

**West Wiltshire District Council
Planning Committee 15th September 2005**

Agenda item no.

**PLANNING APPEALS UPDATE REPORT
10th August - 30th August 2005**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
05/00501/FUL	62 Murhill, Limpley Stoke	Winsley	Rear conservatory and alterations to basement and side entrance	Del	Refuse	WR
04/02144/LBC	67 High Street, Heytesbury	Heytesbury, Imber and Knook	Removal of existing shop front and reinstatement with traditional façade	Com	Refuse	WR
03/01766/FUL	67 High Street, Heytesbury	Heytesbury, Imber and Knook	Removal of existing shop front and replacement with traditional cottage façade	Com	Refuse	WR
05/00626/REM	Phase 7B, Marina Drive, Staverton	Staverton	Erection of 69 dwellings with associated parking, internal access roads, landscaping and other works	Com	Permit	INQ
05/00874/FUL	42A Corton	Boyton	Two extensions and alterations	Del	Refuse	WR
04/02421/FUL	33 Midford Lane, Limpley Stoke	Limpley Stoke	Conservatory	Com	Refuse	HRG

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or comm	Officer recom.	Appeal type	Appeal Decisn
04/00322/FUL	Land South Of The Paddocks, Whiteheads Lane, Bradford On Avon	Bradford on Avon	Erection of dwelling as previously permitted 98/1281	Com	Permit	HRG	Allowed*
04/02065/FUL	Maxcroft House, 3 Maxcroft Lane, Hilperton	Hilperton	Subdivision of existing house to form two dwellings	Com	Refer to Sec'ary of State	WR	Allowed*
03/01944/LBC	Shaw Court, Bath Road, Shaw	Melksham Without	Removal of garage and stores building which contained within it part of the former boundary wall and the rebuilding of two sections of the boundary wall	Com	Refuse	HRG	Allowed
03/01713/FUL	Shaw Court, Bath Road, Shaw	Melksham Without	Extension of garden curtilage, erection of building comprising garages and domestic store with 2 gravel turn rounds, construction of bund to screen new building and the rebuilding of two sections of the boundary wall	Com	Refuse	HRG	Split*

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

❖ Points of interest arising from decisions

04/00322/FUL Land South Of The Paddocks, Whiteheads Lane, Bradford On Avon – This appeal was for a renewal of a permission to erect a dwelling. The Inspector expressed the view that the site did not make any significant contribution as open space, recreational

or amenity value and there would be only restricted views from the outside. The proposed building would be in keeping with the surroundings and because of the difference in land levels would not affect the setting of the listed building (The Bradford Old Mill). He therefore concluded that it would be in character with the area and allowed the appeal.

Costs - The Inspector also granted an award of cost against the Council and a copy of the cost application decision is attached in full for Members information. The Inspector concluded that, although there had been some changes since the 1998 permission was granted, they did not represent a material change in circumstances to justify a refusal. Policy is more or less identical, boundaries of the conservation area are the same and there has been no change in pattern of development around the site. He felt that, although Members were entitled to come to a different conclusion from officers, there were no cogent or substantive planning reasons for doing so in this case and the Council had allowed themselves to be unreasonably influenced by objections from local residents. He also considered that it is not the role of the Council to impose its tastes and it was unreasonable to reject one design and then give no firm guidance on what would be more acceptable. The overall conclusion was that the Council has behaved unreasonably in its handling of the planning application which has resulted in the applicants award of costs for incurring unnecessary expense in bringing the case to appeal. The Council must pay the appellants the cost of the appeal proceedings. No details of the costs claim has been received to date.

04/02065/FUL Maxcroft House, 3 Maxcroft Lane, Hilperton - The Inspector allowed this appeal and concluded it would be contrary to policies but there were other considerations which justify this as an exception. It would positively contribute to the maintenance and enhancement of the setting of the LB, there would be no significant harm to the character and appearance of the countryside and limited harm on the sustainability issues. He thought that there would be some intensification of the residential uses but it would not significantly impact on the demands of public service provision and may, to a small extent, help support and retain the nearby services. The change to traffic increases would be barely perceptible in the context of the existing use of the main road.

03/01713/FUL Shaw Court, Bath Road, Shaw - 4 appeals in total against the refusal of the planning permission and listed building consent and the two associated enforcement notices. In summary the Inspector

1. Allowed appeal for extension of garden
2. Dismissed appeal for erection of the garage and bund
3. Grants Listed Building consent for demolition of store/garage building and part of the boundary wall.
4. Varied the Listed Building enforcement notice to exclude the requirement to replace the boundary wall and reflect his decision above.
5. Varied the enforcement notice to require the removal of the garage building, to take down the bund and restore land to its original contours in that area, all within 9 months from the date of the appeal decision.

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 Sept – Dec 2005

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
04/01499/FUL	4 Wingfield House	Wingfield	Demolition of existing outbuildings	HRG	CR1	1 Nov
04/00874/FUL & 04/00875/FUL	Land adj canal, the slipway	Staverton	Proposed residential 34 dwellings	INQ	CC	8 & 9 Nov
04/00941/REM 05/00626/REM	7b Marina Drive	Staverton	Erection of 64 dwellings	INQ	CC	15/ & 16 Nov
04/02297/FUL 04/02295/LBC	Frogmore House	Westbury	Redevelopment to form 50 sheltered apartments	INQ	CC	22 & 23 Nov
04/00385/FUL	East of Furnax Lane	Warminster	Warehouse and storage with access	HRG	TBC	29 Nov
04/01427/FUL	Land SW of Elmfield	Staverton	22 dwellings	HRG	TBC	13 th Dec