

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 APRIL 2026 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Stewart Palmén (Chairman), Cllr Christopher Newbury (Vice-Chairman), Cllr Andrew Davis, Cllr Andrew Griffin, Cllr Bill Parks, Cllr Charlie Stokes, Cllr Nigel White, Cllr Chris Vaughan, and Cllr Peter Wragg

18 Apologies for Absence

Apologies for absence were received from:

- Councillor Mike Phillips
- Councillor Ernie Clark

19 Minutes of the Previous Meeting

The minutes of the previous meeting held on 18 March 2026 were presented for consideration, and it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 18 March 2026 as a true and correct record.

20 Declarations of Interest

In relation to Agenda Item 8, Councillor Andrew Griffin declared an Other Registrable Interest by virtue of being a Member of Melksham Town Council which had considered the application during a meeting of their Economic Development and Planning Committee on 13 January 2026. He confirmed that he would consider the application with an open mind and so debate and vote on the application.

In relation to Agenda Item 10, Councillor Andrew Griffin declared a Disclosable Pecuniary Interest by virtue of being the applicant for the two linked applications. As such, he confirmed that he would leave the meeting whilst the Agenda Item was discussed and would take no part in the proceedings.

In relation to Agenda Item 7, Councillor Bill Parks declared that he knew of the applicants but confirmed that he would consider the application with an open mind and so debate and vote on the application.

In relation to Agenda Item 8, Councillor Charlie Stokes declared an Other Registrable Interest by virtue of being a Member of Melksham Town Council which had considered the application during a meeting of their Economic Development and Planning Committee on 13 January 2026. She confirmed that she would consider the application with an open mind and so debate and vote on the application.

21 **Chairman's Announcements**

In relation to Agenda Item 9, PL/2025/06683: Enfield Works, Upper Westwood, Wiltshire, BA15 2DH, Members were informed by Kenny Green, as the Development Management Planning Manager, that following the publication of the agenda, officers were alerted to the fact that when the application was first submitted, the procedural advertisements had not been fully satisfied as a site notice and press advert had not been produced. As a result, officers advised Members that the published recommendation was now subject to officer revision and Members were invited to agree to defer the application to a future meeting of the Committee to enable the Council to complete the statutory publicity requirements.

It was confirmed at the meeting that a site notice had been erected on the same day as the Committee meeting, Wednesday 22 April 2026, and that a press notice had been actioned and would be published on 1 May 2026 for a period of 21 days.

The Chairman, Councillor Stewart Palmen, then moved the revised officer recommendation, seconded by Councillor Nigel White. Following a vote on the motion, it was then:

Resolved:

The Committee agreed to DEFER application PL/2025/06683 to the next available Western Area Planning Committee meeting to enable the Council to satisfy the statutory publicity requirements for the application to ensure that a robust and legally competent decision is made by the local Planning Authority.

22 **Public Participation**

The Chairman set out the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

23 **Planning Appeals and Updates**

The Chairman invited Kenny Green, as the Development Management Planning Manager, to update the Committee on the pending and determined appeals as per the appeals report included in the agenda pack and Agenda Supplement 1.

Members were advised that the initial appeals report was subject to a published agenda supplement which corrected the appeals to be reported, as some of the appeals initially published had previously been reported to the March 2026 meeting. As such, Members were informed about the appeals that were decided for refused applications PL/2025/05209 and PL/2025/05295 pursuant to the installation of a BT Street Hub and the removal of associated BT payphones on the pavement outside Boots, Bythesea Road, Trowbridge, with both appeals being dismissed. Officers advised that the Planning Inspector had agreed with the Council's refusal on highway and pedestrian safety grounds, concluding that the proposals would result in an unacceptable distraction within a sensitive highway environment.

Members were also provided with a verbal update in respect to an allowed appeal that was not listed on the published agenda relative to a 70-house scheme on land at Woodrow Road outside of Melksham, which was subject to a public inquiry that was defended by the Council. In allowing the appeal, the Planning Inspector had placed significant weight on the Council's housing land supply deficit alongside the age of the Wiltshire Core Strategy (WCS) and concluded that Paragraph 14 of the National Planning Policy Framework (NPPF) was engaged, but the appealed development's conflicts with the WCS and NPPF Paragraph 14c did not outweigh the benefits of allowing the appeal.

It was further explained that the Inspector recognised the recently made Joint Melksham Neighbourhood Plan which allocated land for housing on multiple sites. However, the Plan was predicated on evidence that underpinned the emerging Wiltshire Local Plan, which had been robustly criticised by the examining Inspectors. As a consequence, limited weight was afforded to the Neighbourhood Plan and the Inspector concluded that given the very significant housing land supply deficit affecting Wiltshire, it was not reasonable to prevent otherwise sustainable development in the absence of technical objections, and that this applied to sites located within recently made Neighbourhood Plan areas such as Melksham.

