

## Wiltshire Council

### Eastern Area Planning Committee

2<sup>nd</sup> April 2015

### Appeal Performance 2014

#### 1. Purpose of Report

To review the outcomes of decisions made by the Committee in 2014 and the decisions made by the Planning Inspectorate on appeals in the area covered by the Eastern Area Planning Committee in 2014. The report also updates the situation since January 2015.

#### 2. Committee Decisions

The Eastern Area Planning Committee met six times and considered 15 applications in 2014, which was a reduction in both the number of meetings and applications considered in 2012 and 2013. Seven of these applications were refused, of which 3 were refused against the recommendation of officers, whilst four were refused in accordance with the reasons for refusal recommended by officers.

Out of these 7 refusals, none have been taken to appeal and the period for doing so has now expired in each case.

#### 3. Appeal Decisions

During 2014, the Council received decisions on 10 appeals. Five of these were against refusals made under delegated powers in the area covered by the Eastern Area Planning Committee. All 5 of these (100%) were dismissed, including one appeal against an enforcement notice. 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 in 2014 on Applications Refused under Delegated Powers**

| <b>Reference</b> | <b>Parish</b> | <b>Location</b> | <b>Description</b> | <b>Appeal Decision</b> |
|------------------|---------------|-----------------|--------------------|------------------------|
| E/2012/1298/FUL  | Bromham       | New Road        | 5 houses           | Dismissed              |
| E/2012/0261/ENF  | B Cannings    | Church Cottage  | Access             | Dismissed              |
| 13/03266/FUL     | Devizes       | New Park Street | Windows            | Dismissed              |
| 13/01352/FUL     | Burbage       | 75, High Street | 1 house            | Dismissed              |
| 13/04553/FUL     | G Bedwyn      | Back Lane       | 1 house            | Dismissed              |

## **Appeal Decisions Received in 2014 on Applications Refused by the Committee**

E/2012/0923/FUL & E/2012/1121/LBC Marlborough Bridewell Street

Both of these applications related to alterations to the wall adjacent to Marlborough College to facilitate a new puffin pedestrian crossing. The applications were recommended for approval by officers but refused by the committee. The Inspector allowed both appeals, finding no substantial harm and a clear practical benefit in the provision of the crossing.

13/00719/FUL Devizes St Mary's Church

This application related to the proposed 'cloister' extension to the church. The application was recommended for refusal by officers and this recommendation was supported by the committee. The Inspector dismissed the appeal, finding that the works would cause substantial harm to the special qualities of the church and would harm the character and appearance of the conservation area and the setting of nearby listed buildings.

E/2012/0238/FUL Land adjacent to Chute Forest Cottage, Chute Cadley

This appeal took the Inspectorate almost a year to determine. The application for a single dwelling was recommended for approval by officers, but was refused by the committee. The Inspector eventually dismissed the appeal, deciding that the development would harm the character and appearance of the conservation area and be detrimental to road safety.

There was also one appeal in the Eastern Area concerning a decision made by the Strategic Committee. This was for 350 houses at Coate Road, Devizes. The Planning Inspector considered that the appeal should be allowed, but his recommendation was not accepted by the Secretary of State, who overturned it and dismissed the appeal, expressing concern over the conflict with the emerging Neighbourhood Plan. The Secretary of State's decision is currently the subject of a legal challenge in the Courts.

There were no cost awards against decisions made by the Eastern Area Planning Committee, although the Secretary of State did make a partial award of costs against the Council's decision by the Strategic Planning Committee to refuse the Coate Road application.

## **Appeal Decisions in 2015**

There have been a further four appeal decisions received in the area covered by the Eastern Area Planning Committee since January 1<sup>st</sup> 2015. Each of these concerned delegated decisions to refuse planning permission for single dwellings at Market Lavington; Stanton St Bernard; Chilton Foliat and Marlborough. All four of these appeals were dismissed, with costs awarded against the appellants in the appeal at Chilton Foliat.

With the Wiltshire Core Strategy now firmly in place, it is possible that the number of appeals against new residential development outside of town and village limits may decline, although this remains to be seen

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