

## Eastern Area Planning Committee

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 NOVEMBER 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

#### **Present:**

Cllr Paul Oatway QPM (Vice-Chairman), Cllr Adrian Foster, Cllr Sam Pearce-Kearney, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler, Cllr Jerry Kunkler (Substitute) and Cllr Dominic Muns (Substitute)

#### **Also Present:**

Cllr Philip Whitehead and Cllr James Sheppard

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#### 77. **Apologies**

Apologies for absence were received from:

- Cllr Philip Whitehead (who attended in his capacity as the Local Member) – substituted by Cllr Dominic Muns
- Cllr Kelvin Nash – substituted by Cllr Jerry Kunkler

#### 78. **Minutes of the Previous Meeting**

On the proposal of the Vice-Chairman, seconded by Cllr Dominic Muns, it was:

##### **Resolved**

**To approve the minutes of the meeting held on 19 September 2024 as a true and correct record.**

#### 79. **Declarations of Interest**

There were no declarations of interest.

#### 80. **Chairman's Announcements**

The Vice-Chairman reported that Cllr Sam Pearce-Kearney had replaced Cllr Dr Brian Mathew MP as a Committee member. He also noted that Cllr David Bowler has been added as a substitute member of the Committee.

The Vice-Chairman stated that he was looking forward to working with the new members and gave his thanks to Cllr Mathew for his work on the Committee.

#### 81. **Public Participation**

The Committee noted the rules on public participation.

82. **Planning Appeals and Updates**

In response to a query about why costs had been approved for application PL/2022/09535 when the appeal was listed as being refused, the Head of Development Management, Andrew Guest, explained that there were multiple reasons for refusal and that the inspector had not upheld all of them.

On the proposal of the Vice-Chairman, seconded by Cllr Stuart Wheeler, it was:

**Resolved**

**To note the planning appeals update for the period between 6 September and 8 November 2024.**

Cllr Tony Pickernell arrived at 3:10pm.

83. **PL/2024/07035: Urchfont Garage, High Street, Devizes, SN10 4QH**

Public Participation

- Mr Alistair Gordon – spoke in opposition to the application
- Mr Bill Donald – spoke in opposition to the application
- Mr Neil Jones – spoke in opposition to the application
- Mr Richard Cosker (RCC Town Planning Consultancy) – spoke in support of the application
- Mr Nick Church (Gaiger Brothers) – spoke in support of the application
- Mr Sam Gaiger (Gaiger Brothers) - spoke in support of the application
- Cllr Pam Moscrop (Urchfont Parish Council) – spoke in opposition to the application

The Senior Planning Officer, David Millinship, introduced a report which recommended that the application for the demolition of existing buildings, including the local garage, and construction of five dwellings and associated works, be granted. Key details were stated to include the principle of development, highway impacts, the design and the impact on the historic environment.

Attention was drawn to comments from neighbours of the proposed development that had been received since the report had been published. The officer confirmed that none of the comments changed the conclusions of his report. He also drew the Committee's attention to the incorrectly listed planning references in condition 9 of the report and advised them to update this condition if they were minded to approve the application.

The officer explained that the proposed development was considered to preserve the setting of nearby listed buildings, so would enhance the appearance of the conservation area that bisected the site. Although it was

acknowledged that the proposed development would result in the loss of an employment site, it was not in conflict with Core Policy 35 (Existing Employment Land) of the Wiltshire Core Strategy. The erection of five new dwellings would deliver new homes on a site allocated for development in the Urchfont Neighbourhood Plan.

Members of the Committee then had the opportunity to ask technical questions of officers.

Details were sought on how long the site had operated as a commercial premises, as well as the number of people that had commented on the application. It was confirmed that commercial activity had taken place on the site over many decades and that around 140 responses had been received.

The Committee noted that it would not be necessary for the applicant to apply for a separate listed building consent, as the party wall with the nearby Grade II listed building would not be impacted.

Officers explained how Wiltshire Council's inability to demonstrate a four-year housing supply impacted how they had assessed the application. It was noted that the housing land supply was a material consideration, as it placed greater emphasis on the tilted planning balance in the National Planning Policy Framework (NPPF). However, although the proposed development would make a small positive contribution towards meeting the housing land supply, it was explained that the starting points for decision making were the Wiltshire Core Strategy and Urchfont Neighbourhood Plan. The Core Strategy did not have any specific policies that protected employment sites in villages, as it did for market towns and service centres. The site had also been allocated for development in the Neighbourhood Plan.

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

The Unitary Division Member, Cllr Philip Whitehead then spoke in opposition to the application.

In response to the points raised by the public and Unitary Division Member, it was emphasised that, notwithstanding concerns about the information available to the Urchfont Neighbourhood Plan Steering Group at the time that the Neighbourhood Plan was voted on, it was a democratically approved and needed to be accorded appropriate weight in the planning balance.