Members were also informed that the Council were still awaiting an appeal decision to be made by the Secretary of State relating to 300 houses on land at Snarlton Farm, also outside Melksham and subject to a public inquiry that was defended by the Council in January 2026.

In response to a question, officers highlighted that the decision had wider ramifications across Wiltshire for made and emerging Neighbourhood Plans.

Finally, the Chairman invited Mr Francis Morland to address the Committee under public participation where he contended that the Inspector had made legal errors in the interpretation and application of Paragraph 14 of the NPPF in

relation to the appeal linked to Woodrow Road, Melksham, and urged that the appeal decision be legally challenged.

In response, it was highlighted that it was not within the remit of the Committee to determine whether a legal challenge should be pursued but officers noted Mr Morland's argument and advised that the matter would be relayed to the Head of Service for consideration, and that any decision to challenge the appeal would require legal advice, including the views of an appropriately qualified planning barrister.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 7 March 2026 to 10 April 2026.

24 **The Wiltshire Council Parish of Corsley Path No.7 and Parish of Selwood (Somerset) Path FR/14/24 (Part) Diversion Order 2026**

Public Participation

- Francis Morland spoke in objection to the recommendation
- Nigel Linge spoke in support of the recommendation
- Kevin Abraham, Open Spaces Society, spoke in support of the recommendation
- Alice Helliard, applicant, spoke in support of the recommendation

Craig Harlow, as the Definitive Map Officer, presented the report considering the objection received to the making of Wiltshire Council Parish of Corsley Path No.7 and Parish of Selwood (Somerset) Path FR/14/24 (Part) Diversion Order 2026 made under Section 119 of the Highways Act 1980. It was recommended that the above-mentioned Order be forwarded to the Secretary of State with a recommendation from Wiltshire Council that the Order be confirmed without modification.

The officer explained the background to the application noting that the current route was blocked by historic buildings and passed through an operational dairy farm, creating public safety, biosecurity, and accessibility issues. The proposed diversion would reroute the footpath away from the farmyard onto a clearly defined and safer route, incorporating new pedestrian gates, fencing, and a new footbridge over Redford Water, to be installed and certified by Somerset Council. It was highlighted that the application had been subject to extensive consultation between both Wiltshire and Somerset Councils, Parish Councils, user groups, and the Open Spaces Society.

It was noted that the statutory objection received raised issues regarding the application of Sections 119 and 120 of the Highways Act 1980, the position of termination points across the county boundary, and the relative convenience of

the diverted route. Officers reported that all legal tests were satisfied and concluded that the proposal was supported by relevant consultees, aligned with the Council's Rights of Way Improvement Plan, the Equality Act 2010, and Department for Environment, Food, and Rural Affairs (DEFRA) guidance on diverting paths from working farmyards.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Members of the Committee then had the opportunity to ask technical questions to the officer and sought clarification on the recorded width of the diverted route; potential future upgrades to bridleway status; flooding risks; and the timescales for determination by the Secretary of State if the Order were to be forwarded.

In response, it was explained that although Somerset Council considered part of the footpath to be at least 3-metres wide, the diverted route had been recorded at 2-metres in line with Wiltshire Council policies, and that the comments from Somerset Council regarding a potential wider width had been provided after the Order was made. As such, it was highlighted that the Planning Inspector could consider width evidence during determination, and that it would be appropriate to draw the Inspector's attention to these comments rather than propose a modification at this stage. It was further confirmed by officers that the matter of a bridleway status would fall solely to Somerset Council or the landowner, as the relevant section lay entirely within Somerset and was not a consideration for this Order.

Finally, Members were reassured that the proposed route had been deliberately set back from the Redford Water to reduce flood risk, and that if forwarded to the Secretary of State, determination would likely take 12-18 months depending on whether the matter was decided by written representations, hearing, or public inquiry.

Councillor Bill Parks, as the Local Unitary Member, then spoke to the recommendation where he thanked the officer for their report and reiterated the support of the relevant Councils and members of the public for the proposed route.

A brief debate followed where Cllr Parks moved the officer recommendation which was seconded by Councillor Andrew Davis.

Following a vote on the motion, it was then:

Resolved:

The Committee resolved that the "Wiltshire Council Parish of Corsley Path No.7 and Parish of Selwood (Somerset) Path FR/14/24 Diversion Order 2026" be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination with the recommendation that it be confirmed without modification.

The Wiltshire Council Parish of Melksham Path No.103 Extinguishment and Definitive Map and Statement Modification Order 2026

Public Participation

- Dave Yearsley, West Wilts Ramblers, spoke in objection to the recommendation
- Tom Crabtree, joint applicant, spoke in support of the recommendation

Craig Harlow, as the Definitive Map Officer, presented the report considering the objections received to the making of Wiltshire Council Parish of Melksham Path No.103 Extinguishment and Definitive Map and Statement Modification Order 2026 made under Section 119 of the Highways Act 1980 and Section 53A(2) of the Wildlife and Countryside Act 1981. It was recommended that the above-mentioned Order be forwarded to the Secretary of State with a recommendation from Wiltshire Council that the Order be confirmed without modification.

