

Wiltshire Council

Eastern Area Planning Committee

8th October 2015

Appeal Performance 2015

1. Purpose of Report

To review the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Eastern Area Planning Committee since the last report in April 2015.

2. Appeal Decisions

Since April, the Council has received decisions on 17 appeals in the area covered by the Eastern Area Planning Committee (this compares with just 10 in the whole of 2014). All of the appeals were made on applications refused under delegated powers. Out of the 17 decisions, 13 (76.5%) were dismissed, 1 was a split decision and 3 (17.6%) were allowed. There were no cost awards against the Council in any delegated decision. The list of appeal decisions made on delegated decisions is set out in Table A.

Table A – Appeal Decisions received since April 1st 2015

Reference	Location	Description	Decision
14/04902/FUL	Harepath House, Horton, Bishop Cannings	Retention of wind turbine	Allowed
13/07053/FUL	Old Smithy Cottage, Alton Priors	New dwelling	Dismissed
14/10509/FUL	Fir Green Lane, Burbage	New dwelling	Dismissed
14/09929/FUL	Hartmoor, Devizes	New dwelling	Dismissed
14/08324/FUL	Ball Road, Pewsey	Four dwellings	Dismissed
14/03095/CLE	Seend Cleeve	Retention of mobile home	Dismissed
13/05866/OUT	Westbury Rd Great Cheverell	25 dwellings	Dismissed
14/09403/FUL	Steepe Way, Burbage	Change of use of land to garden	Dismissed
14/08722/FUL	Parliament Piece, Ramsbury	New Dwelling	Dismissed
14/07379/FUL	Manningford Abbots	Change of use of land to garden	Split decision
14/11739/FUL	The Homestead, Plough Lane, Marston	Two storey extension	Dismissed
14/11820/LBC	The Homestead, Plough Lane, Marston	Alterations and 2 storey extension	Dismissed
14/05726/FUL	The Copse, Ogbourne St George	Agricultural dwelling	Allowed
15/01269/FUL	Cardigan Road, Marlborough	New dwelling	Dismissed
15/00910/FUL	Rawlingswell Lane, Marlborough	Extension	Allowed
14/03736/FUL	Bollands Hill, Seend	Solar Farm	Dismissed
14/07878/VAR	Upper Chute	Variation of condition	Dismissed

3. Comments

The Council's success rate in defending its original decisions in the area covered by the Eastern Area Planning Committee is significantly higher than the national average for 2014/15 (65.56%). During the period, decisions were received on two major developments –

25 houses at Great Cheverell and the solar farm at Bollands Hill, Seend. Both of these appeals were dismissed. The Great Cheverell decision was significant in that the inspector supported the Wiltshire Core Strategy and concluded that the Council did have a five year land supply in the Eastern Housing Market Area. The Bollands Hill decision on the solar farm was notable as the Inspector supported the Council's assessment of the negative impact on the heritage asset of the canal and on the amenity of the adjacent dwelling.

Of those decisions allowed, the Inspector in two of them disagreed with the Council's argument that they would have an adverse impact on the character and appearance of the area (wind turbine at Horton and extension at Rawlingswell Lane, Marlborough). The Inspector in the agricultural worker's dwelling at Ogbourne St George concluded that there was a need for a person to reside on the holding.

4. Future Trends

The number of appeals has increased significantly compared to last year, although not with any greater success rate for appellants. There is no sign of the rate of appeals dropping off.

As members will recall, the Secretary of State's decision to dismiss the appeal at Coate Bridge, Devizes for 350 houses was overturned by the Courts. The appeal is now scheduled to be heard at a re-convened public inquiry in 2016, although the precise date has yet to be settled. However, since the original decision, the Wiltshire Core Strategy has been adopted and the Devizes Neighbourhood Plan has been supported at a referendum. Both of these significant changes to the development plan will have to be taken into account by the Planning Inspector and the Secretary of State in the reconvened public inquiry.

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