

**West Wiltshire District Council  
Planning Committee  
15 November 2007**

**PLANNING APPEALS UPDATE REPORT  
10 October 2007 – 1 November 2007**

**New appeals received**

| <b>Ref. no.</b> | <b>Site</b>  | <b>Town/<br/>Parish</b> | <b>Description</b>  | <b>Del or<br/>Com</b> | <b>Officer<br/>recom</b> | <b>Appeal<br/>type</b> |
|-----------------|--|-------------------------|---|-----------------------|--------------------------|------------------------|
| 07/00237/FUL    | Land adj Kings Farm<br>Little Common                     | North<br>Bradley        | Detached dwelling   | COM                   | PER                      | WR                     |
| 07/01840/FUL    | Willow Cottage 84<br>Upper Marsh Road                    | Warminster              | Single and two storey extension to side of property                                       | DEL                   | REF                      | WR                     |
| 07/02300/FUL    | 57 The Teasels   | Warminster              | Two storey extension to side of property  | DEL                   | REF                      | WR                     |
| 07/01097/FUL    | 56 Station Road  | Westbury                | New conservatory to rear  | COM                   | REF                      | WR                     |
| 07/00560/FUL    | Land Adjacent 2 Plants<br>Green                          | Warminster              | Detached bungalow and garage (re application)   | COM                   | REF                      | WR                     |
| 07/02468/ADV    | Land At Junction With<br>Common Hill And Cold<br>Harbour | Great Hinton            | Sign board (retrospective)  | DEL                   | REF                      | WR                     |
| 06/03599/FUL    | 15 Whitepits   | Kingston<br>Deverill    | Demolition of existing and replacement detached garage<br>and workshop (revised proposal) | DEL                   | REF                      | WR                     |

## Appeal Decisions Received

| Ref. No.     | Site  | Town/<br>Parish     | Description   | Del or<br>com | Officer<br>recom | Appeal<br>type | Appeal<br>Decisn |
|--------------|---|---------------------|---|---------------|------------------|----------------|------------------|
| 05/00855/LBC | The Coach House<br>Lovel House 42 Lovel<br>Road | Upton Lovell        | Conversion of Coach House to provide annexe<br>to Lovel House   | COM           | PER              | HRG            | ALLOWED*         |
| 06/02374/LBC | The Coach House<br>Lovel House 42 Lovel<br>Road | Upton Lovell        | External and internal alterations   | COM           | REF              | HRG            | ALLOWED*         |
| Enforcement  | Long Hedge Farm<br>Chitterne Road               | Codford             | Against an enforcement notice issued  | Enf.          | Enf.             | WR             | DISMISSED        |
| 07/00294/FUL | Little Court 5 Woods<br>Hill                    | Limpley<br>Stoke    | First floor extension   | DEL           | REF              | WR             | DISMISSED        |
| 07/00091/FUL | 4 Manor Farm Cottages                           | Hill Deverill       | Two storey and single storey extensions   | DEL           | REF              | WR             | DISMISSED        |
| 06/02123/FUL | Land Rear Of 92 To 98<br>Portway                | Warminster          | Construction of 2 storey building, comprising 4 flats<br>and associated works, including provision of<br>additional car parking | COM           | REF              | WR             | DISMISSED*       |
| 07/00407/FUL | 17 Drynham Park                                 | Trowbridge          | First floor bedroom extension over existing rear<br>lounge extension  | DEL           | REF              | WR             | DISMISSED        |
| 06/03851/FUL | Retail Unit 3 New Unit<br>At Hackett Place      | Hilperton           | Change of use from A1 (retail) to A5 (sale of hot<br>food)  | COM           | PER              | WR             | ALLOWED*         |
| 06/02350/FUL | 164 Winsley Road                                | Bradford on<br>Avon | Garden shed timber  | DEL           | REF              | WR             | 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

**05/00855/LBC & 06/02374/LBC The Coach House Lovel House Upton Lovell** – The Inspector noted that there were no new openings proposed in the elevations. The main vehicle entrance would be refurbished and the space used as garaging. She felt that the insertion of 2 roof lights and a flue would alter the appearance but it is not uncommon to find accommodation on the first floor of coach houses of this period and, if carefully detailed, would be discreet. Internally the building was designed as a series of large spaces with secondary loft space at first floor. She concluded that the internal changes would not affect the functional character of

the building and would not be inconsistent with the semi domestic character of the building. Permission was granted for both appeals with the same conditions on each.

The Appellants also submitted a claim for an award of costs. This was refused by the Inspector who noted that the Council provided substantial evidence in support of their view and could not conclude they acted unreasonably.

**Long Hedge Farm Chitterne Road, Codford** – This as an appeal against a planning enforcement notice served by the Council. The development had been the subject of an application which had been refused and the subsequent appeal dismissed. On the grounds that planning permission should be granted, the Inspector concluded that the barn will be particularly visible from a number of public viewpoints and the size and scale of the building means the policy to protect the landscape cannot be achieved, nor does it preserve or enhance the Area of Outstanding Natural Beauty. He noted that the building is important to the welfare of the sheep whose grazing contributes to the maintenance of the AONB, however, a smaller building would be equally suitable. He concluded that the building harms the landscape of the AONB and concluded that it is consistent with the previous appeal decision.

On the grounds that the measures to be taken are excessive, The Inspector noted that there was no evidence to dispute the appellants contention that the building stands on a WWII concrete base. He therefore concluded that the requirement to remove the base was excessive and varied the Notice accordingly. The appeal was dismissed and the enforcement notice upheld with the variation.

**06/03851/FUL Retail Unit 3 New Unit At Hackett Place, Hilperton** – The Inspector noted that two new units were in A1 (shops) use and there would be 4 units in the centre in A1 use, which includes the Budgeons convenience store. With the appeal site, there would be 3 no. class A5 units but some 71% of the floor spaces would remain in Class A1. He concluded that there would not be an imbalance. He noted that there is no evidence to show that the proposal would lead to an increase in vandalism and in any event such matters would be dealt with by other legislation. With regard to noise, disturbance and smells, he noted that the Environmental Health Officer had not objected and had indicated that these matter could be dealt with by condition. There was nothing in the appeal papers to suggest that existing A5 uses have been the subject of complaints and in the absence of any substantial evidence, he could find no reason to disagree with the EHO.

#### **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/<br>Parish | Description  | Appeal<br>type | Venue | Date                 |
|--------------|-----------------------------|-----------------|--|----------------|-------|----------------------|
| 05/00978/FUL | Old Workmens Hall Bath Road | Atworth         | Conversion of derelict building to residential use                             | HRG            | CR1   | 13.11.07             |
| 01/01971/OUT | Land Off Hackett Place      | Hilperton       | Residential development and associated roads                                   | INQ            | CC    | 4.12.07 +<br>5.12.07 |
| 06/00789/FUL | Land Adjacent 5 Woodmand    | Holt            | New dwelling and demolition of existing garage and formation of parking spaces | HRG            | CR1   | 11.12.07             |

Members are asked to note that the Hearings for both the Old Workmen's Hall, Bath Road, Atworth and Land Adjacent 5 Woodmand, Holt are both based solely on the issue of a commuted sum in lieu of affordable housing for 50% of single dwellings within the Villages Policy Limit . This part of the affordable housing policy has now been deleted following the Cabinet decision dated 5 September 2007. The Appellants have both been advised that the Council will no longer be seeking to defend this issue at the Hearings and we await further notification as to whether these hearings will now take place or not.