The officer explained the background to the application noting that the route was scarcely, if ever, used, and was an area that attracted antisocial activity including litter and graffiti. Furthermore, there was an adopted alternative highway which was hardstanding, access friendly, and used daily. The Extinguishment Order tests as per Section 118 of the Highways Act 1980 were then detailed alongside the route for extinguishment and existing alternative routes, and it was highlighted that there was significant support for the making of the Order, including Melksham Town Council and surrounding residents.

It was explained that the statutory objections received raised issues regarding the overgrowth of the current route and Members were reminded that they must disregard temporary circumstances such as these that prevent or diminish use of the path when considering an Extinguishment Order. Furthermore, it was highlighted that the results of the consultation demonstrated a very low-level demand for the path, with the vast majority of responses noting that they would not use the path even if it was cleared of overgrowth due to the alternative path which duplicated the purpose of the route and was superior in terms of access.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Charlie Stokes, as the Local Unitary Member, then spoke to the recommendation, where she thanked the officer for a thorough report and acknowledged the objections received, but expressed support for the proposed extinguishment given the limited use of the current route and clear public benefit of the nearby alternative routes.

Members of the Committee then had the opportunity to ask technical questions to the officer and sought clarification on the breakdown of responses supporting the extinguishment and those expressing no objection; path usage, width, and maintenance clearance; and the future use or incorporation of the land.

In response, it was explained that recent clearance of the path had taken place in response to a fly-tipping report and not as part of routine maintenance. Furthermore, despite the absence of a known landowner for the path, it was confirmed that vegetation growing from the surface of the path remained the Council's responsibility while vegetation from boundary hedges was the responsibility of adjoining landowners. It was further clarified that given the availability of a close parallel alternative route and the need to prioritise limited resources across a wider rights of way network, the path was deemed a low maintenance priority and would likely remain the case if it were not extinguished.

Additionally, it was noted that the path varied in width along its length due to surrounding fencing, hedges and overgrowth, and that it was considered a legacy of past development. Finally, it was confirmed that a specific numerical breakdown of the consultation responses was not available and that any extension of residential curtilage would require planning permission and fall within the remit of the Planning Authority.

A brief debate followed where Councillor Christopher Newbury moved the officer recommendation which was seconded by Councillor Charlie Stokes.

Following a vote on the motion, it was then:

Resolved:

The Committee resolved that the "Wiltshire Council Parish of Melksham Path No.103 Extinguishment and Definitive Map and Statement Modification Order 2026" be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed without modification.

26 **PL/2025/06683: Enfield Works, Upper Westwood, Wiltshire, BA15 2DH**

As detailed under Minute Item 21, Chairman's Announcements, the Committee agreed the following:

Resolved:

The Committee agreed to DEFER application PL/2025/06683 to the next available Western Area Planning Committee meeting to enable the Council to satisfy the statutory publicity requirements for the application to ensure that a robust and legally competent decision is made by the local Planning Authority.

The Committee had a comfort break from 16.50pm – 5.00pm.

Councillor Andrew Griffin left the meeting at 16.50pm.

Public Participation

- Christopher Stevens, local resident, spoke in objection to the application
- Alexandra Stevens, local resident, spoke in objection to the application
- Victoria Stevens, local resident, spoke in objection to the application
- Councillor Stewart Palmen, Chairman, read out a statement in support of the application from Andrew Griffin, applicant. *(As set out in Minute Item 20, Mr Griffin was also a serving Wiltshire Councillor, and so was not present in the room for the entirety of the item.)*

Andrew Thomas, as the Planning Officer, presented the report which recommended that the Committee grant planning permission and listed building consent, subject to conditions, for the erection of pair of hinged steel gates across private driveway by attachment to wall of adjacent/neighbouring building.

Key material considerations were identified including the principle of development; the design of the gates; heritage impact; neighbouring amenity impacts; and transport and highway impacts.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

In response to the public forum, officers addressed concerns regarding access to third-party land and properties not in the applicant's ownership. It was explained that the application related to private land and that, where gates may affect others, it would be a civil matter to resolve any consequential effects to rights of access. However, given the potential for the proposal to impede or restrict access, officers considered it appropriate for any permission to include a planning informative clarifying that the decision would not override any existing rights or access or civil interests.

Members of the Committee then had the opportunity to ask technical questions to the officers and sought clarification on the design of the gate, access rights, particularly in emergency situations, and the legal enforceability of such rights. Further queries were raised relating to future ownership changes and potential electrification of the gates.

