

## Bath & North East Somerset Council

**MEETING:** Development Control Committee

**MEETING DATE:** 3<sup>rd</sup> August 2011

AGENDA  
ITEM  
NUMBER

**RESPONSIBLE OFFICER:** Lisa Bartlett, Development Control Manager,  
Planning and Transport Development (Telephone:  
01225 477281)

**TITLE:** NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF  
FORTHCOMING HEARINGS/INQUIRIES

**WARD:** ALL

**BACKGROUND PAPERS:** None

**AN OPEN PUBLIC ITEM**

### APPEALS LODGED

**App. Ref:** 11/00672/FUL  
**Location:** 25 Sunnymead Midsomer Norton Radstock BA3 2TA  
**Proposal:** Erection of new dwelling  
**Decision:** REFUSE  
**Decision Date:** 15 April 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 13 June 2011

---

**App. Ref:** 10/04951/FUL  
**Location:** Hawksmoor Radstock Road Midsomer Norton Radstock  
**Proposal:** Erection of a single storey dwelling utilising existing garage  
**Decision:** REFUSE  
**Decision Date:** 21 January 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 June 2011

---

**App. Ref:** 10/05272/FUL  
**Location:** Oxleaze Farm Greenhouse Lane Nempnett Thrubwell Bristol  
**Proposal:** Installation of 2no. 11kW Gaia wind turbines  
**Decision:** Non-determination  
**Appeal Lodged:** 14 June 2011

---

**App. Ref:** 10/05365/FUL  
**Location:** Street Record Poolemead Road Whiteway Bath  
**Proposal:** Erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development.  
**Decision:** REFUSE  
**Decision Date:** 18 March 2011  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 27 June 2011

---

**App. Ref:** 10/03517/FUL  
**Location:** 6 Grosvenor Place Lambridge Bath BA1 6AX  
**Proposal:** Erection of a studio dwelling following demolition of existing storage building on land to rear of 6 Grosvenor Place.  
**Decision:** REFUSE  
**Decision Date:** 24 February 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 July 2011

---

**App. Ref:** 11/00647/FUL  
**Location:** Saltford Manor Queens Square Saltford Bristol  
**Proposal:** Erection of a pitched roof extension following demolition of garage and outbuildings and provision of a new kitchen window.  
**Decision:** REFUSE  
**Decision Date:** 1 April 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 July 2011

---

**App. Ref:** 11/00648/LBA  
**Location:** Saltford Manor Queens Square Saltford Bristol  
**Proposal:** External alterations for the erection of a pitched roof extension following demolition of garage and outbuildings and provision of a new kitchen window.  
**Decision:** REFUSE  
**Decision Date:** 1 April 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 July 2011

---

**App. Ref:** 11/00701/FUL  
**Location:** 7 Entry Rise Combe Down Bath BA2 5LR  
**Proposal:** Conversion of loft with 1no side dormer and 1no rear flat roof dormer (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 12 April 2011  
**Decision Level:** Chair Referral  
**Appeal Lodged:** 4 July 2011

---

**App. Ref:** 09/04350/FUL  
**Location:** Land Between Old Coal Tips And The Firs Chapel Road Clandown  
Radstock  
**Proposal:** Change of use of land to provide secondary peak time vehicle access  
to/from Tiger Works with provision of 5no. customer parking spaces and  
landscape moundings  
**Decision:** Non-determination  
**Appeal Lodged:** 6 July 2011

---

## APPEAL DECISIONS

**App. Ref:** 10/02953/FUL  
**Location:** Widcombe Lodge South Widcombe Hinton Blewett Bristol BS40 6BN  
**Proposal:** Conversion and rebuilding of existing barn to form self catering holiday  
accommodation (retrospective) (resubmission)  
**Decision:** Refused  
**Decision Date:** 27.08.2010  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

### Summary:

Appeal APP/F0114/A/11/2146128 regarding the refusal for the rebuilding of an existing barn and its conversion to holiday accommodation at Widcombe Lodge, South Widcombe has been dismissed.

The Council refused the application for three reasons. The proposed building was considered to harm the area of outstanding natural beauty. The building was considered to be a new dwelling and was outside the housing development boundary. The proposal was not considered to comply with the Council's policy regarding the reuse of rural buildings.

The Inspector concluded that as the building would be used as a holiday let rather than a dwellinghouse then it was not contrary to the councils housing policies. The Inspector also concluded that the development did comply with the Council's policy on the re-use of rural buildings.

However the Inspector agreed with the Council that the building was harmful to the appearance of the area of outstanding natural beauty and dismissed the appeal.

---

**App. Ref:** 11/00018/ENFAPL  
**Location:** Land at Parcel 4471, Butham Lane, Chew Magna  
**Alleged Breach:** Stationing of a mobile home  
**Decision:** Serve enforcement notice  
**Notice Date:** 3 February 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Enforcement Notice Quashed**

**Summary:**

The Enforcement Notice (EN) alleged the unauthorised change of use of the land to the stationing of a mobile home, but did not state for what purpose. At the hearing, it was agreed that the EN was intended to attack the residential use of the mobile home.

In his decision, the Inspector accepted that he had powers to vary the notice to correct the alleged breach (and as a consequence also the requirements) of the notice. However, he felt that he could not do this without causing injustice, particularly to the appellants. They had only appealed against the EN on ground (c) (that permission was not required for the alleged breach). The Inspector considered that, had they been fully aware that the notice was intended to attack a residential use, they might also have appealed on ground (b) (that the alleged breach had not occurred as a matter of fact). He felt that denying them the right to lodge such a ground of appeal (regardless of its merits) amounted to injustice and meant that the EN would have to be quashed.

The Inspector concluded his decision by pointing out that the Council has the power to issue a further notice should it consider it expedient to do so.

---