

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	30.05.2012		
Application Number	W/12/00537/FUL		
Site Address	Land At Junction With Frome Road And Poplar Tree Lane Southwick Wiltshire		
Proposal	Erection of mobile home, utility dayroom and siting of one touring caravan		
Applicant	Mrs Theresa Cash		
Town/Parish Council	Southwick		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	382273 154598		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Morland following a formal request of Southwick Parish Council and in the light of the concerns raised by local residents at public meetings on Tuesday 3 April 2012 and Tuesday 17 April 2012 and elsewhere, especially about the limited time stipulated for public consultation on this application.

1. Purpose of Report

To consider the above application and to recommend that planning permission is refused.

Neighbourhood Responses:

93 representations were received, (some respondents submitting more than one item).

Southwick Parish Council - Objects to the proposals for the reasons cited within section 7 below.

Note: There is a significant degree of overlap in content of this report and that for the Hoopers Pool site (12/00284/FUL) elsewhere in this agenda, since consultee as well as objector comments were either repeated or very similar due to the nature and localities of both cases. A degree of repetition in content therefore exists.

2. Main Issues

The main issues to consider are:

- The effect of the proposal on the rural character of the area and on amenity, including that of neighbours;
- The effect of the proposal on highway safety, including the safety of future occupants and their children; and
- Whether the proposal would represent a sustainable form of gypsy site.

3. Site Description

The application site is located in open countryside. No special landscape designations such as Green Belt or AONB apply.

The site is 60m in width (Poplar Tree Lane frontage) by 31m deep. It is situated to the north of Frome Road and to the east of Poplar Tree Lane, at the junction between those two roads. Southwick Village Policy limits lie some 1200m ($\pm \frac{3}{4}$ mile) to the east along the Frome Road. Access would be via an existing entrance off of Poplar Tree Lane, approximately 55m north of the intersection.

The site is bounded by natural hedges on the road frontages and wooden fencing separates it from the open land to the north. Paddock land under the ownership of the applicant lies to the east. On the opposite side of Poplar Tree Lane there is open countryside. To the south east, on the opposite side of Frome Road at a distance of ± 100 m there is a dwelling. Also to the south and on the opposite side of the road, permission exists for an agricultural building with a footprint of 30.5 metres by 13.2 metres with a total pitched roof height of 4.0 metres. Access to that building would be via an existing point, directly opposite the Frome Road/Poplar Tree Lane intersection.

The site is currently occupied by a stable. The paddock to the east is open grass land.

4. Relevant Planning History

W/11/00895/FUL : Change of use of land to equestrian and erection of stable block and associated ancillary development : Permission : 17.10.2011

5. Proposal

This is a planning application for a single private gypsy pitch to include the siting of a mobile home and touring caravan and the erection of a day room. The applicants are Irish Travellers. The supporting documentation indicates that eight children and one grandchild live with the family. The applicant breeds and sells horses at Gypsy fairs and is also involved in tree topping. A letter of support for the family by the Somerset Racial Inclusion Project was included with the application.

The day room would have a footprint of 8 metres by 8 metres; a height to eaves of 2.35 metres and a height to the ridge of 4.95 metres. It would be located approximately at the mid-point of the common boundary of the site with the paddock. The mobile home with a footprint of 10m x 4m would be located to the south west of the dayroom, some 20m from the Frome Road boundary. Space for a touring caravan would be allocated between the existing stables and the site access.

Foul drainage would be via a septic tank to the south of the stables, with a soakaway in a grassed area to the south of the tank.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection ; C38 Nuisance; CF12 Gypsy Caravan Sites

Wiltshire Structure Plan 2016

DP15 Accommodation for Gypsies and Travellers

National guidance

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: Department for Communities and Local Government, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

A more detailed discussion of Policy is included below, in the light of recent changes.

7. Consultations

Southwick Parish Council

The Parish Council objects to the proposal, noting that the development would be in open countryside and away from 'existing settlements'.

The Parish makes similar observations as for the other application of this type in the vicinity of Hoopers Pool, i.e. that the proposal would be contrary to the "...West Wiltshire Development Plan, 1st Alteration ; Policy CF12 Gypsy Caravan Sites" since:

"a. There are residences in the vicinity of the proposed site and there is the potential for nuisance (noise, pollution etc) to be created.

b. The proposed development represents an unsightly and alien encroachment into open countryside.

c. The proposed site is directly adjacent to the A361 - a highly trafficked road with a large proportion of HGVs and a national speed limit of 60 mph. There is an associated high level of noise and pollution. It is an unsafe and unhealthy environment for children.

d. The proposed site is adjacent to the A361 - a highly trafficked road (no pavement) with a large proportion of HGVs and a national speed limit of 60 mph. It is at a junction that has experienced serious road vehicle collisions and the entrance to the site is around 50m from that junction. Vehicles have a very restricted view when using this junction. The ingress and egress of additional traffic that would result from this proposed development would exacerbate the existing safety problems.

e. There is little infrastructure at the proposed site - no mains drainage, no sewerage or on-site treatment or storage of effluent, no gas supply. There is no street lighting or footpaths/pavements. This proposed development would place a significant burden on the existing, very limited, infrastructure.

f. There are very few local services available within reasonable proximity of the proposed site."

