

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 29 SEPTEMBER 2021 AT COUNCIL CHAMBER – COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Antonio Piazza, Cllr Pip Ridout, Cllr David Vigar and Cllr Tony Jackson (Substitute)

#### **Present as Local Unitary Members:**

Cllr Horace Prickett  
Cllr Johnny Kidney

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#### 40 **Apologies**

Apologies for absence were received from Councillor Suzanne Wickham, who arranged for Councillor Tony Jackson to attend as a substitute.

#### 41 **Minutes of the Previous Meeting**

The minutes of the meeting held on 7 July 2021 were presented for consideration, and it was,

#### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 7 July 2021.**

#### 42 **Declarations of Interest**

There were no declarations of interest.

#### 43 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

#### 44 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

45 **Planning Appeals and Updates**

The update report on planning appeals was received with details provided that a number of appeals had been received and determined. Development Management Team Leader, Kenny Green provided a summary of three allowed appeals in Semington, Bradford On Avon and Southwick.

**Resolved:**

**To note the Planning Appeals Update Report for 29 September 2021.**

46 **Rights of Way Applications**

The Committee considered the following Rights of Way application:

47 **Trowbridge Path No.8 Definitive Map and Statement Modification Order**

**Public Participation**

Steve Wylie spoke in objection of the application.

Andrew May was unable to attend the meeting, therefore Democratic Services Officer Ben Fielding read out a statement that had been provided prior to the meeting in support of the application.

Senior Definitive Map Officer, Janice Green presented a report which had the purpose to consider objections and representations received following the making and advertisement of "The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021". The report recommended that "The Wiltshire Council Trowbridge Path no.8. Definitive Map and Statement Modification Order 2021" be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified, including that the fence within the portion of land subject to the Order would require removal if it was found to be an obstruction of the highway, however this would depend on the findings of the Secretary of State regarding the width of the path and its status. It was explained that the current barrier was erected under the Highway Authority's powers to erect barriers in the highway to safeguard users, under Section 66 of the Highways Act 1980 and there is evidence that the opening of Church Lane as a through route to vehicular traffic has long been a concern. The Highway Authority's duty to safeguard users of the path continues if the path is upgraded to a bridleway, but of course any barrier would need to be appropriate for a bridleway at the full width. The current barrier would be removed and replaced with an appropriate barrier at the same time in order to protect non-motorised

users. As this would be an operational decision, it would be made by the Head of Service for Highways or the Rights of Way team

Additionally, it was clarified that the Order proposes to upgrade the footpath to a bridleway, rather than a byway open to all traffic and that the legal public use for this would only be on horseback, with bicycles and foot. Details were sought regarding the private rights of residents to use Church Lane in order to access their properties and it was explained by officers that private rights had not been investigated as there was no duty to do so. Any person driving down Church Lane would be doing so to access the properties along Church Lane, not to use the highway as a through route. The barriers in place do not allow motor vehicles to connect from Church Lane to Acorn Meadow.

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

The local Unitary Member, Councillor David Vigar, then spoke regarding the application. Key points included concerns from residents that the barrier might be removed and then not replaced, causing Church Lane to be a through road which would be dangerous for pedestrians. As it was not directly addressed in the report, Councillor Vigar sought assurance that there would be no immediate intention to remove the barrier without replacing it. It was clarified that the barrier historically was likely to have been authorised to be erected in 1962 to safeguard non-motorised users. The Council consider that the need to safeguard non-motorised users continues and there is currently no reason for the Council to remove the barrier. If the route is confirmed to be bridleway by the Secretary of State any replacement barrier would need to be of a particular design to suit equestrian and cyclist use whilst not allowing motorists through. Regarding the removal of the fence that narrows the width of the piece of land, it was clarified that if installed, the bridle gate would be required cover the full width of the bridleway to prevent vehicles from attempting to drive around the barrier.

A debate then followed including the need to follow government guidance regarding the installation of the barriers if the order was confirmed by the Secretary of State.

A motion to move and accept the proposal was moved by Councillor Ernie Clark and seconded by Councillor Bill Parks.

At the conclusion, it was,

**Resolved:**

**That “The Wiltshire Council Trowbridge Path no.8.Definitive Map and Statement Modification Order 2021” be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.**

*The meeting was adjourned at 4:01 pm and resumed at 4:08 pm.*

48 **Planning Applications**

The Committee considered the following Planning Applications:

49 **PL/2021/03460 - Yew Tree House, Brokerswood, BA13 4EG**

Public Participation

Richard Cosker spoke in support of the application.

Rachel Clow spoke in support of the application.

Mr and Mrs C.N. Stevens were unable to attend the meeting, therefore Democratic Services Officer Ben Fielding read out a statement that had been provided prior to the meeting in support of the application.

Roger Evans spoke on behalf of North Bradley Parish Council.

Senior Planning Officer, Verity Giles-Franklin, presented the report and recommended that the Committee refuse the application for the erection of two holiday eco lodges.

The committee was advised about the site circumstances being located in the open countryside beyond any defined settlement and not close to any such settlement. The officer advised members about the principle of development and change of the use of the land to a tourist use, as well as the consequential visual and ecology impacts, the impacts to neighbouring amenity and highway matters.

Members of the Committee had the opportunity to ask technical questions regarding the application. Clarification was provided on the lawful use of the land being residential curtilage following the approved conversion of the former public house to a residential property in 2015. The committee was also advised on the lead development plan policies and queries were answered pursuant to the adopted policy regarding infill and directing new tourist development to settlements or close to settlements as set out by Core Policy 39 and the overarching Council's policy of securing sustainable development. It was also confirmed that the application had no direct association to Brokerswood Country Park.

