

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 20 DECEMBER 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar, and Cllr Suzanne Wickham

59 **Apologies**

There were no apologies for absence received.

60 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 22 November 2023 were considered. Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 22 November 2023 as a true and correct record.

61 **Declarations of Interest**

There were no declarations of interest.

62 **Chairman's Announcements**

There were no specific Chairman's announcements.

63 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

64 Planning Appeals and Updates

The Chairman invited Kenny Green, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Before doing so, Members were informed that on 19 December 2023 (the day prior to the Committee meeting), the Government had published an updated National Planning Policy Framework (NPPF) which included a number of revisions which materially impacted Wiltshire Council's decision-making processes. The main implications of the changes were detailed as below:

- The Government had recognised the benefits of a plan-based system and the new NPPF set out the importance for preparing and maintaining up to date plans which should be seen as a priority in meeting the objective of providing sufficient housing.
- The Government had made a significant revision insofar as the housing land supply requirement. For Wiltshire Council, in reaching a critical advanced stage in the preparation of the new Wiltshire Local Plan (Regulation 19), instead of the previous 5-year housing land supply, the Council were now required to demonstrate a 4-year supply.
- Separate to the above, the new NPPF removed the requirement on Councils to demonstrate a rolling 5-year housing land supply if:
 - a) their Local Plan was less than 5 years old; and
 - b) the Plan, when adopted, demonstrated a 5-year supply.
- The Government had also confirmed that the standard methodology for housing need was only an “advisory starting point”, and Councils did not necessarily have to follow it when making their Local Plans.
- The Government also chose not to implement the consulted upon potential changes to the Green Belt.

It was also confirmed to Members that discussions were ongoing with Legal Officers to fully analyse and understand the implications and subsequent course of action for any pending planning applications affected by the new iteration of the NPPF before issuing a decision. Furthermore, it was explained that for pending appeals, officers would anticipate that the Planning Inspectorate would contact the Council, and all other relevant parties, to produce an up to date understanding of the NPPF position and its effect for each appeal.

In response to queries from Members, clarification was given on where the Green Belt lay within Wiltshire, and it was confirmed that a Member briefing note would be drafted by the Spatial Planning Team, and would be circulated as soon as possible in the New Year.

Mr Francis Moreland then presented a statement to the Committee under public participation, which focussed on the revisions to the NPPF, and he expressed the importance and legal basis for reviewing, and where appropriate, re-assessing and bringing back fresh reports to Committee for all relevant planning applications and appeals in light of those changes.

Mr Green then updated the Committee on the appeals report as per the Agenda Pack, with particular attention being drawn to the successful defence of the appeal for application PL/2021/10237, pertaining to the demolition of an existing care home at Staverton. The Committee was congratulated in refusing the application and by identifying the material harm the proposal would have upon immediate neighbours, which the appeal inspector agreed with and identified as being the most significant matter, which outweighed all the benefits of the proposal.

The appeal decision for application PL/2023/01435 was then highlighted which related to the reinstatement of permitted development rights for application 15/10329/FUL, which went against the Council, and which may result in structures within the significant domestic curtilage being 'permitted development' in the future, ie: development not requiring the express permission from the Local Planning Authority.

Finally, Councillor Trevor Carbin highlighted an error in the appeals report in which it stated that the officer recommendation for application PL/2021/10237 was refusal instead of approval.

After which, it was:

Resolved:

The Committee noted the appeals report for the period 10 November 2023 to 8 December 2023.

Post Meeting Note:

As a postscript Committee minute, it should be noted that the Government subsequently corrected the 19 December 2023 iteration of the revised NPPF on 20 December 2023, when the Committee meeting was taking place. The 20 December 2023 NPPF removed a section from Paragraph 14. The following quote was taken from the Government update which can be accessed here: [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/124444/nppf-2023-12-20.pdf)

“Paragraph 14b has been amended to remove text that was not intended to be included in the published version on 19 December. The text removed read: where that requirement has been identified within five years or less of the date on which the decision is made.”

