

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 JULY 2021 AT THE ASSEMBLY ROOM, THE TOWN HALL, ST. JOHN'S STREET, DEVIZES, WILTSHIRE, SN10 1BN.

Present:

Cllr Philip Whitehead (Chairman), Cllr Dr Brian Mathew, Cllr Sam Pearce-Kearney, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Jerry Kunkler (Substitute)

1. **Apologies**

Apologies were received from:

- Cllr Kelvin Nash and
- Cllr Paul Oatway QPM, who was substituted by Cllr Jerry Kunkler.

2. **Minutes of the Previous Meeting**

The minutes of the meeting on 7 January 2021 were presented for consideration and it was

Resolved:

To approve and sign the minutes as a true and correct record.

3. **Declarations of Interest**

Cllr Iain Wallis declared for the sake of openness and transparency a non-pecuniary interest in agenda item 8a, Wildlife and Countryside Act 1981 - The Wiltshire Council Parish of Ogbourne St Andrew Path No. 38 Definitive Map and Statement Modification Order 2020. Cllr Iain Wallis stated that he worked for DEFRA and as such was ultimately responsible to the SoSERFA. However, he confirmed that he did not work in a department directly related to Rights of Way.

4. **Chairman's Announcements**

There were no Chairman's announcements.

5. **Planning Appeals and Updates**

Mike Wilmott, Head of Development Management, gave an update on the appeals report contained within the agenda.

Mr Wilmott drew attention to two items which required corrections:

- On page 17, application 19/09834/FUL, Clock House, Honeystreet, SN9 5PS. This was a Committee decision, the officer recommendation was to approve and the appeal decision was to allow.
- On page 18, application 20/03969/FUL, The Isis, London Road, Devizes, SN10 2DS. The appeal decision was to dismiss.

Mr Wilmott stated that 14 of the 21 appeals were dismissed and three of the appeals that were allowed were due to Wiltshire Council currently being unable to demonstrate a five year supply of deliverable housing sites.

Cllr Philip Whitehead proposed that the committee note the report, this was seconded by Cllr Stuart Wheeler. It was

Resolved:

To note the appeals report for the period of 20/11/2020 and 02/07/2021.

6. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 6 of the agenda.

7. **Planning Applications**

The following planning applications were considered.

8. **PL/2021/04659 & PL/2021/05084, Sharcott Manor, Sharcott Drove, Sharcott, SN9 5PA**

Public Participation

Mrs Claire Lloyd, applicant, spoke in support of the application.

Mr James Lloyd spoke in support of the application.

Mr Nigel Keen, agent, spoke in support of the application.

Nick Clark, Senior Planning Officer presented a report which recommended that planning permission be refused for the demolition of an outbuilding and erection of a single storey extension to the grade II listed Sharcott Manor. (Planning permission and listed building consent).

Attention was drawn to a late objection which had been received. The objection and pictures sent in to accompany it had been circulated to all committee members and could be seen on the [planning portal](#). It was clarified that the pictures were taken in 2017.

Key considerations were whether the demolition of the outbuilding would harm the heritage significance of the grade II listed Sharcott Manor and whether the replacement single storey extension would harm the heritage significance of the grade II listed Sharcott Manor.

The planning officer summarised the key legislative and policy issues that related to the applications. It was stated that for grade II listed buildings Wiltshire Council should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possessed.

The officer summarised relevant paragraphs of the National Planning and Policy Framework (NPPF). Paragraphs 193, 194, 195 and 196 stated that great weight should be given to the asset's conservation and that harm should not be caused to the asset. If harm (whether substantial or not) was to be caused, there should be clear justification for it and any harm should be outweighed by public benefit.

Attention was also drawn to Wiltshire Core Strategy (WCS) Core Policies 57 and 58. Which in summary stated that proposals should protect, conserve and where possible enhance the historic environment and that proposals require a high quality of design.

Slides of the main building, its grounds and the outbuilding were shown to the meeting along with plans of the proposal. The outbuilding used to contain staff quarters and laundry facilities.

The officer stated that the outbuilding was in a poor state of repair and had long term maintenance issues which pre-dated the current ownership. Structural engineers employed by the applicants had concluded that the building was beyond economic repair. However, costings were not provided and the building was repairable.

The proposed extension had a similar footprint to the outbuilding but was connected to the main house and would be built using brick and rusty steel cladding with a green roof.

In regards to the two main considerations before the committee, the officer stated that demolition of the outbuilding would cause harm to the heritage significance of the grade II listed building, there was no public benefit to outweigh the harm caused and the proposal was contrary to local and national planning policies. The officer also stated that the proposed extension was not of a high quality design and would fail to conserve the significance of the listed building, causing harm. Therefore, the officer recommendation was to refuse planning permission.

There were no technical questions from Members regarding the proposal.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Jerry Kunkler, spoke in support of the applications. Cllr Kunkler was worried by the state of repair of the building and felt that the applicants wanted to put a lot of work and care into bringing the building back up to modern standards in a sympathetic way. Cllr Kunkler felt that if Wiltshire Council did not work with the applicants the buildings could fall into a worse state of disrepair. He felt that the design would blend in with the listed building and urged the committee to consider approving the application.

The Chairman proposed a motion to refuse planning permission and listed building consent as per the officer recommendation at page 28 of the agenda. This was seconded by Cllr Stuart Wheeler.