"Southwick Parish Council believes that this proposed planning application is contrary to the 'Planning policy for traveller sites' and is also contrary to the West Wiltshire Development Plan, 1st Alteration - Policy CF12 Gypsy Caravan Sites..." The Parish Council therefore requests that the LPA refuses the application for the reasons outlined above but, in the event of the objections above being overruled and the application permitted, requests that conditions are imposed to the effect that:

- No business operations are to take place on the site ; and
 - The site can only be occupied by an additional single caravan to permit visitors and to allow attendance at family or community events for a maximum of 14 days per year; and
 - There is to be no further development of the site beyond that permitted by this planning application.
- The Parish is of the view that these conditions can be reasonable imposed in terms of the current government policy on travellers.

In an additional submission the Parish raised concerns about discrepancies between the site plan and the location plan.

Highway Officer

The Highway Officer notes that the site access is obtained by the un-classified Poplar Tree Lane, approximately 50m from its junction with the A361 Frome Road. The Officer advises that "...visibility at this junction is sub-standard to the South East, which is the on-coming direction for traffic on the A361. Poplar Tree Lane also joins the B3019 Bradford Road to the North and this junction is also sub-standard in terms of visibility to the South East, which is the non-on-coming direction on the B3019. All 3 roads are subject to a 60mph speed limit."

The Officer notes that the site is also outside of the village of Southwick and is thus located outside of the housing policy boundary and that there are no pedestrian facilities in the vicinity. The likelihood is that the occupants would be reliant on the use of a car. Despite this, with regard to Policy relating to the location of gypsy and traveller sites, the officer does not believe an objection on sustainability grounds is appropriate in this instance. However, there are safety concerns with regard to the lack of pedestrian facilities within the vicinity of the site, in particular for vulnerable groups such as children

and the elderly. The lack of facilities would cause pedestrians from the site to cross and/ or walk within the carriageway of a 60mph road.

In the light of the highways considerations the Officer recommends that this application be refused because:

- 1. The additional traffic generated by this proposal would increase vehicular movements through the junctions of Poplar Tree Lane/A361 Frome Road and Poplar Tree Lane/B3019 Bradford Road, to the detriment of road safety due to the sub-standard visibility in the South East direction; and*
- 2. In view of the lack of pedestrian facilities in the vicinity of the site and the speed of traffic on the adjacent roads, which are subject to a 60mph speed limit, it is considered that pedestrians will be at serious risk as a result of the development."*

Spatial Plans

The Spatial Plans Officer provided a detailed update of the current Policy environment (National and local Development Plan level), given the recent changes that have occurred. These, together with the recommendation from the spatial plans perspective, are addressed in the "Planning Considerations" section below.

The Officer also provided comment on the emerging Wiltshire Core Strategy. There is a recommendation in respect of pitch requirements included in Core Policy 47 of that document. There is a requirement in north and west Wiltshire of 9 pitches for the period December 2011 to December 2016. Since the start date of the pitch requirement included in the draft policy, four Traveller pitches have been granted permanent permission. The residual need is, therefore, 5 in the north and west Housing Market Assessment.

It is stressed that the Policy is still "emerging" but the Policy Officer, in noting responses to the consultation process which concluded in April, takes the view that "...the direction of the policy is not challenged, lower targets are not called for and one respondent considered the criteria to be in general conformity with the new Government advice. In these circumstances due weight should be given to the emerging policy."

The Officer concludes (subject to the relevant policy criteria for assessing the suitability of the site) that the "...proposal for 1 pitch at Poplar Tree Lane would be consistent with adopted policies in the West Wiltshire Local Plan and Wiltshire and Swindon Structure Plan, emerging policies in the Wiltshire core strategy and guidance in the national planning policy framework and 'Planning policy for Traveller sites'." The supply of the pitch would help meet the identified need in the north and west Wiltshire HMA in Core Policy 47 of the core strategy. She considers that the pitch would not lead to a development that is "...out of scale with the local population and is therefore capable of being integrated into the local community."

