The Planning Inspectorate

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Planning Appeals
Wiltshire Council
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

Your Ref: PL/2023/07590
Our Ref: APP/Y3940/W/24/3339371

30 May 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr F Tieman
Site Address: Woodlands, 20 Smallbrook Lane, WARMINSTER, BA12 9HP

I enclose third party correspondence relating to the above appeal(s).

If you have any comments on the points raised, please send them to me no later than 13 June 2024.

You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier full statement of case. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the above deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours sincerely,

Sarah Hardy
Sarah Hardy

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MRS MAGGY DANIELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Smallbrook Lane is not suitable for further development. For vehicles, it has a blind exit into Boreham Road which is unsafe. For pedestrians and dogs, it is a quiet lane accessing the nature reserve beyond and Yeates Field community orchard. For unaccompanied schoolchildren it is a safe route to Kingdown School. For cyclists and horse riders it is a continuation of the cycle route and bridlepath through the reserve.

The part of the lane accessing No 20 is single track, with concealed exits from Yeates Field. There is no pedestrian refuge space at the side when vehicles appear suddenly and at inappropriate speed on what appears to be an empty road. This is currently a problem with development traffic and delivery vans.

The nature reserve is a town asset which would be visually impacted by another and larger dwelling intruding further into it. The natural environment could be negatively affected by extra light and creeping urbanisation - as it already has been by removal of all the mature trees and shrubs of a previously re-wilded garden.

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MR CHARLES DANIELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

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- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Exit from Smallbrook Lane to Boreham Road is unsafe.

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MR WILLIAM POWELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I object to the development at 20 Smallbrook Lane for the following reasons:-
The lane is not suitable for more traffic, it is narrow, has no pavements & the access onto Boreham Road is extremely dangerous (an accident waiting to happen).
Because of it's access to the picnicking area at the end of the lane & on through to Smallbrook meadows & the Town Park, it is used by many walkers, children, horse riders & many more.
Delivery vans treat the lane like a race track; to allow more development would lead to more delivery vans (again, an accident waiting to happen).
Yours very sincerely, Bill Powell.

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The Planning Inspectorate

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MRS PATRICIA KAYE
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☐ Interested Party / Person
- ☐ Land Owner
- ☑ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
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- ☐ Statement of Common Ground
- ☐ Interested Party/Person Correspondence
- ☑ Other

YOUR COMMENTS ON THE CASE

I have lived in Smallbrook lane for 19 years and in that time I have seen the footfall increase significantly, even more so since the pandemic and people being aware of Smallbrook meadow and the river location. In this lane, you have many dog walkers, children using a way to link one end of Warminster (town side) to Boreham area, elderly people taking a stroll. There are a number of very dangerous areas to be aware of, the narrowing of the lane, the exit from orchard, down some precarious steps that lead straight on the lane, and the one main one is the exit and entrance into this lane. My husband and I have on a number of occasions requested the council be involved in traffic management due to the number of near misses when exiting this lane. We were instrumental in getting the lines marked out on the road to stop cars parking. Since the Backhouse development at Boreham Mead we now have further traffic coming up Boreham road and the speed of traffic coming off the roundabout exceeds the speed limit, putting further danger on exiting Smallbrook Lane. This has never been addressed even though we have requested it be looked into. Turning into our lane when coming down from town you often have cars behind you brake harshly as they are speeding and unaware the exit is there. I find I am cautiously looking in my rear window whenever I make that turn and a car is driving at excess speed down. Likewise the speed a car comes up behind from the salisbury side of Boreham road causes some cars to have to brake hard when they are not paying attention and you need to turn. We, ourselves were informed when we purchased this property that there was a Highway ban and that we would not be able to develop on the large expanse of garden we own. And why would you want to - it is an area of natural beauty and a conservation area! Since the developers have been on site I am having to check the exit from my property before I exit due to the speed they are coming up and down. I recently had a near crash with a vehicle from the site (polish registered van) that was coming out of Smallbrook as I entered, the speed he was driving caused me to have to swerve to the left side - thankfully able to do so at that time as the cars normally parked there were not parked up! The lane was recently given by-way status again and there is also an increase of horses going down the lane, again adding to the danger of this lane not being wide enough for vast volume of cars. The lane is in poor condition at the best of times and further vehicles will just cause more damage.
I strongly disagree with the development of a further property on what is a dangerous lane at the best of times.

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The Planning Inspectorate

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MISS STEPHANIE KAYE
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☐ Interested Party / Person
- ☐ Land Owner
- ☑ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☐ Interested Party/Person Correspondence
- ☑ Other

YOUR COMMENTS ON THE CASE

Good evening,
I wish to make my comments clear and concise, in regards to the planning appeal and constant disregard for all previous planning attempts, health and safety matters, environmental matters and personal matters. From the very start, this building plan was disrespectful [redacted], from the cutting of the trees housing protected bat species, to the attitude of those involved in this building.

