

**West Wiltshire District Council  
Planning Committee 3 August 2006**

Agenda item no 7

**PLANNING APPEALS UPDATE REPORT  
10<sup>th</sup> June 2006 – 28<sup>th</sup> June 2006**

**New appeals received**

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
06/00074/FUL	2 Bourne Close	Warminster	Extension to front	DEL	REF	WR
06/00716/ADV	Magnet Ltd Polebarn Road	Trowbridge	4 fascia signs (2 externally illuminated)	COM	CSNT	WR
06/00332/FUL	Land Adjacent 220 Forest Lane	Melksham	Dwellinghouse	DEL	REF	WR
06/01057/OUT	Land Adjacent 27 Ludlow Close	Warminster	Detached dwelling	DEL	REF	WR

**Appeal Decisions Received**

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decision
05/02439/FUL	Picquet Cottage Tynning Lane	Bratton	Alterations to house comprising replacement of flat roofed dormer with pitched roof dormers, rebuilding of existing rear wing on same footprint, insertion of new rooflight in rear roof slope	DEL	REF	WR	Allowed
05/02819/ADV	Land East Of 541 Outmarsh	Melksham	PVC banner	DEL	REF	WR	Dismissed

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decision
05/01470/FUL	32 Lower Westwood	Westwood	Building separate double garage, erection of 1.84m closeboard fence, felling Sycamore and general landscaping of area surrounding new garage	DEL	REF	WR	Dismissed
05/01010/FUL	79 Boreham Road	Warminster	First floor extension with front and rear dormers	DEL	REF	WR	Dismissed
05/01184/FUL	Land Adjoining 80 The Common	Broughton Gifford	Change of use from agriculture to garden use and installation of timber post and three rail fence	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

**St Mary's Close Hilperton** – Members will recall this appeal, which was allowed recently for a dwelling in the garden of the existing house. Council's policy for affordable housing in the rural areas requires 50% of the proposed dwellings to be affordable housing which in turn means that, in the case of 1 dwelling, 50% of the value of the new house paid as a commuted sum in lieu of affordable housing. The Inspector took issue with this and concluded that since it was impossible to provide half an affordable dwelling on a site, the policy could only apply to sites of two or more dwellings. Because this raised doubt about the implementation of the policy, your officers considered whether the Council should challenge the decision and therefore took legal advice from Counsel. His advice was that even if we took the matter to the High Court, the Court could not decide in the Council's favour but rather refer the matter back to the Inspectorate for reconsideration and there is no guarantee that they would decide in the Council's favour. The alternative is to continue to apply the policy, refuse similar cases on the same ground and bring any subsequent appeal to a public inquiry, where the Council could argue their case. The St Mary's Close appeal decision will be a material consideration in any future appeal which could be overcome at a successful inquiry, whereas a binding precedent of the High Court would not be overcome. He also pointed out that this issue could be covered when the District Plan is revised.

**05/02439/FUL Picquet Cottage, Tynning Lane, Bratton** – This appeal included the replacement of a flat roofed dormer with 3 pitched roof dormers. The Inspector noted that the existing dormer was an alien feature in this part of the conservation area and the replacement by 3 pitched roof dormers would be similarly uncharacteristic. Whilst he did not consider the form wholly sympathetic, he felt that it would provide a better link visually between the extension and the main building. He concluded that the property would marginally benefit from the improvement and therefore allowed the appeal.

**05/02819/ADV Land East Of 541 Outmarsh, Melksham** – This appeal referred to the two signs displayed on opposite sides of the Semington by pass. The Inspector concluded that they are unrelated to their surroundings and appear inappropriate, intrusive and anomalous features in the landscape to the detriment of the amenity of the area. He also considered if they were a danger to highway safety and concluded they were not.

**05/01470/FUL 32 Lower Westwood, Westwood** – This appeal considered the erection of a detached double garage for a property in the Green Belt. The Inspector concluded that the garage would be a substantial building some distance from the dwelling, which was not considered to be an extension or alteration to the existing dwelling. It was therefore inappropriate development and therefore would harm the openness of the Green Belt. He also felt that the prominence of the site and relatively isolated location would mean that it would be intrusive in this part of the settlement and therefore harm the character of the conservation area. He did not feel there were any special circumstances to outweigh his conclusions.

**05/01184/FUL, Land Adjoining 80 The Common, Broughton Gifford** – This appeal was in respect of the change of use from a grazing paddock to garden use. The Inspector concluded that this would clearly result in an area of open countryside being lost to residential use, which would harm the open character of the rural landscape. Furthermore, he stated that the site would become more domestic in appearance thus visually extending the built up character beyond existing village edge and conservation area boundary. He expressed the opinion that it would undermine the defined relationship between the village and the surrounding countryside and therefore harm the conservation area and the Area of Minimum Change.

#### **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
05/00068/FUL	21 George Street	Warminster	Redevelopment of site to form 38 sheltered apartments, house managers accommodation, communal facilities and associated car parking	Inquiry	CC	01 Aug
05/00324/REM	Land at New Terrace and Marina	Staverton	Reserved matters application (related to outline approval 01/01616/out) for detail of link road (new terrace link)	Inquiry	CC	08 Aug
04/02307/OUT	Land at New Terrace and Marina	Staverton	Residential development and associated works	Inquiry	CC	08 Aug