The officers explained that the loss of employment and a community facility were factors considered in the planning balance. However, Urchfont garage fell outside of the types of 'local services' within the NPPF list (within para. 88d) and was not considered to be of a sufficient scale to warrant protection for "its long term and strategic" contribution to employment land within Wiltshire. Given that the site was allocated for housing in the Neighbourhood Plan, it enhanced the appearance of the conservation area and provided rural housing, it was not considered that the tilted balance was against the development.

In order to start the debate, Cllr Dominic Muns, seconded by Cllr Stuart Wheeler, proposed that the application be refused contrary to officer recommendation.

A debate followed where issues such as the level of public opposition to the proposals and the need to support rural employment opportunities were discussed.

Some members raised concerns about the examination phase, and submission to referendum, of the Neighbourhood Plan. It was noted that the garage was struggling financially at the time that the Neighbourhood Plan was drafted and that it was now a viable concern. However, some members cautioned against including the Neighbourhood Plan as a reason for refusal, given that it had still gone through a democratic process and as they did not want to create a precedent for other applications.

Officers also advised against refusing the application on highway safety grounds as the council's highway team were satisfied that there would not be any unacceptable impacts.

At the conclusion of the discussion, it was then:

### **Resolved**

**To REFUSE the application for the demolition of existing buildings, including the local garage, and construction of five dwellings and associated works.**

### **Reasons**

**The proposal would result in the loss of a village employment site that provides a valued local service, to the detriment of the principles of sustainable development. This is contrary to Core Policy 49 of the Wiltshire Core Strategy and paragraphs 7, 8 11(d)(ii) and 88 of the National Planning Policy Framework.**

#### **84. PL/2024/02062: 8 The Orchard, Urchfont, Devizes, SN10 4QX**

##### Public Participation

- Mr Howard Waters - spoke in support of the application
- Cllr Jackie Waddel (Urchfont Parish Council) – spoke in opposition to the application

The Conservation and Planning Officer, Joe Leesam, introduced a report which recommended that the application to vary conditions 2 and 3 on planning consent ref: 20/08600/FUL to enable the outbuilding, currently permitted for an annexe use, to also be used for holiday let purposes, be approved. Key details

were stated to include the principle of development, the overdevelopment of the site, as well as the design and visual impacts.

Attention was drawn to proposed changes to the wording to condition 3 of the report. It was explained that the changes added greater clarity about the proposed usage of the site for holiday accommodation and placed a 28-day limit on the continuous use by a single person or group. In addition, the officer suggested that an informative be added to advise the applicant that dropping the kerb of the pavement in front of the dwelling would require the appropriate licence, even if permission for the development was granted.

The officer emphasised that there would not be any significant adverse visual impacts from the proposed development, as it was for the conversion of an existing annexe. Similarly, there would not be any significant negative highway impacts. Sufficient parking would be provided, with three spaces for the main dwelling and a separate parking space for the holiday annexe.

Members of the Committee then had the opportunity to ask technical questions of officers. Details were sought about restricting the maximum stay and no-return period for holiday makers to 28 days. It was explained that this was a common requirement to ensure that holiday accommodation was used for the intended purpose. However, it would be possible for the Committee to amend the no return period if they felt that it was appropriate to do so.

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

The Unitary Division Member, Cllr Philip Whitehead then spoke in opposition to the application.

In response to the points raised by the public and Unitary Division Member, it was explained by officers that it was their view that there would not be any negative impacts upon the conservation area in which the development was located, as there would not be any physical changes to the appearance of the outbuilding. They also did not feel that granting permission would set a precedent for the erection of holiday accommodation in the gardens of neighbouring properties, as the proposed development was in an existing outbuilding.

It was highlighted that some of the other outbuildings on the site did not have planning permission and that their removal was a matter for the enforcement team.

In order to begin the debate, it was proposed by the Vice-Chairman, seconded by Cllr Stuart Wheeler, that the application be granted.

A debate followed where the demand for holiday accommodation was discussed. It was also queried whether using the outbuilding as holiday accommodation would mean that it could still be regarded as an ancillary usage to the main dwelling. Furthermore, concerns were raised about the proposed

development encouraging similar applications and whether it could open up the possibility of the title being split in future.

Following debate, a vote on the motion to approve the application was lost.

Cllr Iain Wallis, seconded by Cllr Dominic Muns, then moved a motion to refuse the application on the grounds that the proposed location was unsuitable for anything other than ancillary use.

At the conclusion of the discussion on the proposal, it was then:

### **Resolved**

**That the application to vary conditions 2 and 3 on planning consent ref: 20/08600/FUL to enable the outbuilding, currently permitted for an annexe use, to also be used for holiday let purposes, be REFUSED.**

### **Reason**

**The introduction of a holiday let use into the existing ancillary residential annexe would lead to additional activity and related disturbance which would be detrimental to the amenities of the surrounding close-knit residential area. This is contrary to Core Policy 57(vii) of the Wiltshire Core Strategy and paragraph 135 of the National Planning Policy Framework.**

85. **PL/2024/07276: Broadacre, Southward Lane, Aldbourne, Marlborough, SN8 2LA**

#### Public Participation

- Mr Robert Bailey - spoke in opposition to the application
- Mr Dan Roycroft - spoke in support of the application
- Cllr Alan Phizacklea (Aldbourn Parish Council) – spoke in opposition to the application

The Conservation and Planning Officer James Repper introduced a report which recommended that the application for the demolition of existing dwelling (Use Class C3), and erection of replacement dwelling, garage, hard and soft landscaping and associated works, be approved. Key details were stated to include the scale and appearance of the development as well as its impact on the North Wessex Downs National Landscape.