The health and safety of those involved within this lane, as well as walkers including children, the elderly, dogs, horses and emergency services, have all been put at risk by the vehicles involved in this building. Large lorries have damaged trees and left branches laying across the road, speeds over an approximate 40mph have been noted, aggressive behaviours have been noted by numerous members of the lane, such as excessive beeping aimed at residents in their vehicles and on foot in the road, dismissal of residence asking for the vehicles to slow down and refusing to acknowledge the street allows for only one vehicle to pass. If this has already been noted by residence down a previously quiet lane, then I believe this will continue if another house is to be built. Not only will this be an impact in the short term, it will also effect the long term impact of the lane. The road is already showing signs of damage since this building has taken place, putting many people at risk and causing long term damage to the structure of the road.

The exit onto Boreham Road is already disastrously dangerous, with many residents of Smallbrook Lane desperately trying to get something done about this. When I am leaving for work, I frequently need to put my handbrake on and physically step out of my car to ensure the road is clear for me to exit on to. As you can understand, this is already a dangerous situation to be in and having even more vehicles entering this lane is sure to cause further traffic and further noise pollution. I have lost count of the amount of times that large vehicles have entered the lane at speed, forcing those exiting to reverse around a corner. Very rarely do non residents enter this lane at an acceptable speed, as noted by us filing multiple police reports due to speeding unlicensed mopeds, but also those attempting to reach Smallbrook Meadows. I'd also note that this lane's road is also in exceptionally poor condition as is, with no evidence needed as you only need to enter this lane to see this.

There is also the issues of Ambulances and emergency vehicles, as well as delivery vans, who have previously needed to use the turning area at the bottom. This is now impossible due to the fact it is used for parking for vans and building vehicles. I have had to continuously open our gates to allow large vehicles to turn in our drive, which shouldn't be seen as an acceptable alternative. The risk of entering and exiting swiftly and efficiently, may be effected by the increase in traffic, both in the short term and long term which has a direct impact on potential emergency services.

Recently, this lane was changed to a byway to allow for horses and riders to use this road, which many of us attempted to appeal for health and safety reasons, for both walkers and riders. Admittedly, this has not caused issue for residents but it does pose the inherent risk of injury to the increase in horses and riders, with the increase of traffic caused by more building work and a future home. Riders enter and exit this lane in the same place as vehicles enter and exit, increasing the risk of dangerous collisions, as it is considered a blind exit. I'd also like to mention many young families use this lane as a byway to Smallbrook Meadows, posing further risk to children due to the above mentioned blind exit.

For some further brief comments, I'd also like to comment on the increase in footfall since the pandemic, further putting risk with the increase in vehicles. We already lack parking, with many residents treating others with respect and having to carefully manoeuvre ours cars around each others. I have almost been hit multiple times exiting my gates, both on foot and in my vehicle, despite being an excessively cautious driver. The lane also frequently floods during winter and early spring, which can cause severe issued further up the lane. The road has also been damaged further up the lane.

Not only has this building already caused unmendable damage the the environment and animals protected under the Wildlife Act, it is also causing undue stress to residents. Aside from the issues noted above to do with severe dangers associated with further traffic, this whole appeal is entirely disheartening and serves no purpose other than financial gain for the appealant.

Kind regards,
Steph

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MR PETER BROUGHAM
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

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YOUR COMMENTS ON THE CASE

My reasons for objection are exactly the same as for the orrigional application. Turn onto Boreham Rd from Smallbrook Lane is not safe the lane is only single vehicle width or less. Service vehicles ie from local authority, are a reduced size The lane is used mainly by pedestrians and horse riders gaining access to Smallbrook Nature reserve. The surface of the lane would not sustain increased traffic. It would also be totally inapropriate to increas residential housing on the edge of a nature reserve.

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MRS MAGGY DANIELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

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YOUR COMMENTS ON THE CASE

APP/Y3940/W/24/3339371. Response to Highway Consultant's report.

I am a resident of Smallbrook Lane and a driver who often exits it into Boreham Road. My perspective is different from this consultant's and based on observation over several years..

6. Traffic Impact

6.1. A five-bedroomed executive home of the kind already proposed for the host building, situated at the end of a lane and distant from shops and facilities, would probably generate several journeys for each occupant on a daily basis; 5 traffic movements a day is therefore unrealistic, especially without allowing for Amazon or food deliveries.

6.2. There is only one possible (informal) passing place for two vehicles or for pedestrians and vehicles, and this is in the gateway to private land. The straight narrow part is the most likely point for inappropriate speed, but the 'excellent' visibility is deceptive: it is also where a concealed exit from Yeates Field debouches onto it, used by free-running dogs and pedestrians.

6.3 Vehicles turning at the end of the lane already find it difficult, just as the Highways Officer did.

6.4 The host dwelling is currently uninhabited and the previous owner was a recluse without a car. There was no regular traffic.

