

## **Wiltshire Council**

### **Western Area Planning Committee**

**17<sup>th</sup> December 2014**

### **Appeal Performance Update 2014**

#### **1. Purpose of Report**

To provide an update on the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee in 2014.

#### **2. Appeal Decisions**

The Western Area Planning Committee has met 12 times in 2014 up until the end of November and considered 36 applications. Thirteen of these have been refused, 11 of them against officer recommendation. Five appeals have to date been lodged against these refusals, and others are still within the time period allowed for submitting an appeal. Two of the 13 refusals have led to resubmissions by applicants, one of which has been approved and the other refused.

Table A overleaf lists the applications refused by committee in 2014 and the current state of play with regard to any appeals against these decisions.

In relation to delegated decisions, 20 appeals have to date been determined in 2014, including four enforcement appeals. 14 of these have been dismissed, and only six allowed. Table B overleaf lists the appeal decisions. In addition to these, five planning appeals and one enforcement appeal remain outstanding, the largest of these being the 15 dwellings in Hilperton where the public inquiry took place in November.

None of the decisions set out in Tables A and B led to an award of costs, with Inspectors dismissing applications for cost awards in three cases.

#### **3. Common Themes**

It is noticeable that none of the appeal decisions on applications determined this year have been for schemes of any significant size. In fact, the only appeal decision on a scheme of a significant size this year related to the redevelopment of the former Bowyers site in Trowbridge, based on an application refused in 2012. The Inspector allowed this appeal in late January, finding that whilst it was likely to have some adverse impact on existing and committed investment in St Stephen's Place, it would be unlikely to have any significant adverse impact on the vitality and viability of the town centre as a whole. Although that decision was made in January, and demolition has almost finished on the site, no application has been made in the ten months since for the discharge of any of the pre-commencement conditions on either the appeal proposal or the scheme granted planning permission 19 months ago, so no redevelopment is imminent.

The largest scheme refused by the committee was for a solar farm at Little Chalfield, a decision that to date has not yet been appealed; the largest residential scheme being 4 dwellings at Westwood, where the outcome of an appeal is awaited. The largest delegated

scheme appealed against was the 15 houses south of Hilperton road, where a decision is also still awaited.

All appeals (one committee and two delegated decisions) that related to traveller sites were allowed, demonstrating the difficulty of resisting proposals of this nature in the absence of an up to date land supply for such sites and an up to date gypsy and traveller accommodation assessment. Work on this is progressing and should be available shortly, although applications for new pitches, including extensions of existing sites for new pitches, are now dealt with by the Strategic Planning Committee.

The changed emphasis on highway concerns was evident in that of three appeals refused on highway grounds, only one was dismissed, the Inspectors in the other two not finding the NPPF test in paragraph 32 to be met ('Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe').

National and local planning policies to prevent unsustainable residential development in the countryside were well supported, with all appeals against refusals in these locations being dismissed. The increasing importance of flooding was also demonstrated with an appeal for a house located in a flood plain being dismissed.

Other appeals turned on more localised impacts, with Inspectors allowing schemes where they found no significant harm, and refusing where they did, including the committee decision at West Ashton, where the Inspector considered the proposed extended dwelling to have inadequate garden space for a three bedroom property.

The Inspector's decision letter on each appeal can be viewed/downloaded from the Council's planning application web pages for that particular application. When an appeal is determined, a copy of the decision letter is sent to the local Division Member and parish/town council.

**Mike Wilmott**

**Area Development Manager**