What was presented to the Committee was the 19 December 2023 iteration. To avoid any misunderstanding, the corrected NPPF on 20 December 2023 revised Paragraph 14, pursuant to made neighbourhood plans, which is set out below as a further postscript Committee minute:

“14. In situations where the presumption (at Paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) *The neighbourhood plan became part of the development five years or less before the date on which the decision is made; and*
- b) *The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see Paragraphs 67-68)”*

65 **PL/2023/05634: Land to the South of The Old Rectory, Warminster Lane North, Upton Scudamore**

Public Participation

- Ms Barbara Hardy, local resident, spoke in objection to the application.
- Mr John Spencer, local resident, spoke in objection to the application.
- Mr Chris Beaver, agent for the applicant, spoke in support of the application.
- Cllr Carolyn Pollard, on behalf of Upton Scudamore Parish Council, spoke in objection to the application.

The Senior Planning Officer, Julie Mitchell, introduced the report which recommended that the Committee grant planning permission for the erection of a building for the purposes of agricultural storage, subject to conditions.

Key material considerations were identified including principle of development; landscape impacts; heritage matters; highway/Rights of Way matters; and impacts on residential amenity.

Members were advised that prior to the meeting, officers had reviewed the published report mindful of the changes made to the National Planning Policy Framework (NPPF) as discussed under Agenda Item 6, Planning Appeals and Updates, and had concluded that there were no material policy differences to report.

Attention was then drawn to concerns raised by third-party representations with regard to the proposed purpose of the building, the amount of land the applicant had identified in blue, the proposed hard standing and ground conditions, and the preservation of the countryside. Members were reassured that the cited proposed floor area of the storage building as set out in the applicant's Design and Access Statement had been revised to align with the proposed floor plans and elevations as presented to the Committee, and that the original Design and Access Statement had not been a critical determining factor when finalising the officers' recommendation.

Members of the Committee then had the opportunity to ask technical questions to the officer. Details were sought on the proposed materials to be used for the development, and clarification was required on the difference between the wider agricultural land within the applicant's ownership and the land to which the storage building related to, all of which being separate from the applicant's domestic garden. Further questions were raised with regard to any potential

future development, the principle of development, and the extent of future permitted development rights.

The four named public speakers as detailed above, then had the opportunity to present their views to the Committee.

The Unitary Division Member, Councillor Bill Parks, then spoke on the application.

A debate followed where Members acknowledged the concerns of the local community and welcomed the robustness of the recommended planning conditions. The revisions made to the application prior to the Committee meeting were also appreciated. The potential uses of the land within the applicant's ownership (but outside of the application site) were also discussed, and Members explored with officers the merits of removing permitted development rights to protect the countryside character and neighbouring residents' amenities.

During the debate, a motion to grant planning permission in line with officer recommendations subject to the inclusion of a further condition pertaining to potential future developments, was moved by Councillor Jonathon Seed, and was seconded by Councillor Suzanne Wickham.

Following a vote on the motion, it was:

Resolved:

The Committee GRANTED planning permission subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

Location Plan dated 17 November 2023

Site/Block Plan dated 17 November 2023

Floor Plan and Site Elevation/Section dated 17 November 2023

Elevations dated 17 November 2023

Revised Landscape Plan V5 dated 4 December 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The building hereby approved shall be used for the purposes of storage of agricultural machinery and associated materials and for no other purpose (including any purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable having regard to the needs of the agricultural holding.

4. No external lighting shall be installed on-site other than in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals to demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

5. All planting and soft landscaping comprised in the approved details of landscaping (Revised Landscape Plan V5 dated 4/12/23) shall be carried out in the first planting and seeding season following the first use of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the use/occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development falling within Part 6, Class B shall take place to the agricultural storage building hereby approved.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for any further development.

66 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.45 pm)

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