6.7 There were no recorded accidents because there was virtually no traffic for those 22 year.

6.8 Although residents drive with caution, this cannot be said for delivery vehicles unfamiliar with the lane. It is also regrettably the case that some of the development vehicles currently accessing the site are driven at inappropriate speed because they see the narrow part as a straight empty road. There have been several near-misses recently as a result, involving residents or dog-walkers using one of the concealed exits from the field on the north side. Dogs, children and other pedestrians heading for the Reserve descend into the lane unaware of cars and unseen by drivers. The part of the lane up to No.20 is too narrow for avoiding action, as you can see from the fate of this squirrel below.

7. Boreham Road/Smallbrook Lane junction

7.6. The speed limit is officially 30mph but this is not observed by many drivers. Those travelling east see a wide road nearing the edge of town and speed up; those travelling west often do not slow down until the flashing sign before Bradfield Close. If data is stored from this device, it no doubt shows the speed at this point. There have been several collisions in this part of Boreham Road where speeding has been a factor.

7.8. The situation may be better, or it may be that the problem has just been moved forward a few feet. The reality is that turning left is done almost blind at certain times of the day and when large vans are parked to the right, as is often the case; turning right is too risky at these times. Many Boreham Road residents who have garages in Smallbrook Lane choose to set off from the street.

8. Planning Policy.

8.3. Safe access to the highway network is not served by this lane, as all residents here know.

8.5. This lane is used all year by dog walkers and in summer by ramblers, young families and unaccompanied children walking towards the Reserve. Allowing this Appeal would set a precedent and the lane's character as a safe informal extension of the Reserve and green link between it and Yeates Field would be destroyed. The increase in traffic compared to recent years would be significant.

8.6. There is no room for a public footpath on Smallbrook Lane and more development is likely to make

the existing ‘safe route’ more dangerous for pedestrians and animal
8.7. The junction is not ‘safe’ just because no PIA has been reported at this exact spot. It remains hazardous to drivers leaving it, and also to pedestrians encountered just beyond the end on entering it.

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MR JOHN RUSSELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
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- ☐ Other

YOUR COMMENTS ON THE CASE

Case APP/Y3940/W/24/3339371

Although my postal address is on the Boreham Road my drive exits onto Smallbrook Lane; I therefore frequently use the lane. I have lived in my house since 1997 and am very well-acquainted with both the lane and the Boreham Road.

I wish to say at the outset of this representation that I unreservedly support Wiltshire Council's decision of 31 October 2023 to refuse the application PL/2023/07590 and their reasons for so doing.

I would now like to comment on the following paragraphs in the Transport Appeal Statement by Mr Nick Culhane:

Traffic Impact

6.1. In his opening sentence he states that 'it can be accepted that based on anecdotal TRICS data' the proposed dwelling would add one extra traffic movement in peak periods and five in one day. He neither gives a reference for this data nor gives a reason why it should be 'accepted'. Furthermore, what exactly is 'anecdotal…data'? While he may or may not be correct in his assertion, if the appeal is successful it would add a second dwelling to the site at the end of Smallbrook Lane, thus generating twice as many movements than he suggests. His statement is therefore disingenuous and using the logic of his data would result in the site generating two extra movements in peak periods and 10 in one day, representing a very significant increase in traffic using the lane over current norms.

6.2. He asserts that forward visibility is 'excellent'. This is nonsense. The lane is heavily overgrown by trees on both sides, which lean over the road and reduce light. In winter it is gloomy and there is no lighting. His use of the word 'informal' in terms of the only possible passing place on the lane is interesting. It is an entry to a field, is very limited in terms of its dimensions, is unmade-up and believed to be private property. It is not therefore a passing place in any normal understanding of the term. The paragraph refers to 'passing places' in the plural suggesting that there are a number; the field entry is the only possible passing place and none others exist. Tellingly he makes no mention of pedestrians and it is their frequent use of the lane that makes the increase in vehicle movements such a high risk factor. For much of the lane they could only avoid vehicles by climbing a bank and forcing their way back into the trees and vegetation. There are no pavements. The absence of safe refuges for pedestrians and the poor visibility in the lane makes them particularly at risk.

6.6. He claims that visitors will know the characteristics of the road and will therefore act with caution. While frequent visitors will know the road, other visitors such as delivery van drivers operating on tight schedules will neither know the road nor be aware of its use by pedestrians. Such drivers are not usually known for their leisurely speeds nor are universally admired for their respect for other road users or pedestrians.

6.7. He states that there have been no recorded accidents in the last 5 years. This is because there have been vanishingly small numbers of vehicle movements in the lane over that period as the former residents of Woodlands did not use a car and the only other movements were by the owner of the horse in the field and council vehicles. This situation would change markedly with two dwellings at the end of the lane (see my comments to paragraph 6.1 above).

