

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 JUNE 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar and Cllr Mike Sankey (Substitute)

27 Apologies

Apologies for absence were received from Councillors Bill Parks and Suzanne Wickham.

Councillor Wickham was substituted by Councillor Mike Sankey.

There was discussion of the constitutional changes approved by Full Council on 16 May 2023, which permitted each group to appoint more than four substitutes for planning committees and encouraging group leaders to appoint further substitute members at the next opportunity.

28 Minutes of the Previous Meeting

The minutes of the meeting held on 10 May 2023 were presented for consideration, and it was,

Resolved:

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

29 Declarations of Interest

There were no declarations.

30 Chairman's Announcements

There were no specific announcements.

Through the Chair Councillor Stewart Palmen reported that since the last meeting an appeal had been refused for application PL/2021/07458 regarding a partial retrospective application for extension and conversion above a shop along Newtown, Trowbridge, which could now be subject to enforcement action.

31 Public Participation

The procedure for public participation was noted.

Commons Act 2006 - Sections 15(1) and (2): Application to Register Land as Town or Village Green - Southwick Court Fields, Southwick and North Bradley - Application no.2020/02TVG

Public Participation

Cllr Graham Hill, Trowbridge Town Council, Grove Ward, spoke in support of the application in his personal capacity.

Geoff Whiffen spoke in support of the application.

Francis Morland made comments in respect of the application process.

Janice Green, Senior Definitive Map Officer, presented a report to consider evidence submitted regarding an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a Town or Village Green, application no.2020/02TVG, in order to determine whether or not Wiltshire Council, as the Commons Registration Authority, should appoint an independent Inspector to preside over a non-statutory public inquiry to assist in its determination of the application. The officer set out details of a late representation received since publication of the agenda regarding an appeal lodged against refusal of a planning application across part of the site.

The officer explained the legislation which governs applications to register a town or village green; The background to this application and the trigger events which have affected it; The identification of Grove Ward, Trowbridge as the locality for the application, in which area most of those supporting the application are resident; The Council as Commons Registration Authority has no investigative powers; that the burden of proof rests with the applicant; That in dealing with an application, the Council is required to observe the rules of natural justice; The evidence required to register land as a town or village green is that a significant number of inhabitants of any locality or neighbourhood within a locality have indulged, as of right, in lawful sports and pastimes on the land for at least 20 years and continue to do so.

Members of the Committee had the opportunity to ask technical questions of the officer. Further details were sought on the two planning trigger events, and it was confirmed that should the refusal of planning permission on part of the site be upheld at appeal, the same part of the site would remain subject to the trigger that was the adopted Wiltshire Housing Sites Allocation Plan, meaning only a small area of the application land could be approved.

There were queries on what activities constituted lawful sports and pastimes, and the status of hedgerow fruit picking on the land. It was confirmed that testing of the evidence submitted would require the holding of a non-statutory public inquiry, which was likely to result in additional evidence coming forward. Further details were also sought on the recorded rights of way and other tracks across the site, and land which appeared inaccessible and might not be included should the application be ultimately successful.

In this case, there was a conflict in the evidence provided and the officer's recommendation was, therefore, to appoint a barrister to hold a non-statutory

public enquiry which would provide an opportunity for the evidence to be tested and for witnesses to be cross-examined. The barrister would provide a report and his recommendation would be advisory on which the Committee would be asked to make a decision.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

Councillor David Vigar, as the Local Member for Trowbridge Grove, then spoke in support of the recommendation set out in the report. It was noted the applicant, Mr Swanney, was very unwell and unable to attend the meeting.

On the motion of Councillor Vigar, seconded by Councillor Pip Ridout, it was then,

Resolved:

To appoint an independent Inspector on behalf of the Commons Registration Authority (CRA) to preside over a non-statutory public inquiry at which the evidence of all parties will be heard and tested through cross-examination, and to produce an advisory report and recommendation regarding the application to the Western Area Planning Committee, to assist the CRA in its determination of the application to register land as a Town and Village Green at Southwick Court Fields, in the parishes of Southwick and North Bradley, as soon as is reasonably practicable.

33 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

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