

**Wiltshire Council – Area West  
Planning Committee  
6 January 2010**

Agenda item no. 7

**PLANNING APPEALS UPDATE REPORT  
30 October 2009 to 30 November 2009**

**New appeals received**

<b>Ref. no.</b>	<b>Site</b>	<b>Town/ Parish</b>	<b>Description</b>	<b>Del or Com</b>	<b>Officer recom</b>	<b>Appeal type</b>
W/09/01022/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Application to discharge clauses within section 106 agreement dated 6 February 2004	COM	CHAIR	INQ
W/09/01648/FUL	Little Bowerhill Farm 457 Bowerhill Lane Bowerhill	Melksham Without	Alterations and extensions to farmhouse	DEL	REF	WR
W/09/01919/FUL	48 Church Lane North Bradley	North Bradley	Single storey annexe extension	DEL	REF	WR
W/09/01499/FUL	Duck Pond Barn 37A Church Lane Wingfield	Wingfield	Erection of agricultural store beyond the building curtilage	DEL	REF	HRG
W/09/01214/FUL	7 Birch Gardens Hilperton	Hilperton	Single storey extension	DEL	REF	WR
W/09/02386/FUL	Land South West Of Bonnie Farm Court Lane Bratton	Bratton	Mobile home, day room and caravan	COM	PER	HRG
W/09/01271/FUL	Kings Farm 6 Little CommonNorth Bradley	North Bradley	Two storey extension to house	COM	REF	WR
W/09/01272/LBC	Kings Farm 6 Little Common North Bradley	North Bradley	Two storey extension to house	DEL	REF	WR

## Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appe al type	Appeal Decisn
W/09/00612/FUL	5 Fore Street Westbury	Westbury	Change of use from shop (empty hairdressing salon) to residential 1 bedroom self contained flat	DEL	REF	WR	ALLOWED
08/03237/FUL	Land Adjacent 116 Bradford Road Atworth	Atworth	Conversion of garage/studio to form separate dwelling	DEL	REF	WR	ALLOWED
W/09/01632/FUL	Cley Hill Farm Cley Hill Lane Corsley	Corsley	Extensions to front, side and rear	DEL	REF	WR	ALLOWED
W/09/01430/FUL	9 Lower Marsh Road Warminster	Warminster	Extension to dwelling providing one further bedroom	DEL	REF	WR	DISMISSED
W/09/01499/FUL	Duck Pond Barn 37A Church Lane Wingfield	Wingfield	Erection of agricultural store beyond the building curtilage	DEL	REF	HRG	WITHDRAWN
W/09/00267/FUL	Land Adjoining Mudmead Stables Mudmead Lane Steeple Ashton	Steeple Ashton	Change of use of land for the siting of an agricultural workers mobile home for three years	DEL	REF	HRG	DISMISSED

\* additional notes on decision below

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

WR = Written Representations

Comm = Committee decision

## ❖ Points of interest arising from decisions

### **W/09/00612/FUL - 5 Fore Street Westbury**

The appeal was allowed and regrettably a partial award of costs made against the council. It was the view of your officers that the loss of the existing shopfront, as part of the change of use to residential, would be harmful to the character of the conservation area. However, the Inspector took a different view because he regarded the shop front as of little intrinsic value. Furthermore, since the shop unit was not within the area of primary retail frontages it did not fulfil an important and valid retail and employment function.

### **08/03237/FUL - Land Adjacent 116 Bradford Road Atworth**

The Inspector in allowing this appeal disagreed with your officers even though he considered that the building was in close proximity to surrounding dwellings. He did not consider that there was sufficient harm from overlooking to result in undue loss of privacy either from windows or a dormer window. He shared officers' concerns about the potential for noise nuisance and disturbance from manoeuvring vehicles but in the event of the appellant having offered to remove the parking spaces for 116 this was overcome. Turning to the impact on highway safety, even though this would displace more vehicles to the road, he concluded that it would not result in additional highway safety hazards.

### **W/09/01632/FUL - Cley Hill Farm Cley Hill Lane Corsley**

The Inspector in allowing this appeal as he did not share the view of officers that the proposed extensions, which he conceded were large and lacking in symmetry, would be detrimental to the appearance of the building. He took the view that the existing dwelling was of notably poor external appearance and that the additions would be likely to improve the unsatisfactory exterior. Furthermore, in view of the existing unattractive farm buildings, which would be partially obscured by the new extensions, there would be no harm to the visual appearance of the landscape.

### **W/09/00267/FUL - Land Adjoining Mudmead Stables Mudmead Lane Steeple Ashton**

In dismissing the appeal the Inspector concluded that there was no functional need for a worker to be resident at the alpaca enterprise and that there was no need for an extended presence at the site. Any security risk did not have sufficient weight to justify a permanent presence at the site. Furthermore, the appellant already had a house in the village approximately 1 mile from the site and he took the view that a new dwelling, albeit a temporary one, in this isolated open countryside location would be harmful to the quality of the landscape.

#### **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**

<b>Ref. no.</b>	<b>Site</b>	<b>Town/ Parish</b>	<b>Description</b>	<b>Appeal type</b>	<b>Venue</b>	<b>Date</b>
08/00334/BLD_L	Land adj Crusader Park Furnax Lane Warminster	Warminster	Unauthorised land contouring works	INQ	CC	26.01.2010 + 27.01.2010 (date changed from 05.01.2010)
W/09/02386/FUL	Land South West Of Bonnie Farm Court Lane Bratton	Bratton	Mobile home, day room and caravan	HRG	CR1	02.03.2010
W/09/01022/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Application to discharge clauses within section 106 agreement dated 6 February 2004	INQ	CC	23.03.2010