Boreham Road/Smallbrook Junction

7.6. He states that the junction has improved road markings and has been further improved with the introduction of the 30mph speed limit. I am a frequent user of the junction and despite the improvements it remains decidedly dangerous, requiring extreme care. If the 30mph limit on the Boreham Road was adhered to then the junction would be less risky. Regrettably this is not the case and the 30mph speed limit is ignored by most drivers, many of whom are travelling at 40mph or more. Drivers heading east from the town centre accelerate as they come down the broad Boreham Road and

gather further speed as they head down Boreham hill, while drivers heading west towards the town are routinely travelling at 40mph or more. Consequently, joining the Boreham Road remains an act of faith, particularly if turning right where parked vehicles reduce visibility.

My Conclusions

1. Given the physical and natural conditions in Smallbrook Lane the risk to pedestrians from an increase in vehicle movements is unacceptable.

2. Two vehicles cannot pass each other for most of the lane's length. The mooted 'informal' passing place is not a solution.

3. A significant proportion of 'visitors' to the dwellings will neither know the lane nor its heavy use by pedestrians.

4. The Smallbrook Lane/Boreham Road junction remains dangerous. An increase in vehicles using the junction will increase the probability of an accident, particularly for drivers who are not acquainted with its risk characteristics.

5. The Transport Appeal Statement fails to make the case for overturning Wiltshire Council's objections on highways' grounds.

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MR MARK BOWDEN
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Following the previous challenge voiced against further development taking place at 20 Smallbrook Lane and since additional work on the property has occurred, our concerns of further building work being approved have substantially escalated. The initial actions of the land owner of 20 Smallbrook Lane prior to the decision being made to deny an additional dwelling were concerning: the destruction of multiple mature trees around the property boundary and a notable increase in traffic, but this was seemingly only the beginning of a disregard for the local environment, local residents, and the mitigation of access, traffic volume, and risk issues within the last 200m of Smallbrook Lane.
Since the redevelopment of the current dwelling on the site has commenced in October 2023, there have been constant bonfires on an almost daily basis. There has been no regard for the direction, density or odour of the smoke created and it is regularly allowed to blow straight across the residential area for prolonged periods, forcing residents to keep windows and doors closed all day. This is also due to large amounts of fuel being used to light fires to overcome the prolonged period of wet weather, creating large amounts of smoke and fuel odour. There have been multiple observations of items being burned that were not suitable - plasterboard from the property, plastic wrappings for delivered building supplies, and many items that were removed from the current property that were not normal garden waste. The toxic smell from many of these bonfires has been stifling and [redacted]. The most recent period of burning has seen the current developer attempting to burn the 3ft+ thick tree trunks that remain from the original boundary trees - these fires, on multiple occasions, have also been left lit and [redacted]. This issue came to fruition on Weds 15 May 24 as a substantial pile of tree cuttings, tree stumps, and wood from the house piled up in the area of the previous bonfires was lit. This was an unattended blaze large enough that another resident had to call the Warminster Fire Service out to deal with the fire which, noting recent dry weather, had spread quickly to surrounding ground on the very edge of the protected nature reserve. Of serious note, when the fire service arrived they were not able to access the property via Smallbrook Lane and had to do so through our property. The fact that the Fire Service could not access the property directly via Smallbrook Lane and could only attend to the fire from Prestbury Drive, through our property, adds serious concern to the current dwelling, let alone further building requests.
All of the issues pertaining to the fires have been highlighted to the Wiltshire Council Public Protection Team on many occasions (Case: WK//202401559) and the council officer, [redacted], has detailed that the activity on the property [redacted]. That said, since the initial discussions with the property owner were disclosed (28 Mar 24) and they were said to agree to not light fires when smoke would blow towards the residential area, they would only burn appropriate material, and the fires were due to stop, but they have continued. In fact, they have increased the size of the fires and the use of fuel due to the wet weather hampering the ease of burning, and the [redacted]. [redacted] has recently acknowledged our concerns and has stated that [redacted] will be conducting a site visit. Adding to these issues that the property is on the boundary of a protected area, this is a hugely distressful and worrying circumstance noting that further building work is being applied for.
In addition to the fires, the other overriding concern that continues to grow is access and traffic, highlighted by the lack of access to the Fire Service. The last 200m of Smallbrook Lane only includes Number 20 and until recently has only bore witness to one vehicle and intermittent grocery delivery vans; however, the type and volume of traffic has increased substantially along a narrow, single-track lane with no passing places, established or transient, for vehicles or refuge for pedestrians. The presence of tradesperson's vehicles and large building supply vehicles have been notable, especially at the bottom of our property where the access to the farmers fields has been repurposed as a makeshift vehicle park and turning area. This is at the point whereby vehicle access ceases (becoming a restricted byway) and is now a dangerous choke point for pedestrians and cyclists who frequently utilise the lane to move through the nature reserve. There are no areas where pedestrians can avoid these vehicles, such is the narrow width between the Prestbury Drive property boundaries, Smallbrook Lane, and the Farmer's Fields. The quiet, low-traffic nature of the Lane previously provided a low risk and peaceful area for children to play, walk dogs and explore, however this is no longer the case, even with the substantial increase of traffic observed for the initial redevelopment of the current dwelling. Any move to add another property and additional access would make the area an extremely channelled, unsafe,

and highly saturated area for traffic not only during redevelopment but also with the addition of what could easily be an additional 3-4 vehicles, all of this in an area that has been previously used periodically by one resident and for occasional farming access – a drastic and worrying increase in impact and risk in a highly utilised area for cyclists, pedestrians, and school children moving to / from the local secondary school and two primary schools in close proximity.

