

**West Wiltshire District Council
Planning Committee
29 January 2009**

Agenda item no. 7

**PLANNING APPEALS UPDATE REPORT
27 November 2008 to 9 January 2009**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
08/01146/FUL	50A Woodcock Road Warminster	Warminster	Demolition of bungalow and erection of 3 dwellings	COM	PER	WR
08/03010/FUL	Land East Of Southview Farm Drynham Road Trowbridge	Trowbridge	Application to vary to condition 8 of permission 04/01063/OUT relating to construction of access road	DEL	REF	INQ
08/00353/FUL	Kays Cottage 489 Semington Road Melksham	Melksham	Extensions and replacement of extensions	DEL	REF	WR
08/01387/FUL	Land Adjacent 3 Littlejohn Avenue Melksham	Melksham	Erection of a two storey building comprising a three bedroomed house and 2 two bedroomed flats	DEL	REF	WR
08/02619/LBC	Bapton Manor Bapton	Stockton	Removal of brick chimney to north-east wing and making good of roof	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
07/03937/FUL	The Garden House Leigh Road West Bradford On Avon	Bradford on Avon	Refurbishment of existing walled garden including the construction of garaging, stabling and ancillary living accommodation for the existing dwelling	DEL	REF	WR	DISMISS
08/00418/FUL	Garages Rear Of 40 To 43 Lambrok Close Trowbridge	Trowbridge	Redevelopment of existing garage courtyard to provide two new dwellings	COM	PER	WR	ALLOW
08/00927/OUT	Land Adjacent 179 Masefield Road Warminster	Warminster	Proposed two bedroom bungalow	DEL	REF	WR	DISMISS
08/00366/FUL	Land Fronting 4 Wren Close Warminster	Warminster	Two one bedroom flats with parking area	Del	REF	WR	DISMISS
08/01190/FUL	April Cottage 15 Grange Lane Warminster	Warminster	New vehicular access including change of use	DEL	REF	WR	DISMISS
07/02421/EUD	Land At Black Dog Hill Chapmanslade	Chapmanslade	Certificate of lawfulness for existing use of land for the storage of building materials, tools and equipment	DEL	REF	INQ	DISMISS
08/01551/ADV	Nortree Motors Ltd Beanacre Road Melksham	Melksham	Internally illuminated free standing double sided sign	DEL	REF	WR	DISMISS
07/03374/FUL	Land East Of Park Farm The Lodge Hoggington Lane Southwick	Southwick	Change of use of land and buildings to an equestrian training centre and erection of buildings	COM	PER	HRG	ALLOW
08/00226/FUL	The Lodge Hoggington Lane Southwick	Southwick	Removal of agricultural condition relating to the occupation of the lodge without compliance to Condition 01 of application 76/00210	DEL	REF	HRG	ALLOW

* additional notes on decision below

- I = Inquiry H = Hearing
- Del = Delegated decision

WR = Written Representations
Comm = Committee decision

❖ **Points of interest arising from decisions**

07/03937/FUL - The Garden House Leigh Road West Bradford On Avon - Refurbishment of existing walled garden including the construction of garaging, stabling and ancillary living accommodation for the existing dwelling

The Inspector fully concurred with the views of Officers that the proposal which was tantamount to a new dwelling, and even if considered as ancillary accommodation would constitute a disproportionate addition over and above the size of the existing dwelling and as such was contrary to Green Belt policy. However, he did not consider that this was an unsustainable location and considered that future refurbishment of the garden walls would be appropriate.

08/00418/FUL - Garages Rear Of 40 To 43 Lambrok Close Trowbridge - Redevelopment of existing garage courtyard to provide two new dwellings

The Inspector in allowing this appeal stated that although the outlook of neighbours would be affected the distance between the existing and proposed dwellings was sufficient to prevent harm. He also concluded that parking provision was acceptable and that the highway authority was correct in taking the view that 2 additional houses would have no significant impact on highway safety.

