

Wiltshire Council

Western Area Planning Committee

2 July 2014

Appeal Performance 2013

1. Purpose of Report

To review the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee in 2013.

2. Appeal Decisions

The Western Area Planning Committee met 11 times and considered 41 applications in 2013. Six of these were refused, of which 3 were refused against the recommendation of officers, whilst three were refused in accordance with the reason for refusal recommended by officers.

Out of these 6 decisions to refuse planning permission, two have been taken to appeal, both of these where refusal was against officer recommendation. Both of these were allowed on appeal, with costs being awarded against the Council for unreasonable behaviour in refusing the application at Warminster, where the applicant had amended the proposal to comply with suggestions made by the Inspector on a previous appeal. A copy of the appeal costs decision is attached to this report. A list of the applications refused by the committee and the subsequent appeal decisions are set out in Table A.

Table A - Applications Refused by Western Area Planning Committee 2013

| Reference | Parish | Location | Description | Appeal Decision |
|------------------|---------------|-------------------|--------------------------|------------------------|
| W/13/00882/FUL | L Deverill | Manor Farm | Single dwelling | Not appealed |
| W/13/00711/FUL | Warminster | Savernake Close | 6 dwellings | Not appealed |
| 13/01891/FUL | N Bradley | Honey Well Farm | 1 house (holiday let) | Not appealed |
| 13/01823/FUL | Trowbridge | Westwood Road | Household extension | Not appealed |
| 13/03824/FUL | Warminster | R/O Westbury Road | 2 dwellings (new design) | Allowed |
| W/12/02050/FUL | Semington | Littleton Stables | Travellers pitch | Allowed |

During 2013, the Council received decisions on a further 16 appeals against refusals made under delegated powers in the area covered by the Western Area Planning Committee. Fifteen of these were dismissed, including an appeal against an enforcement notice for access widening at Heywood and an appeal against a High Hedges Remedial Notice at Edington. The only appeal allowed was for the change of use of rooms at Whaddon Grove Farm for bed and breakfast accommodation, where the highway reason put forward was not upheld. All 5 refusals of applications for new residential development were dismissed, including major developments at Hilperton, Westbury and Warminster. 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 B.

Table B

Appeal Decisions Received in 2013 on Applications Refused under Delegated Powers

| Reference | Parish | Location | Description | Decision |
|--------------------|------------|------------------------|----------------------------|-----------|
| W/12/00698/FUL | Bradford | Flat 1, 11, Frome Road | UpVc windows | Dismissed |
| W/12/00589/FUL | Crockerton | Clay Street | Stable building | Dismissed |
| W/12/01926/FUL | Melksham | 36A Roundpond | Access | Dismissed |
| W/12/01447/FUL | Melksham W | N of Beanacre House | Cou to garden | Dismissed |
| W/12/02270/FUL | Bradford | 269, Widbrook | Extension in GB | Dismissed |
| W/12/00726/FUL | Westbury | 17, Chalford | Cou to accommodation | Dismissed |
| W/12/01840/OUT | Hilperton | Marsh Road | 30 dwellings | Dismissed |
| W/12/02323/OUT | Westbury | Fairdown Avenue | 29 dwellings | Dismissed |
| W/11/01746/OUT | Warminster | Brook Street | 28 dwellings | Dismissed |
| W/12/01018/FUL | Warminster | 58, Ash Street | 1 dwelling | Dismissed |
| W/13/00712/FUL | Bulkington | 14, High Street | H/Holder Extension | Dismissed |
| W/12/01838/FUL | Hilperton | Marsh road | Storage of building mats | Dismissed |
| W/13/00072/FUL | Warminster | 51, Ashley Place | New dwelling | Dismissed |
| W/12/00150/FUL | Melksham | Whaddon Grove Farm | Rooms for B & B | Allowed |
| Enforcement | | | | |
| 10-00147-ENF | Heywood | Church Road | Access widening | Dismissed |
| Trees | | | | |
| W/12/00001/HH | Edington | Edington Priory | High Hedge Remedial Notice | Dismissed |

Since January 2014, there have been a further two refusals of planning permission by the Western Area Planning Committee, both of which have been taken to appeal. (Gypsy/traveller site at Semington and pool cover at Warminster). A hearing for the former is set for August whilst a decision on the latter is awaited.

Since October 2013, the Government have now empowered Planning Inspectors to award costs in any appeal where the Inspector considers that a party has acted unreasonably, either in submitting the appeal or refusing the application. Previously, an Inspector could only award costs where a party specifically applied for them.

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Appendix – Decision by Planning Inspectorate on costs award application on application 13/03824/FUL, Warminster