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MRS KATE MILLAR
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

site access is down a single track overgrown lane with no passing places.
there are no passing places to allow cyclists and pedestrains to move off the track to allow delivery vehicles etc to pass.
egress onto the main road is dangerous at the best of times due to restricted visability and the speed of vehicles on the main road
the last section of smallbrook lane prior to exiting on to the main road is a blind corner, again this reduces line of sight visability .
residents of Smallbrook lane have zero visibility when exiting their driveways due to parked vehicles and the increase in traffic will again increase the danger level.
the site at number 20 smallbrook lane does not have the available ground space to support the building of another house. Ground water run off will be a major issue and the lane down by number 20 floods regularly every time it rains.
smallbrook lane is a no thru road and becomes a cycle way and is used by cyclists, pedestrians, dog walkers, children going to and from school, horse riders and the increase in traffic will impact their safety.
the last appication did not include any detail of what would be built. of how rainwater run off would be dealt with or any inforamtion of any use.
the delivery vehicle that tried to deliver bricks today got stuck halfway down the track and blocked it.
several trees are now missing branches

[redacted]

22 May 2024

Reference Planning Appeal APP/Y3940/W/24/3339371

Please see below my objection to the above appeal.

The property sits on the edge of Smallbrook Meadow which is a water meadow rich in wildlife including otters, bats and black oil beetles amongst others and a further property would not be in keeping with the surrounding area.

Smallbrook Lane narrows to a single track with no passing places and is heavily used by walkers, cyclists, runners, horse riders and school children.

My back garden is directly opposite 20 Smallbrook Lane and on occasion, I have to drive my car down this lane to unload or remove heavy items from the bottom of my garden and I have attached photos of the width of the lane when my car is parked on Smallbrook Lane outside my rear garden. These photos are numbered 1 and 2. I have great difficulty turning my car round at the end of lane and also have to stop several times along the lane to allow pedestrians and cyclists to pass. On occasion, I have met with other vehicles on the lane which has resulted in having to reverse some distance to a space wide enough in order for the other vehicle to pass. There are no pull in places along Smallbrook Lane, only driveways to the properties at the other end of the lane. Currently, a small sized bin truck has to reverse down Smallbrook Lane to collect rubbish at number 20 Smallbrook Lane as a normal size bin wagon cannot be accommodated down the lane so larger delivery lorries will have problems accessing the site.

With reference to the junction of Smallbrook Lane and Boreham Road, improvements were made to the junction some years ago and the 30mph speed limit has been in place for many years, however, it is still extremely difficult to see traffic coming from the right hand side of the junction due to the vehicles that are parked along Boreham Road and I have attached photos of the junction for your attention. These photos are numbered 3 and 4. The photos were taken whilst I was standing at the white lines marking the junction. When driving out of the junction, drivers have to be positioned with the front of their cars sticking out into Boreham Road in order to see any traffic that may be coming up the road.

Permission has been granted to extend the current property on this site to a 5/6 bedroom property. The 2nd application, which is the subject of the appeal, is for a further 4 bedroom property. If this appeal is allowed and the build goes ahead, it will result in a minimum of at least 4 to 6 extra vehicles using Smallbrook Lane on a daily basis. This is before taking into account delivery vehicles and visitors and this will have a huge detrimental impact on the safety of pedestrians including school children, cyclists and horse riders who frequently use Smallbrook Lane.

On Wednesday 15th May 2024 at approximately 21.30, a large bonfire was lit in the garden of 20 Smallbrook Lane and left unattended resulting in 2 passers-by calling the Fire Brigade. A Fire Officer attended at approximately 21.50 and advised they could not drive the Fire engine down to the property due to the lane being too narrow. This resulted in the Fire Service having to drive the fire tender round to Prestbury Drive where they had to take the fire hose through a residents garden to access the bonfire. This was approximately 30 minutes after the Fire Brigade initially arrived and could have had serious consequences if the fire had been in an occupied property.

The current owners have proven they have a total disregard for local residents and the environment as they have been continually burning bonfires since October despite requests from residents to stop, and also visits and letters from Environmental Health so this is an accident waiting to happen.

The River Wylye runs through the meadow at the rear of 20 Smallbrook Lane and during winter and periods of heavy rain, the river bursts and floods the field to the side of the site where it is intended to build the property. The flooding and rainfall forms a large lake in the field to the side of the site and also floods onto Smallbrook Lane to a depth of at least 6 to 8 inches, and often rises over the side of the roadway into the garden of 20 Smallbrook Lane.