Wessex Water

No Objection, but notes that new connections will be required. A plan submitted with the response indicates a water supply running to the west and south of the site.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 27.04.2012 Summary of points raised:

- Encroachment onto open countryside;
- buildings erected on the site even before planning has been granted;
- unacceptable visual impact at Wiltshire border;
- lack of access to facilities and services;
- Semington, Bratton and Dilton Marsh sites still have capacity;
- highway dangers with lack of pavements and lighting. The Poplar Tree Lane site is in particular dangerous as evidenced by recent accidents;

- no pavements giving pedestrian access to shops, schools and other facilities;
- no nearby bus stops;
- impact on Green Belt land;
- harm to outlook from Barn Rode Common farm;
- greater volumes of surface water and sewage harming local services;
- questions exist on how the application was handled procedurally. Council failed to advise residents properly, too little time to comment. Site notice was in green, not normal white, not identifiable as a planning application;
- seems decision has already been made;
- loss of prime agricultural land;
- outside of Southwick development boundary;
- a business will be run from the site;
- Poplar Tree Lane already a busy route;
- applicant should be given Council homes if they want to settle;
- reduction in property values in the area, especially with other site in the vicinity;
- site is "virtually a new Council Estate" and will therefore affect property values
- traveller site would compromise peaceful community with problems associated with such sites;
- No proper assessment of impact on the landscape and neighbours;
- extension to accommodate additional families a possibility and unacceptable;
- insufficient details on type of mobile home, should blend with the proposed dayroom;
- parking only for two vehicles, no indication of parking for commercial vehicles;
- village already under pressure from existing development;
- the nearest hospital, secondary schools, medical services etc.. are in Trowbridge ;
- risk of flooding due to hard surfaces;
- permanent building should not be allowed under a "traveller" application;
- need for constructive communication on travellers;
- number of children in this case (9) exacerbates potential dangers from road, access to community in nearest village also restricted because of road hazard;
- there is a traveller site on the outskirts of Trowbridge that isn't full to capacity;
- traveller way of life is "different" and application should be for a site not surrounded by houses or affecting others;
- it seems that the applicants don't have to have a local connection as would be the case for someone applying for affordable housing;
- planning rules are inconsistent;
- if this goes ahead council tax contribution will be withheld;
- the site will become one for all travellers in the area with the LPA unable to resist;
- increase in crime and harm to local business; and
- Council has a conflict of interests in deciding for the application where it will receive a "bounty" of £6000 per consented dwelling unit;
- objection to the sale of land to gypsies.

One letter of support was received. 4 Objectors gave no specific reasons for objection.

9. Planning Considerations

Policy background

The Government's 2012 "National Planning Policy Framework" is a material consideration in planning decisions. In terms of Paragraph 214 in Annex A to the NPPF the saved policies of the West Wiltshire District Plan, 1st Alteration 2004, until March 2013, are to be given weight in decision-making. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In the case of Wiltshire, the Spatial Plans Officers advises further on Policy considerations that:

The new national policy for travellers was introduced In March 2012, replacing the previous guidance (Circular 01/2006 - Planning for Gypsy and Traveller caravan sites and Circular 04/2007 Planning for Travelling Showpeople). The April 2012 NPPF replaces previous guidance in planning policy statements and planning policy guidance.

Current adopted policy and current guidance relating to Gypsy and Traveller Sites is, therefore, primarily provided by:

- * Planning policy for traveller sites, DCLG, March 2012
- * National Planning Policy Framework, DCLG March 2012
- * policy DP15 (as saved) of the adopted Wiltshire and Swindon Structure Plan 2016;
- * policy CF12 (as saved) of the adopted West Wiltshire Local Plan 2011;

Emerging guidance and policy is contained in:

- * the emerging Wiltshire Core strategy.
- * Draft South West Regional Spatial Strategy (SWRSS)
- * Issues and General Approach report published in April 2010 which was the initial stage of consultation for the Wiltshire Gypsy and Traveller Site Allocations DPD

Government's stated aim in the 2012 "Planning Policy for Traveller Sites" is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In this instance the following are key planning considerations in terms of Development Plan Policy in pursuit of this balance:-

9.1 Potential Impacts on the Rural character of the area and on neighbouring amenity

A common theme in neighbour objections and the Parish comment on this application is that the site is located outside of village policy limits of Southwick and is therefore by definition unacceptable in terms of Policy. Neither of the Local Plan policies stipulates that new sites for Gypsies and Travellers should be within existing developed boundaries, with policy Structure Plan Policy DP15 stating 'Suitable sites may be found both within and outside settlements' and WWDP policy CF12 only referring to 'appropriate locations'. Neither adopted policy establishes an overall new pitch requirement and instead each site is considered on its merits. Both do however have criteria requiring that sites in rural areas do not cause unacceptable harm to the appearance of the countryside and do not "dominate" the nearest settled community. The document "Planning Policy for Traveller Sites: Department for Communities and Local Government", March 2012 also does not constrain new pitches to localities within established settlements.