In response, officers, alongside the legal representative, advised Members that a Section 106 legal agreement or unilateral undertaking to protect third party access rights could not be justified in this instance and that planning permissions could not require the provision of keys or codes as an enforceable obligation. As such, it was recommended that a planning informative would be the most appropriate approach to reference the third-party rights of access being civil matters falling outside the scope of planning control. Members were further advised that any future electrification of the gates was not a detail that was in front of the Committee to consider, and that any material changes to the submitted gate design would be subject to a separate application process.

A debate then followed where Members discussed the implications of installing a lockable gate, with a particular focus on access and safety considerations, and whether an informative provided sufficient reassurance. It was acknowledged that no safety concerns had been raised through the consultation process and that the design and appearance of the gates were acceptable in conservation terms.

At the conclusion of the debate, Councillor Charlie Stokes moved the officer recommendations for both the planning application, with the inclusion of an informative relating to third-party access rights, and the listed building consent application, which was seconded by Councillor Christopher Newbury.

Following a vote on the motion for each application, it was then:

Resolved:

The Committee GRANTED planning permission, subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

01 Design and Access Statement (5 February 2026)

02 Location Plan (4 February 2026)

04 Gate Plan Drawing (5 February 2026)

05 Gate Elevation Drawing (11 February 2026)

09 Site Plan Proposed (4 February 2026)

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3. The gate hereby approved shall be finished in a dark, non-reflective black coating as shown in the submitted application details and shall be retained in this finish for the lifetime of the development.**

REASON: To ensure the appearance of the development remains appropriate to the character and setting of the adjacent listed buildings and the conservation area, in accordance with Core Policies 57 and 58 of the Wiltshire Core Strategy, the NPPF, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informative:

The applicant should ensure that all parties with a lawful right of access/passage through the alleyway are provided with the necessary keys or access code to unlock/open the gates to enable continued access, with or without vehicles for entry and egress purposes associated to properties/land with a right to use the alleyway where the gate will be installed.

The Committee GRANTED listed building consent, subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

01 Design and Access Statement (5 February 2026)

02 Location Plan (4 February 2026)

04 Gate Plan Drawing (5 February 2026)

05 Gate Elevation Drawing (11 February 2026)

09 Site Plan Proposed (4 February 2026)

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The gate hereby approved shall be finished in a dark, non-reflective black coating as shown in the submitted application details and shall be retained in this finish for the lifetime of the development.

REASON: To ensure the appearance of the development remains appropriate to the character and setting of the adjacent listed buildings and the conservation area, in accordance with Core Policies 57 and 58 of the Wiltshire Core Strategy, the NPPF, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Councillor Andrew Davis requested that his vote against the planning application be recorded.

Councillor Andrew Griffin rejoined the meeting at 17.40pm.

Public Participation

- Tom Kent, agent, spoke in support of the application
- Michael Pearce, applicant, spoke in support of the application

Alex Edge, as the Planning Officer, presented the report which recommended that the Committee grant planning permission, subject to conditions, for a single-storey front extension and porch; two-storey side extension and external alterations with associated demolition and landscaping works.

Key material considerations were identified including the design (including heritage); landscape impacts; natural resources; impact on neighbouring amenities; transport; construction management; and land ownership, development notification, and public consultation.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Members of the Committee then had the opportunity to ask technical questions to the officers and sought clarification as to whether the applicant held a private vehicular right of access; the proposed external timber cladding; and the highway status of Littleworth Lane.

In response, officers confirmed that a Land Registry title had been provided which clearly demonstrated both pedestrian and vehicular access rights, and that this matter was also covered through the Construction Management Plan. It was also clarified that no specific timber species had been stipulated for the external cladding, but that weathering had been anticipated as part of the design. Finally, it was explained that Littleworth Lane was partly adopted highway, with the remaining section in private ownership over which public footpaths ran.

A brief debate followed where Councillor Nigel White moved the officer recommendation, which was seconded by Councillor Peter Wragg.

Following a vote on the motion, it was then:

Resolved:

The Committee GRANTED planning permission, subject to the following conditions and informatives:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans and documents:

- Location plan, ref: 2148 – EX-002-A
- Revised scheme following meeting with Planning Officer [proposed site plan, floor plans and elevations], ref: 2148 – PL-002-A
- Construction Method Statement, dated March 2026

REASON: For the avoidance of doubt, in the interests of proper planning and, in respect of the Construction Method Statement, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building unless otherwise stated on the approved documents.

REASON: In the interests of visual amenity and the character and appearance of the area.

Informatives:

The applicant should note that no construction / demolition vehicle access may be taken along MELW72 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the Highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way MELW72 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire Council.

29 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.05 pm)

The Officer who has produced these minutes is Ellen Ghey - Democratic Services Officer, e-mail ellen.ghay@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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