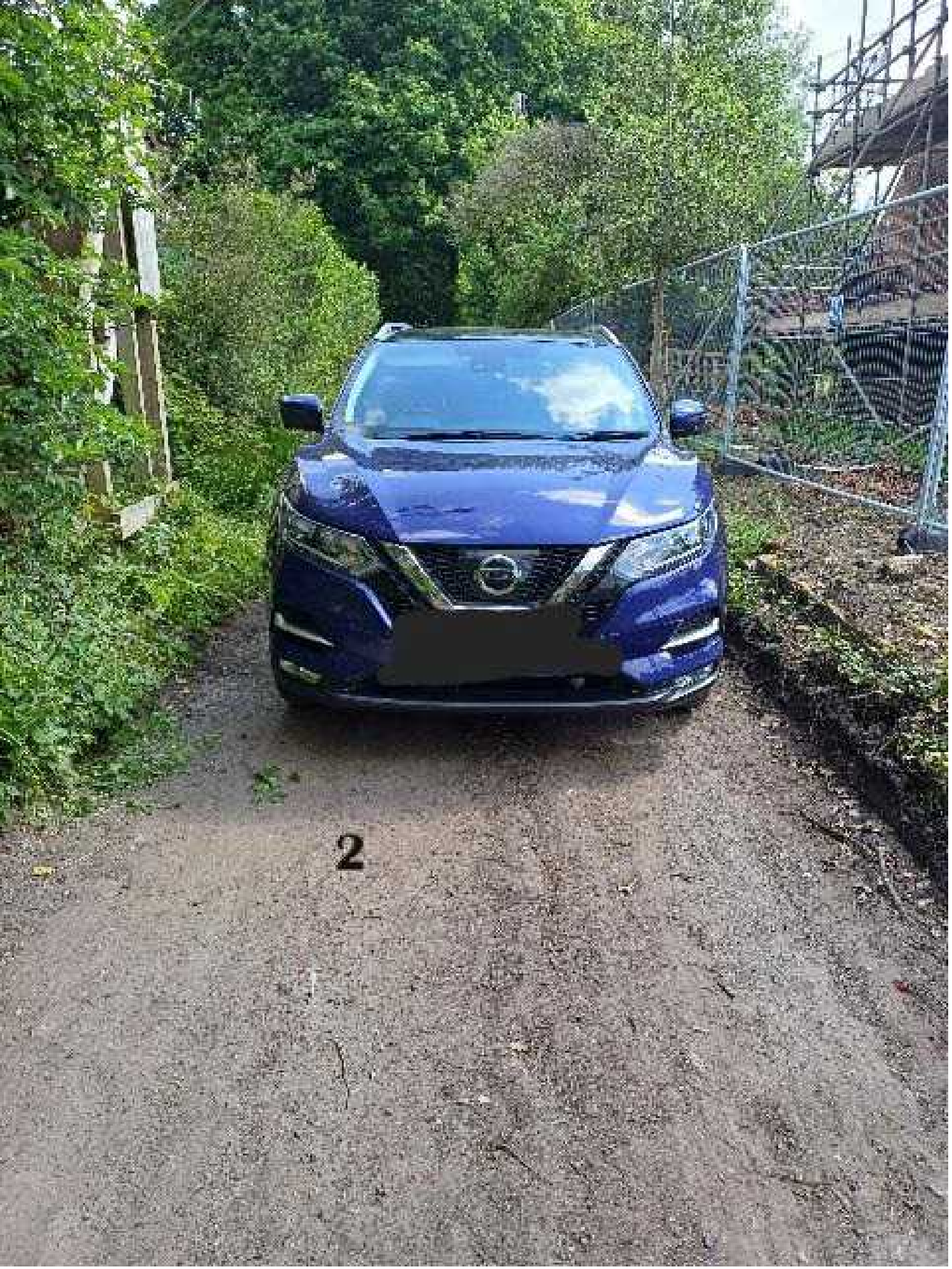
In previous years the river has flooded across the water meadow, to approximately 20 - 25 metres from the site but this year it flooded to within less than 20 metres of the site. With predictions of more rain and wetter winters, there will be an issue over time with flooding at 20 Smallbrook Lane.

I hope you take my comments into account.

Yours faithfully

Mary Riley


1


2


3


4

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MRS DIANA TROUNSON
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I feel the lane is too narrow for more traffic. Residents coming and going and delivery vans would create problems for the pedestrians who use it.
It is frequented by schoolchildren and bicycles and walkers, with no separate path. It is under water and muddy in the winter.
I have a garage on the lane. The exit into Boreham Road has very poor visibility on the right when high vehicles are parked there.

