

MEMO

Spatial Planning Service

To: James Taylor

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My ref: W/11/01206/FUL

Your ref: W/11/01206/FUL

Date: 31 May 2011

31 MAY 2011

Consultation Response

SCANNED

Application Number: W/11/01206/FUL

Application for: Change of use to small private gypsy and traveller site for three pitches for 8 caravans and associated ancillary works and development (including hardstanding utility blocks drainage etc) and associated keeping of horses. The supporting information indicates that the use will also include 3 mobile homes: it is assumed that this does not alter the number of pitches to be provided.

Relevant Policy and Guidance:

National guidance is provided in Circular 01/2006. The government has recently published a draft Planning Policy Statement on planning for traveller sites which includes the general principle of aligning planning policy on traveller sites more closely with that for other forms of housing and of requiring council's to demonstrate a five year supply of pitches against a long term target based on clear evidence. It is intended that the finalised Planning Policy Statement will replace current policy set out in Circulars 01/2006 and 04/2007.

Strategic and local planning policy is provided by the Wiltshire and Swindon Structure Plan and the West Wiltshire District Plan 1st Alteration. Policy DP15 of the Structure Plan and policy CF12 of the District Plan are particularly relevant to this application.

Cabinet report relating to consultation to inform Wiltshire Core Strategy

A consultation to inform the Wiltshire Core Strategy will be undertaken between June and August 2011. Proposals for this consultation were presented to Cabinet on 24 May 2011, and this included draft text for a 'core policy' on meeting the needs of gypsies and travellers.

A residual requirement for 9 pitches (by 2016) is identified in the west Wiltshire area, once pitches which have been granted permanent permission since 2006 have been taken into account. It is noted that if temporary permissions are counted, then there would be a residual requirement for 6 pitches in the west Wiltshire area.

The draft supporting text states that "Specific sites to meet the residual need will be identified in a Gypsy and Traveller Site Allocations Development Plan Document. The preference will be for small, private sites".

A criteria based policy is proposed (in an appendix to the Cabinet Report), which states the following:

"In appropriate locations outside or within settlement boundaries where no planning policy or other barrier to development exists, proposals for gypsies and travellers pitches must satisfy the following general criteria:

I. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;

II. Unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through the sensitive and appropriate design of the scheme;

III. The site is located in or near to existing settlements with access to a range of local services such as shops, doctors and schools, and a range of amenities including play areas and other recreation facilities.

IV. The proposal will not result in an unacceptable loss of amenity of neighbouring land uses; and

V. Mixed-use proposals (that is sites that include a business use) will only be considered if appropriate to the locality and such uses will not result in an unacceptable loss of amenity".

Timetable for preparation of Gypsy and Traveller Site Allocations DPD

A Gypsy and Traveller Site Allocations DPD will be prepared to identify specific sites to meet residual need in Wiltshire. The timetable for the preparation of the DPD is available on the council's website (www.wiltshire.gov.uk/gypsyaandtravellersdpd). This timetable indicates that a pre-submission consultation will be undertaken in autumn 2011, with examination and inspectors report in spring/summer 2012, and adoption date to be confirmed. However, it is also noted that the timetable is provisional and may be subject to further amendment.

Background: The site has temporary permission for three pitches (8 caravans), associated works and keeping of horses. Temporary permission was granted in 2007, and ends on 31 July 2011. The reason given for granting temporary permission is "because this is a form of development which would not be appropriate on a permanent basis". The 2007 committee report recommending temporary permission considers the application against the criteria set out in Policy CF12 of the West Wilts District Plan, which is still the relevant local planning policy, and Circular 01/2006, which is also still relevant. The committee report states that "the application site fits reasonably well the criteria set out in the Policy CF12 but not so well that the long term need for the site as a gypsy/traveller caravan site should not be tested against other possible sites in the district as part of a process of identifying need and sites for gypsy and traveller caravan sites". The report goes on to state that "the proposal would with the limited provisions of the Local Plan only impact on the open character of the countryside ... refusing planning permission just because of a sole reliance on harm to the open countryside is not justified especially where personal needs are significant as well as the shortage of suitable alternatives".

Key issues: There is an identified need for Gypsy and Traveller provision in the west Wiltshire area, and consideration of an application for three pitches on this site in 2007 led to the conclusion that the "application site fits reasonably well the criteria set out in Policy CF12 of the West Wilts District Plan". The reason given for imposing a temporary

condition in 2007 was that "this form of development would not be appropriate on a permanent basis", but a clear justification for this statement is not provided in the committee report. Instead, the report indicates that the reason for granting temporary permission was to enable consideration of the site against other possible sites in the area.

The key issue is considered to be whether it would be premature to grant permission at the site, in light of the preparation of the Gypsy and Traveller Site Allocations DPD.

A recent appeal decision relating to land adjacent Framptons Farm, Sutton Benger (APP/Y3940/A/10/2122592) is considered to be relevant to this case. The appeal related to an application for the change of use of land to include one gypsy pitch on a permanent basis. A temporary permission had previously been granted by the council, and the applicants sought the removal of a condition limiting the period of permission to 3 years. The appeal was allowed on 18 January 2011. The inspector considered the main issue in the appeal to be "whether a time-limited condition is reasonable and necessary having regard to the preparation of the Council's Gypsy and Traveller Site Allocations DPD". In concluding, the inspector states that "the emerging Gypsy and Traveller Site Allocations DPD is a material consideration: however at the date of the inquiry [July 2010] it was at a relatively early stage in its preparation, and the granting of planning permission on an indefinite basis would not prejudice its preparation".

The Framptons Farm appeal relates to an application for a single pitch, and this was considered against a residual need for 20 pitches in the north Wiltshire area for 2006-2011. The residual need in the west Wiltshire area is lower (at 9 pitches by 2016), and the current application is for a greater number of pitches (3). It could therefore be argued that granting permanent permission at this site would be more likely to have a significant impact on predetermining decisions about the allocation of gypsy sites within the Gypsy and Traveller Site Allocations DPD than the Framptons Farm application for a single pitch. However, the Framptons Farm appeal decision is nonetheless considered to be a relevant consideration.

The inspector also raises 'other matters' in relation to the Framptons Farm appeal, including that "the council anticipates adoption of the Gypsy and Traveller Site Allocations DPD in November 2011 [this timetable has now been amended], only one month before the expiry of the existing permission for the appeal site. It is agreed that a period of time will be required following adoption to bring forward any sites which are not already occupied. The potential absence of an alternative site following expiry of the temporary permission adds some further weight to the personal need for permanent accommodation".

Policy Recommendation: No overall policy objection. There could be some concern that granting permanent permission at this site would be premature in light of the preparation of the Gypsy and Traveller Site Allocations DPD. However, there is an identified need for Gypsy and Traveller pitches in the west Wiltshire area, and the applicant has indicated that there are personal circumstances which should also be taken into account. The Site Allocations DPD is not anticipated to be adopted until after examination and inspectors report in Spring/Summer 2012, and the current temporary permission expires at the end of July 2011.

It is therefore considered that the identified need for permanent pitches in the west Wiltshire area, together with the personal need of the applicants, is sufficient to outweigh any concerns about predetermining the outcomes of the Site Allocations DPD process. This response is largely informed by the inspector's report on the Framptons Farm appeal.

This case officer will need to be satisfied that the application site still fits reasonably well with the criteria set out in the Policy CF12 of the West Wiltshire District Plan, and the guidance provided in Circular 01/2006, taking account of any changes of circumstance since the 2007 application.