Additionally, the sustainability principles of the application were discussed in relation to the proposal generating additional traffic, with officers advising members that by virtue of the site's rural location, the two holiday lets would likely have a heavy reliance placed upon the use of private motor vehicles to gain access to local attractions, which would conflict with Core Policies 60 and 61, to reduce reliance on cars. Clarity was furthermore sought with respect to Core Policy 39 stipulating that new holiday let development in the open countryside should first of one by evidenced that the proposed facilities are in conjunction with a particular countryside attraction, the reasoning being to provide new development in exceptional cases where there is demand and a clear association to an existing use that requires new holiday let accommodation.

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

The local Unitary Member, Councillor Horace Prickett then spoke regarding the application. Key points included that the design of the proposed holiday lets would be out of character with other buildings in the area and that the development would have no local services available and would be isolated in the open countryside and would generate more traffic.

A debate then followed which considered the principle of the development along with the associated impacts the proposed development would have to the open countryside, the aesthetics of the proposal was also discussed with the use of steel cladding noted; and the merits of the eco-lodge proposals along with noting the site's proximity to the national cycle route and the proposed on-site provision of electric charging points. Regard was also given to the Senior Planning Officer's policy explanation.

A motion to move and accept the officer recommendation was moved by Councillor Ernie Clark and seconded by Councillor Trevor Carbin.

At the conclusion of the debate and following a tied vote, the Chairman's used his casting vote, and it was

**Resolved:**

**To refuse the application as per the officer's recommendation for the following reasons:**

**1. The subject site is located in open countryside and is not located in or close to a Local Service Centre or Large and Small Village and does not seek to re-use or replace an existing building and on this basis, only in 'exceptional cases' would such tourism accommodation be considered, which this proposal fails to adequately demonstrate, as the proposal fails to satisfy all the necessary criteria contained in CP39; and in particular, the Council is not convinced by the applicants' submissions that the proposal is justified or is supported by substantive evidence for this proposal to be considered 'exceptional'. As such, the proposal is not considered to be a sustainable form of development and is considered contrary to Core Policies 1, 2, 39, 60 and 61 of the adopted Wiltshire Core Strategy.**

**2. The proposed site is located in the open countryside and outside any identified limits of development whereby the proposed siting of two ecolodges to be used for holiday accommodation would constitute an unwarranted and unjustified encroachment of the open countryside, resulting in the loss of a spatial gap between existing buildings and introduce an urbanising effect that would harm the rural character and appearance of the area. As such, the proposal is considered to be contrary to Core Policies 51 and 57 of the adopted Wiltshire Core Strategy.**

*The meeting was adjourned at 5:00 pm and resumed at 5:06 pm.*

50 **20/10353/FUL - 37 A Monkton Farleigh, Bradford-on-Avon, Wiltshire, BA15 2QD**

Public Participation

Lisa Baird spoke in objection of the application.  
Jenny Potts spoke in objection of the application.  
Simon Chambers spoke in support of the application.  
Joy Spiers spoke on behalf of Monkton Farleigh Parish Council.

Senior Conservation and Planning Officer, Steven Sims, presented the report and recommended that the Committee approve the application for the erection of a replacement dwelling subject to conditions.

Details were provided of the site including the principle of development, the impact on the openness of the Green Belt and to the character and appearance of the Conservation Area and the AONB, as well as the impact on the amenity of neighbouring residents.

Members of the Committee had the opportunity to ask technical questions regarding the application. Clarification was provided by officers that, if approved, three car parking spaces would be required – which the proposed plans included. It was also confirmed, that as recommended, if the application was to be approved, certain permitted development rights should be removed by a planning condition.

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

The local Unitary Member, Councillor Johnny Kidney then spoke regarding the application. Key points included that the property was located in a sensitive village within a green belt as well as an Area of Outstanding Natural Beauty and that the proposed size of the replacement building would contravene the national planning policy framework. Councillor Kidney furthermore argued that the proposal would have a detriment impact on neighbouring properties.

A debate then followed whereby members discussed the merits and impacts of the proposed replacement dwelling and it was argued that despite officers securing negotiated changes that reduced the size and bulk of the replacement dwelling, the finalised proposal was still considered too large and harmful to neighbouring interests. The NPPF was referenced, specifically that a property should not be materially larger than the one being replaced. The sensitivities of the site were acknowledged and referenced, along with there being a recognition that the Council currently has a 5-year housing land supply deficit. However, it was also argued that the NPPF presumption in favour of supporting new housing when such a deficit exists, is not engaged for this particular case given the site's special protections.

A motion to refuse the proposal was moved by Councillor Trevor Carbin and was seconded by Councillor Antonio Piazza. The cited reasons for refusal were that the proposed replacement dwelling, by virtue of its materially larger size and height (when compared to the existing property) and the proposed re-siting, would constitute an inappropriate and harmful form of development in the green belt contrary to para 149 d) of the Framework, and moreover, it would have an unacceptable impact on the amenities of the neighbouring properties, especially No.37B, contrary to adopted WCS Core Policy 57.

At the conclusion of the debate, it was,

**Resolved:**

**That planning permission be refused for the following reason:**

**The proposed replacement dwelling, by virtue of its materially larger size and height (when compared to the existing property) and the proposed re-siting, would constitute an inappropriate and harmful form of development in the green belt contrary to para 149 d) of the Framework, and moreover, it would have an unacceptable impact on the amenities of the neighbouring properties, especially No.37B, contrary to adopted WCS Core Policy 57.**

51 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00pm – 5:50pm)

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