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MR IAIN PERKINS
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I would like to add my support to the Wilts Highways and recommend that this appeal is refused, due to the width of the track which up until recently was only accessed by the immediate neighbours of 20 Smallbrook Lane, who are Wiltshire Wildlife Trust (who were not consulted) to check on their livestock (5x cows) which they use for management (on an occasional bases)on the adjacent land (a water meadow nature reserve leading down to a SSSI River Wylye) a quiet undisturbed important nature rich area of Warminster that many people cherish the benefits from.
The lane is too narrow for traffic and pedestrians, cyclists and horse riders to co-exist and to allow this access would make this lane a danger for users. The leafy-dark lane is an established and important well-loved PRoW and Cycle route with no pavements or passing places that takes it users out into the local and wider countryside to be close to nature. It is well used by children walking and cycling to schools (both local primary and comprehensive) which is known to be a safer route to school and alleviates traffic congestion at the school gate by parents dropping children off by car. This lane brings well-being benefits to walkers and provides access to and from the nature reserve from at least three directions via concealed PRoW's.
This developer appears to show distain for the principles of the planning process and has already created a large access and removed all trees, hedges, roofing tiles and anything that may support nature.
I urge you to turn this appeal down and protect this area to ensure it is safe to travel along and retain the important benefit it provides the community.

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: 20 Smallbrook Lane - appeal response.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Reference: APP/Y3940/W/24/3339371

I would like to add my support to the Wilts Highways and recommend that this appeal is refused, due to the width of the track which up until recently was only accessed by the immediate neighbours of 20 Smallbrook Lane, who are Wiltshire Wildlife Trust (who were not consulted) to check on their livestock (5x cows) which they use for management (on an occasional bases)on the adjacent land (a water meadow nature reserve leading down to a SSSI River Wylye) a quiet undisturbed important nature rich area of Warminster that many people cherish the benefits from.

The lane is too narrow for traffic and pedestrians, cyclists and horse riders to co-exist and to allow this access would make this lane a danger for users. The leafy-dark lane is an established and important well-loved PRoW and Cycle route with no pavements or passing places that takes it users out into the local and wider countryside to be close to nature. It is well used by children walking and cycling to schools (both local primary and comprehensive) which is known to be a safer route to school and alleviates traffic congestion at the school gate by parents dropping children off by car. This lane brings well-being benefits to walkers and provides access to and from the nature reserve from at least three directions via concealed PRoW's.

This developer appears to show distain for the principles of the planning process and has already created a large access and removed all trees, hedges, roofing tiles and anything that may support nature.

I urge you to turn this appeal down and protect this area to ensure it is safe to travel along and retain the important benefit it provides the community.

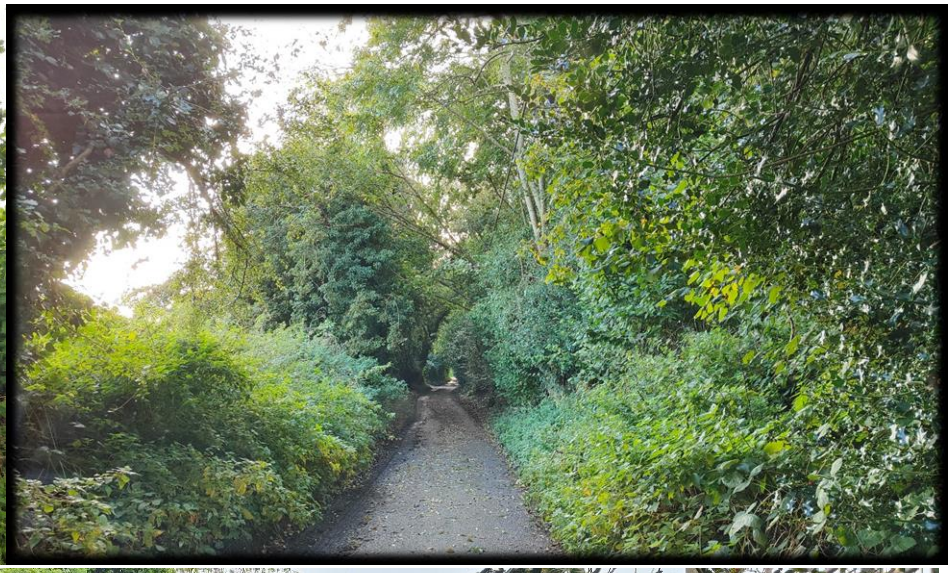
Kind regards

Iain Perkins

(Local Ecologist)

Please see the following images of the lane that leads up to the dwelling as it current is and the nature reserve that abuts it to the west and south.


Restricted
Byway









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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MRS MICHELLE CRESDEE
Address	[redacted]
Company/Group/Organisation Name	Mr and Mrs Cresdee

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

We object on the basis that Smallbrook Lane is a rural residential lane used by pedestrians and cyclists and not suitable for any further additional traffic that increasing the current development would bring. The lane leads to the nature reserve and is used as a walking thoroughfare by residents living on the East of the town, as well as many others undertaking recreational pursuits. The exits from Yeates Field Community Orchard for pedestrians is directly onto the lane with limited visibility for either those exiting or for a driver going to and from 20 Smallbrook - there is already an increased risk of a serious accident which with the potential of additional occupants and deliveries is obviously further increased. The exit from Smallbrook Lane onto Boreham Road is already very hazardous and visibility on exiting often obscured by parked cars. Although Boreham Road has a 30 mile an hour speed restriction this seldom seems to be adhered to. The increased traffic created by approving any further developments on the lane would in our view be foolhardy.