The officer explained that the proposed development was located in open countryside approximately a kilometre outside of the village of Aldbourne. Whilst it was outside of defined settlement boundaries, the proposed development met the exception policies in the Wiltshire Core Strategy as it was replacing an existing dwelling. Although the proposed development was taller than the existing bungalow, it was highlighted that the design, in the vernacular style,

conformed to guidance in the National Landscape's management plan and that the scheme had not received any objections from the council's landscape team.

Members of the Committee then had the opportunity to ask technical questions of officers.

Details were sought on how the footprint of the proposed dwelling compared to the existing bungalow on the site. It was explained that the footprint was similar in size to the existing structure, although the height would increase from 5.91 metres to 8.92 metres. It was reported that a Policy HC25 from the old Kennet District Local Plan specified that a replacement dwelling should not be substantially larger. However, an inspector had found that the definition of substantial was imprecise.

It was clarified that the North Wessex Downs National Landscape had been invited to comment on the application, but they had not done so.

It was also noted that there had been changes to the original design which had seen the proposed replacement dwelling moved further from the northern boundary of the site to allow enhanced planting.

In response to a query about whether it was necessary for the detached garage for the property to be two storeys high, officers reiterated that there had been no technical objections from statutory consultees.

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

The Unitary Division Member, Cllr James Sheppard then spoke in objection to the application.

Officers then had the opportunity to respond to the points raised by the public and Unitary Division Member.

In order to begin the debate, it was proposed by the Vice-Chairman, seconded by Cllr Dominic Muns, that the application be granted.

A debate followed where issues such as the landscape impact, external lighting, design and elevated position of the development, were discussed. In response to queries it was stated that permitted development rights would allow the existing bungalow to be extended into the loft.

At the conclusion of the discussion on the proposal, it was then:

### **Resolved**

**That planning permission for the demolition of existing dwelling (Use Class C3), and erection of replacement dwelling, garage, hard and soft landscaping and associated works, be APPROVED.**

## Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Application Form & Certificate Received 1st August 2024
- Plans & Documents Ref:
- Location Plan Received 1st August 2024
- Revised Landscaping & Block Plan DWG: DPLC/413/LP01/A Received 26th September 2024
- Revised Proposed South Elevation DWG: 820 P110 B Received 26th September 2024
- Revised Proposed Ground Floor Plan DWG: 820 P100 A Received 26th September 2024
- Revised Proposed West Elevation. DWG: 820 P113 A Received 26th September 2024
- Revised Proposed First Floor Plan DWG: 820 P101 A Received 26th September 2024
- Revised Proposed North Elevation DWG: 820 P111 B Received 26th September 2024
- Arboricultural Report – ADS Surveys Received 1st August 2024
- Tree Removal Plan DWG: 25.10.24-TCP-A3L Received 25th October 2024
- Tree Protection Plan DWG: 25.10.24-TCP-A3L Received 25th October 2024
- Landscape Masterplan DPLC413LM01 Received 1st August 2024
- Preliminary Ecological Appraisal. 22/05/2023. Ecosupport Received 1st August 2024

**REASON:** For the avoidance of doubt, in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

3. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of conserving biodiversity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or



without modification), no rooflights, other than those shown on the approved plans, shall be inserted in the roof slopes of the development hereby permitted.

**REASON:** In the interests of residential amenities, privacy and to prevent excessive light pollution within the North Wessex Downs National Landscape.

5. The development hereby permitted shall not be first occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety

6. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces [to include at least 1 EV space] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

**REASON:** In the interests of highway safety.

7. No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. Number and size of delivery vehicles/ construction vehicles
3. loading and unloading of plant and materials;
4. storage of plant and materials used in constructing the development;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey ( a photo taken every 20m ) along the Brown track for where it meets the main road to the site access (specific photos of site access to be taken) any damage related to the development (including to verge/over-run areas) will be put right (to the satisfaction of the LHA) within 6 months of the development completion.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to

throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features

**Informative:**

1. The application involves changes to the existing access on a Brown Track. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of roadside ditches) will require full Land Drainage Consent. Please contact the Drainage Team at [Drainage@wiltshire.gov.uk](mailto:Drainage@wiltshire.gov.uk)
2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of

**the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.**

- 3. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.**
- 4. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**

**86. Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.40 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail [matthew.hitch@wiltshire.gov.uk](mailto:matthew.hitch@wiltshire.gov.uk)

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