these. Copies of the Inspector's decision letters relating to the appeals that were allowed are attached to this report.

2.02 Of the 20 appeals determined 16 (80%) were dismissed. This is higher than the national average, which is around the 70% mark. This demonstrates that the Council is acting soundly when refusing these applications. During this period, all appeals against planning applications determined under delegated powers were dismissed. Although the percentage of appeals dismissed relating to decisions made at the Planning Committee was less, this is to be expected as the applications considered by the Planning Committee are often the more controversial ones.

##### **3.00 Analysis of Decisions**

3.01 It is clear that at this stage, Planning Inspectors are giving very limited weight to the draft Wiltshire Core Strategy, as it is still at a very early stage. They are relying instead on the

policies of the existing Development Plan (Kennet Local Plan) and Government guidance in planning policy statements. They are also looking closely at the evidence brought to substantiate any refusal of planning permission. All of these factors can be seen in the decision to allow the appeal at the Ivy House Hotel, Marlborough.

- 3.02 Several of the appeals that were dismissed relate to development of new housing in gardens. Although it is often perceived that the Government have put an end to 'garden grabbing' by taking gardens out of the definition of brownfield land, the fact remains that Planning Inspectors will always look to see that harm can be demonstrated before dismissing any appeal. A copy of the decision at 23, Astor Crescent, Ludgershall, is attached that makes this clear (paragraphs 2 &3).

**Appeals Determined  
01/01/2011 – 30/09/2011**

<b>Reference</b>	<b>Parish</b>	<b>Location</b>	<b>Description</b>	<b>Committee/ Delegated</b>	<b>Decision</b>
E/09/1241/LBC & E/09/1242/FUL	Seend	Old Chapel Seend Cleeve	Conversion to residential use	Committee (officer recommendation)	Allowed
E/10/0090/FUL	Grafton	273, East Grafton	Single dwelling	Delegated	Dismissed
E/10/0386/FUL	North Newnton	Woodbridge Inn	Static Caravan	Delegated	Dismissed
E/10/0516/FUL	Seend	Berhills Lane	Family Golf course	Committee (officer recommendation)	Dismissed
E/10/0819/FUL	Ludgershall	Land to r/o 23 Astor Crescent	Three dwellings	Delegated	Dismissed
E/10/0942/FUL & E/10/0943/LBC	Devizes	23, The Brittox	Extension and internal works	Delegated	Dismissed
E/10/0977/FUL	Devizes	37, Roseland Avenue	New dwelling	Delegated	Dismissed
E/10/0981/FUL	Ogbourne St George	Mill House, High Street	1.8 m high fencing to front	Delegated	Dismissed
E/10/1081/FUL	Marlborough	2, Chapter Close	Demolition of bungalow and erection of 2 dwellings	Delegated	Dismissed
E/10/1140/FUL & E/10/1144/LBC	Ludgershall	Old Rectory	Retention of porch, new timber gates, replacement wall	Delegated	Dismissed

E/10/1191/FUL	Urchfont	Baish Cottage	New parking bay	Delegated	Dismissed
E/10/1274/FUL	Devizes	Bowermead, Hillworth Road	New dwelling	Delegated	Dismissed
E/10/1281/FUL	Broad Hinton	2, New Cottages Uffcott	Change of use of land and new garage block	Delegated	Dismissed
E/10/1454/FUL	Devizes	30, Victoria Road	Retrospective application for UPVC windows	Delegated	Dismissed
E/10/1567/FUL	Great Bedwyn	8, Willis Close	Raising of roof for loft conversion	Delegated	Dismissed
E/10/1632/FUL	Marlborough	Ivy House Hotel High Street	Change of use to school boarding house	Committee (Officer recommendation overturned)	Allowed
E/11/0174/FUL	Urchfont	Fairview, Uphill	Double garage	Committee (Officer recommendation overturned)	Allowed

Notes:

There were no cost awards in any of these appeals either for or against the Council, although an application for costs against the Council in relation to application E/11/0174/FUL at Urchfont is still awaiting a decision from the Planning Inspectorate.

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.