

West Wiltshire District Council  
Planning Committee 26<sup>th</sup> October 2006

PLANNING APPEALS UPDATE REPORT  
21 September 2006 – 11 October 2006

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
05/01750/FUL	Rear of 106 West Street	Warminster	Demolition of existing garage buildings, formation of access including partial demolition of 106 West Street and construction of 1 three bedroom cottage and 4 two bedroom cottages	COM	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or comm	Officer recom.	Appeal type	Appeal Decisn
04/02421/FUL	Midford Lane	Limpley Stoke	Conservatory	COM	REF	Hearing	Dismissed
05/00068/FUL	21 George Street	Warminster	Redevelopment of site to form 38 sheltered apartments, house managers accommodation, communal facilities and associated car parking	DEL	Legal	Inquiry	Dismissed*
05/01205/OUT	Land north of 410a The spa, Bowerhill	Melksham Without	Detached dwelling	DEL	REF	Hearing	Dismissed
05/01398/FUL	Turleigh Danes, Cottles Lane	Turleigh	Extension of residential curtilage and relocation of tennis court	DEL	REF	WR	Dismissed*
06/00074/FUL	2 Bourne Close	Warminster	Extension to front	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**

- **05/00068/FUL      21 George Street, Warminster** – In summary, the Inspector concludes that the Council's SPG on affordable housing should be given some weight but this is reduced because of the conflict with national policies. He questioned the Council's approach to 'additionality' in calculating off site financial contribution for affordable housing. He agreed that the Appellant's proposal would not provide for 30% affordable housing in a way that reflects the priority need for social rented units. He noted that the Council had demonstrated that they have given careful consideration to the likely availability of finance and has established priorities to maximise provision of Affordable Housing. This approach is reasonable and not inconsistent with the emerging national and regional guidance. He concluded; "Council's method of arriving at the total amount of contribution to be reasonable but following the conclusions about the level of provision, does not agree that the actual contribution requested is appropriate or reasonable". He expressed the view that a contribution based on 12 units would be appropriate and reasonable. He also recognised the benefits of developing a brown field site in a sustainable location and providing a specialist form of accommodation, but they do not outweigh the shortcoming identified. The proposal would not make adequate provision for affordable housing.

[A second identical application for the same proposal on the same site is still extant and officers have asked the applicants to advise them of their intentions in the light of this appeal decision. In addition, another application for 23 open markets units for the same site is the subject of an appeal to be heard by means of an Inquiry on a date yet to be agreed]

- **05/01398/FUL      Turleigh Danes, Cottles Lane, Turleigh** – The main issue in this appeal was whether the replacement tennis court was inappropriate development in Green Belt. He expressed the view that the relocation of a tennis court in the grounds of a single dwelling does not meet the definition of essential facility for outdoor sport or recreation in the green belt policy. He felt that the extension of the domestic curtilage and construction of tennis court would result in an increase in activity and significantly alter the open character of the site. It would therefore constitute inappropriate development in the GB. He noted the Appellants had gone to some lengths to reduce the impact with additional planting, regrading land, green surface and removable netting. However, he concluded that the proposed extension of the garden with tennis court would in itself harm the openness of the site and did not consider the lack of public visibility to be a good argument as it could be repeated too often to the overall detriment of the openness of the green belt. He also felt the proposal would harm the form and setting of the Area of Outstanding Natural Beauty.

**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
05/00859/OUT + 05/00681/REM	147B Westbury Leigh	Westbury	Renewal of outline planning permission for residential development (00/01349/OUT)  Proposed development of 5 residential units with associated parking, landscaping and private drive	Inquiry	CC	8 Nov
04/02303/FUL + 04/02156/FUL	Land At Staverton Triangle + Land North Of Victoria Road, Warminster	Staverton + Warminster	Residential development and associated works  Application for outline planning permission for residential development and associated infrastructure	Called in Inquiry	CC	28 Nov  for 4 days
05/01654/FUL	Area R14 Westbury Leigh	Westbury	Erection of 68 dwellings, associated public open space, road infrastructure and works to Black Horse Lane	Inquiry	CC	13/14 December.