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MRS MAGGY DANIELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

The photos below illustrate the lack of pedestrian space in the lane when a vehicle comes down it, and the danger to pedestrians if it travels at inappropriate speed. The schoolchildren here had to wait at the Boreham Road end for this builders' merchant lorry to navigate the narrow part of the lane; it took the driver a couple of hours, first reversing, then calling in a colleague to help, and finally inching along and turning on the site itself. Once a wall is re-erected, such a turn would be impossible. Refuse trucks reverse into the lane and stop at this point, collecting rubbish from No.20 on foot.

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	IMG_9818.PNG
File name:	IMG_9819.PNG

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3339371

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3339371
Appeal By	MR F TIEMAN
Site Address	Woodlands 20 Smallbrook Lane WARMINSTER BA12 9HP

SENDER DETAILS

Name	MR AL WRIGHT
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I oppose any additional development in this lane based on the following reason.
1) the road is a vital access point for smallbrook nature reserve and social area, should there be a fire, an emergency, flood etc access is required at all times yet the new development is parking blocking this route requiring council workers to exit their vehicles and enter the site to get vehicles moved for acces, so with two 5 bed houses there is potential for many more cars blocking this route regularly which as a key safe access point for walkers, children, horses, bikes etc will make this route dangerous.
2) due to a second new house the car movements down this lane will increase by around 3500 or more journeys per year and the speed of current users is already puting all pedestrians at risk as the speed of vehicles is too high as there are steep banks and very little space to avoid being hit by passing vehicles. This is a low carbon route with little pollution now but an additional house with many cars, visitors, deliveries etc will destroy the nature of this route.
3) the site around the houses is a nature reserve and flood plain meaning it has a function as a habitat and a safety zone for flood water. The access road to the site is often filled with water during heavy rain and the site has limited drainage due to road raising as it approaches down stream. If more foundations are created for both garages and new house then additional ground water storage will be removed pushing more flood water into the already over used fields around the site increasing flood risk to them and others down stream.
4) the fields around the site are a nature reserve and as such are meant to encourage wildlife of all forms creating a tranquil buffer away from the SSSI,SAC river wylye which is home to protected species such as otters, kingfishers, water voles etc. otters are not meant to be disturbed but building two large houses inside the clearly defined SSSI AND SAC impact area will have a much greater impact on the surrounding areas. If cats are introduced so close to the nature reserve they will kill the water voles, etc, dogs are highly likely to scare away otters, light and noise pollution will deter birds, bats etc which will also be devoid of what was once a great habitat with trees, ivy, shrubs all cut to allow a second house in an area awash with houses on the market for over 6months with more being built daily.
5) vehicles accessing this location are going to be regularly using other peoples land as passing places as there are none along this stretch of the road.this will damage third party properties massively as there are no adequately designed passing or turning places at this end of the lane.
6) there is no fire hydrant at this location and I was under the impression that without one there must be access to adequate supplies of water to extinguish a fire on two properties. It is illegal to extract water from the river without a license as it is a SAC and access would be over 100m away through a third parties land. It is doubtful that a full sized fire truck could get down the lane in the first place due to the narrow lane and the trees growing across it. If a truck could get down it would be unlikely to be able to turn round as the access to the first property is not wide enough as it is a single access road same with the new property.
7) if your buildings are going to be sustainable and meet the no net loss of biodiversity requirements then building on the garden after cutting down 50 or so trees some 60 or more years old is impossible unless you replant as many trees as removed and create a flat green roof the same size of the house to create the same lost garden above. As can be seen from the sale advert for the current house there is a large drive and no garden which will create run off to the lane, and no habitat for anything.
8) due to the loss of trees, the light pollution created in this wildlife corridor from the current houses, above the site, that were screened off from the river corridor prior to the woodlands being clear cut, but now shine across the valley have already sevearly impacted what should be a dark area ideal for bats and other nocturnal creatures, with the new houses within meters of the nature reserve the light noise and disturbance will be permanent leaving no space for new tree growth and adequate screening to be created.

A second house in this location breaks all the nppf and core strategy rules and guidance on creating sustainable development in the right places and protecting those areas required for wildlife, leisure and flood management, safe pedestrian and cycle access and areas needed for quiet. There is no need for a large house here and the developer wants to cash in on the protected land around his site by developing his entire site to maximise profit. This would not be allowed if there were surrounding houses so why allow it next to a high value nature reserve?

Please defend a diminishing asset called nature from unneeded development, noise and disturbance in such a key location as allowing this development will provide precedent for all properties at the other end of the lane who were previously denied planning due to access and in appropriate location to reapply and receive permission under the same criteria which will destroy this lane and massively increase traffic entering Boreham rd at a very dangerous location.