08/00927/OUT - Land Adjacent 179 Masefield Road Warminster - Proposed two bedroom bungalow

This appeal was dismissed because the Inspector concluded that the proposals would be harmful to the living conditions of the occupiers of a neighbouring dwelling. He considered that even if the development were to be relocated to the other side of the site it would have an unacceptably harmful impact on the character of the area.

08/00366/FUL - Land Fronting 4 Wren Close Warminster - Two one bedroom flats with parking area

This appeal was dismissed because the Inspector took the view that the proposals would be likely to harm the character and appearance of the surrounding area as the plot sizes were significantly smaller than those in the immediate area and as such the dwellings would appear cramped.

08/01190/FUL - April Cottage 15 Grange Lane Warminster - New vehicular access including change of use

The appeal was dismissed even though the Inspector concluded that access would use only a relatively small part of the area of public open space and would be unobtrusive. However, given that the open space was already quite small he felt that it would make it a less attractive area on which to play and it had not been demonstrated that there was a surplus of open space in the area.

07/02421/EUD - Land At Black Dog Hill Chapmanslade - Certificate of lawfulness for existing use of land for the storage of building materials, tools and equipment

The Inspector took all evidence from witnesses under oath but stated that having regard to the sensitive nature of enforcement records and need for confidentiality it was not necessary for the Council to produce the whole of its enforcement files for inspection. The onus of proof is upon the appellant and the Inspector concluded that on the balance of probability the site had not been used as claimed for the full 10 year period necessary to establish lawful use.

08/01551/ADV - Nortree Motors Ltd Beanacre Road Melksham - Internally illuminated free standing double sided sign

The Inspector was of the view that the additional free standing sign would be harmful to amenity in itself but that it would also contribute to an overwhelming impression of advertising clutter and excess which would be visually intrusive and inappropriate in any event, but particularly so within this Area of Special Advertisement Control.

07/03374/FUL - Land East Of Park Farm The Lodge Hoggington Lane Southwick - Change of use of land and buildings to an equestrian training centre and erection of buildings

The Inspector in allowing this appeal pointed out that it was consistent with central government advice which recognises that horse riding and other equestrian activities are popular forms of recreation in the countryside and can fit in well with farming activities and help to diversify rural economies. He was of the opinion that the proposals would have minimal impact on the landscape and would not harm the amenity of neighbours, cause inconvenience or disturbance to neighbours or have an adverse impact on highway safety. He did, however, consider that the effect of some of the associated equestrian paraphernalia was excessive and that this should be restricted to the area closest to the stable complex.

08/00226/FUL - The Lodge Hoggington Lane Southwick - Removal of agricultural condition relating to the occupation of the lodge without compliance to Condition 01 of application 76/00210

Having allowed the previous appeal for the equestrian training centre the Inspector considered it was logical to change the condition attached to the dwelling to include persons engaged in horse-related activity which would also be consistent with government guidance. This would not only meet the appellant's needs but the tie would be retained to meet the potential demand for an agricultural worker's dwelling in the future.

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
08/01209/FUL	Land Adjacent Hisomley Farmhouse Hisomley Dilton Marsh	Dilton Marsh	Siting of mobile home, day room and touring caravan	HRG	CR1	10.02.09 AND 11.02.09
08/00079/USE_M	Land Adjacent Hisomley Farmhouse Hisomley Dilton Marsh	Dilton Marsh	Alteration to access and site works	HRG	CR1	10.02.09 AND 11.02.09
07/03864/OUTES	Land North East Of Green Lane Farm Green Lane Trowbridge	Trowbridge	Residential development, children's play area, roads and associated infrastructure, landscaping and creation of extension to country park	INQ	TBA	17.03.09 AND 18.03.09
06/00019/DUP (Enforcement)	Long Hedge Farm Chitterne Road Codford	Codford	Unauthorised use of barn	INQ	CC	01.04.09 AND 02.04.09
08/02137/EUD	Woolley Grange Farm 1 Woolley Green Bradford on Avon	Bradford on Avon	Certificate of lawful use for use of buildings and land for light industrial (B1) and storage use (B8)	INQ	CC	08.04.09