A debate followed where points including the following were raised. The parish council and no objectors had attended the meeting to air any objections to the proposal. The applicants were very invested in the building and wanted to invest time, money and effort into the building, bringing it back into use.

Other Members felt that size, form and general design of the replacement extension was not of a high quality design and did not enhance the original building or its setting, there was also no perceived public benefit.

At the conclusion of the debate it was

Resolved:

That planning permission and listed building consent be refused for the following reasons.

REASONS:

- 1. As an ancillary/ service building to Sharcott Manor during the late Victorian / Edwardian eras the outbuilding contributes to the heritage significance of the listed building. Its demolition would result in harm to the heritage significance of the listed building and the proposal thus fails to conserve the significance of the designated heritage asset, as it results in total loss of the structure, contrary to Wiltshire Core Strategy Core Policy 57 and Core Policy 58. In the absence of clear and convincing justification for the demolition and without public benefits to outweigh the harm the proposal is also contrary to National Planning Policy Framework paragraphs 193 to 195.**
- 2. The form, materials and size of the proposed extension lacks the architectural character and detail seen in the manor house and would contrast negatively with the host building as a bulky and incongruous addition that would fail to protect and conserve the heritage significance of the listed building contrary to Wiltshire Core Strategy Core Policy 57 and Core Policy 58. The level of harm would be 'less than substantial' and in the absence of clear**

justification and public benefits sufficient to outweigh the harm, the extension would be contrary to paragraphs 193, 194 and 196 of the National Planning Policy Framework and to the statutory requirement to have special regard to the desirability of preserving the listed building.

9. **Rights of Way items**

The following Rights of Way item was considered.

10. **Wildlife and Countryside Act 1981 - The Wiltshire Council Parish of Ogbourne St Andrew Path No. 38 Definitive Map and Statement Modification Order 2020**

Public Participation

Ms Susannah O'Brien, landowner, spoke in objection to the application

Mr Timothy O'Brien spoke in objection to the application.

Mr Alan Woodford spoke in support of the application. (Mr Woodford's statement was read by the Democratic Services Officer as Mr Woodford was isolating due to COVID-19).

Ms Carolyn Davis spoke in support of the application.

Mr Norman Beardsley, Wiltshire Bridleways Association, spoke in support of the application.

Cllr John Hetherington, Ogbourne St Andrews Parish Council spoke in support of the application.

Craig Harlow, Definitive Map Officer, Rights of Way & Countryside presented a report which recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with a recommendation from Wiltshire Council that the Order be confirmed as made.

The officer explained that the Order had been made under Section 53 of the Wildlife and Countryside Act 1981 to record a public bridleway in the parish of Ogbourne St Andrew.

Slides were shown to the meeting with photos and maps showing the route. The route formed a natural link between two existing rights of way and was requested by Ms Carolyn Davis. One of the photographs shown was of the entrance to the route from OSTA6 and showed that there was no gate present. The officer explained that a gate had been added after the Order was applied for.

Representations and objections were detailed by the officer as follows:

- 31 user evidence forms had been submitted claiming use of the route.
- 13 of those users claimed to use the route on horseback or bicycle.
- 26 users claimed to use the route on foot.
- 1 objection had been received from the affected landowner.

The key legislation was summarised by the officer, as detailed in the agenda report. It was highlighted that evidence was key to the process. There was evidence to show that the route had been used for over 20 years and it was important to note that the desirability, the environment, need, privacy concerns or health and safety were irrelevant for the application under section 53 of the Wildlife and Countryside Act 1981. Only the evidence could be considered.

The officer explained that there was a conflict in the evidence provided by the landowner and the users of the route.

13 users claimed to have used the route on horseback or bicycle. The officer explained that there were no set number of users required for an order to be confirmed. The number of people using the route in this way seemed to be a reasonable expected use due to the rural nature of the route and the low population in the area. There was evidence to suggest that it had been used as a route for a full period of 20 years.

There was no evidence to suggest that during that period there had been no intention to dedicate the route as there was no evidence of signs being put up. The landowner stated that people using the route had been challenged but those using the route without permission stated that they had never been challenged.

The officer explained that as an objection had been received to the Order, the Order could not be determined by Wiltshire Council. The Order would need to be determined by SoSEFRA at a planning inquiry, where the evidence could be tested. However, Wiltshire Council could make a recommendation and the options before the committee were to recommend that the Order be confirmed as made, confirmed with conditions, to take a neutral stance or not to confirm. Taking into account the evidence on the balance of probabilities, the officer recommendation was that Wiltshire Council recommend to SoSEFRA that the Order be confirmed as made.

There were no technical questions from Members.

Members of the public then had the opportunity to present their views, as detailed above.

The Chairman proposed that "The Wiltshire Council Parish of Ogbourne St Andrews Path No 38 Definitive Map and Statement Modification Order 2020" was forwarded to the SoSEFRA with the recommendation that it be confirmed as made, as per the officer recommendation on page 42 of the agenda. This was seconded by Cllr Brian Mathew.

A debate followed where Members stated that the pandemic had highlighted the need for people to get out and exercise and have access to the nature and the countryside. It was

Resolved:

That “The Wiltshire Council Parish of Ogbourne St Andrew Path No.38 Definitive Map and Statement Modification Order 2020” be forwarded to the SoSEFRA with the recommendation that it is confirmed as made.

11. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

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