

## **Appeal performance 2011**

### **Purpose of Report**

1. To review the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee in 2011.

### **Appeal Decisions**

2. The Western Area Planning Committee determined 39 planning applications in 2011. Eleven of these were refused, of which eight were refused against the recommendation of officers, whilst three were refused in accordance with the reasons for refusal recommended by officers.
3. Out of the 11 planning applications that were refused by the committee, 8 (73%) have been taken to appeal. To date, decisions have been received on six of these appeals, with four of these being allowed and two dismissed (33% success rate for the Council). Two decisions are still outstanding. Out of the four that were allowed, costs were applied for and awarded against the Council for unreasonable behaviour in two cases. A third application for an award of costs for unreasonable behaviour is outstanding. A list of the applications refused by the committee and the subsequent appeal decisions are set out in Table A. A copy of the appeal and cost decisions for the two cases where costs were awarded against the Council are attached as an appendix to this report.
  - a. During 2011, the Council received decisions on a further 29 appeals against decisions made under delegated powers in the area covered by the Western Area Planning Committee. Nine of these were against the refusal of permission for residential development. All of these were dismissed. A further three concerned commercial/industrial/retail development. These were also all dismissed. Two concerned a listed building application and a certificate of lawful use respectively and were both dismissed. The remaining 15 decisions related to householder applications. Of these decisions, 3 were dismissed, ten were allowed and two were partially allowed/partially refused.
  - b. There were no cost awards against the Council in any delegated decision. The list of appeal decisions made on delegated applications is set out in Table B.

## Financial Implications

4. The extent of the liabilities that the Council has incurred as a result of the two cost awards for unreasonable behaviour and a potential third is not possible to quantify at this stage as no claim has yet been submitted from the appellants concerned. However, the costs burden was reduced by the Council's decision to put forward Councillor Seed as a witness in the Semington gypsy appeal and by the prompt withdrawal of opposition to the Slag Lane appeal, commended by the Inspector as reducing the costs of both the Council and the appellants.

**Table A**  
**Applications Refused by Western Area Planning Committee 2011**

Reference	Parish	Location	Description	Decision
W/11/00490/FUL	Winsley	Green Lane Turleigh	Earth Shelter dwelling	Dismissed
W/11/00286/FUL	Trowbridge	43, Crawley Crescent	Single dwelling	Dismissed
W/10/04066/FUL	Bratton	Court Lane	Mobile home (Gypsy pitch)	Allowed
W/10/02508/OUT	Trowbridge	Bradley Road	Seven dwellings	Allowed
W/11/01206/FUL	Semington	Land adjacent to Semington Crematorium	Three pitch gypsy/traveller site	Allowed Costs awarded against Council
W/10/03406/FUL	Westbury	Slag Lane	117 houses and public open space	Allowed Costs awarded against Council
W/10/03031/FUL	West Ashton	Biss Farm	Business Park	Awaited Costs decision against Council also awaited
W/11/02232/FUL	Codford	Mayflower Farm New Road	Office building	Awaited
W/10/0650/FUL	Melksham Without	112 Beanacre	Extensions to dwelling	Not appealed
W/11/00283/FUL	Melksham	Chalfield Crescent	Two apartments and parking spaces	Not appealed
W/11/01460/FUL	Atworth	Oak Tree Farm	Temporary dwelling (agricultural worker)	Not appealed to date

**Table B**  
**Appeal Decisions Received in 2011 on Applications Refused Under Delegated Powers**

<b>Reference</b>	<b>Parish</b>	<b>Location</b>	<b>Description</b>	<b>Decision</b>
W/11/00650/FUL	Warminster	George Street	Two dwellings	Dismissed
W/11/00347/FUL	Warminster	George Street	Three dwellings	Dismissed
W/10/03443/FUL	Bradford	Ashley Road	Agricultural workers dwelling	Dismissed
W/10/03198/FUL	Hilperton	Hilperton Road	One dwelling	Dismissed
W/10/02972/FUL	Semington	Building adjacent to Somerset Arms	Single dwelling conversion	Dismissed
W/10/02910/FUL	Trowbridge	Kingsdown Road	Two houses	Dismissed
W/10/02928/FUL	Southwick	Hoopers Pool	One dwelling	Dismissed
W/10/02115/FUL	Hilperton	Horse Road	One dwelling	Dismissed
W/10/01984/FUL	Trowbridge	Bradley Road	One dwelling	Dismissed
W/10/02181/FUL	Bradford	Leigh Road West	Four garages	Dismissed
W/10/02505/S73	Melksham	Sainsbury's Store	Variation of hours of delivery	Dismissed
W/10/00217/FUL	Warminster	Furnax Lane	Industrial units	Dismissed
W/11/00395/CLE	Westbury	Long River Farm	Stationing of residential caravan	Dismissed
W/10/02261/LBC	Bradford	21 Church Street	Awning	Dismissed

Reference	Parish	Location	Description	Decision
W/10/02788/FUL	Chapmanslade	102 High Street	Householder Extension	Dismissed
W/10/03928/FUL	Sutton Veny	56 Duck Street	Householder Extension	Dismissed
W/11/00574/FUL	Westbury	19 Alfred Street	Householder Extension	Dismissed
W/11/00247/FUL	Dilton Marsh	20, Old Dilton Road	Householder Extension	Part allowed/part dismissed
W/11/01558/FUL	Westbury	14 Leigh Close	Householder Extension	Part allowed/part Dismissed
W/11/01948/FUL	Hilperton	54 Cornbrash Rise	Householder Extension	Allowed
W/11/01832/FUL	Southwick	Semington House	Householder fence	Allowed
W/11/01756/FUL	Corsley	94/95 Lyes Green	Householder Extension	Allowed
W/11/01389/FUL	Hilperton	6 Woodhouse Gardens	Householder Extension	Allowed
W/11/01125/FUL	Bradford	3 Woolley Close	Householder Extension	Allowed
W/11/00393/FUL	Dilton Marsh	9B Stormore	Householder Extension	Allowed
W/11/00378/FUL	Longbridge Deverill	Badger Hollow	Householder Extension	Allowed
W/11/00118/FUL	Trowbridge	55, Jasmine Way	Householder annexe	Allowed
W/10/03292/FUL	Warminster	39, Boreham Rd	Householder Extension	Allowed
W/10/01757/FUL	North Bradley	Organpool Farm	Annexe	Allowed

**Report Author: Mike Wilmott, Area Development Manager**

**Appendix A:** Appeal and cost decision for Land adjacent West Wilshire Crematorium, Littleton, Semington.

**Appendix B:** Appeal and cost decision for Land at Slag Lane and Hawkeridge Road, Westbury.