The proposal is for a single-family (parents seven children and one grandchild) pitch. The amount of development being proposed is quite typical of a single, private gypsy application including a mobile home, a touring caravan and a dayroom. Poplar Tree Lane is a link of some 1000m in length between the Frome Road and the B3109 to the north. It is characterised by countryside with interspersed dwellings, mainly towards the northern end. The nearest dwelling to the application site on the lane itself is "Greenways" some 300m to the north. There are stable and farm buildings in the proximity of the lane.

Given the scale of the proposals and the screening to Frome Road and the distance from the closest property (on the opposite side of Frome Road) it is not considered that unacceptable harm would arise to the appearance of the countryside from the surrounding public realm or that it would have a dominating effect on nearby properties. Objections include the potential impact of further development on the site, or its alternative use, but the proposals must be addressed on the basis of the plans as submitted.

Objectors also raise concerns with the potential loss of prime agricultural land. The site is only some 1860m² in extent, is classed as Grade 3 Agricultural land and the remainder of the land would retain an equestrian use. There are no proposals for business development but the parent property has the authorised equestrian use, granted under application ref. W/11/00895/FUL, subject to conditions. Objectors also suggest that the site is Green Belt land, but this is not the case. Objections that relate to the personal circumstances of an applicant are not considered to be planning considerations. With regard to the design of the mobile home, recent case history on other sites has confirmed the view that the siting of caravans, which include mobile homes, is not operational development, and over time caravans may be replaced. The mobile home would therefore not be a permanent building that requires assessment of design, but would need to conform to the definition of a "caravan", i.e. remain capable of being removed from site by being towed or transported on a motor vehicle or trailer.

The day room would have a footprint of 8m x 8m with a maximum height of 4.95m. This building would be larger in footprint than that normally associated with single family sites, but not unreasonably so seen in the context of the size of the family. However, no justification for the height of the building has been submitted. Although the building would not have been likely to be unacceptably visual to the surrounds to a degree that would have justified a reason for refusal, it is considered that the potential impact could have been reduced. However, since refusal is being recommended for other reasons it is considered that an informative would be appropriate, advising the applicant that any alternative or new proposals on this site should be aimed at limiting the size of any structures.

Objections were also raised with regard to Council selling the site to travellers, Council receiving Government funding on the basis of providing the sites and to Council developing the site. None of these circumstances apply.

Seen in the above context the proposal is not considered to be harmful to the rural character of the area.

9.2 The effect of the proposal on highway safety

The site is approximately $\frac{3}{4}$ mile from Southwick Village policy limits, and there are bus-stops near the Frome Road/Poplar Tree Lane intersection. However, the Frome Road frontage to the site has no surfaced pedestrian pavement. A paved walkway leads to the village from a point outside the dwelling on the opposite side of the road at "Road Common Farm", with no proper walkway on either side of the road leading to it from the site.

The Highway Officer considerations are recorded above. The issues identified, namely sight distances and lack of pedestrian facilities, were noted during the Planning Officer site visit. Objectors and the Parish Council also recorded concerns and objections in this regard. Frome Road at the junction with Poplar Tree Lane carries a speed limit of 60 mph and is unlit in the vicinity. The nearest local facilities including schools, neighbourhood shops and public houses are within Southwick, within walking distance but lacking any safe pedestrian route as noted above. Reaching the nearest paved walkway, some 120m to the east along Frome Road, would require walking that distance on the road fringe and then crossing in an area where high speeds are common and lawful, but where visibility is to a degree restricted. The possibility of crossing from an opening from the paddock area to the pavement exists (but is not proposed), but would still require a hazardous crossing of the 60 mph carriageway. Notwithstanding the presence of the bus stops on either side of the road near to the junction, the limited sight lines and the lack of a pedestrian walkway in a high speed environment (in particular where the proposal is for occupation by a family that would include nine children, six of whom are recorded as being under 12 years of age) are considered to cumulatively create an unacceptably hazardous situation in terms of highway safety. Policy DP 15 to the Wiltshire Structure Plan and Policy CF12 to the West Wiltshire District Plan, 1st Alteration 2004 respectively require consideration of safe access and of the "...needs and safety of future occupants and their children." It is therefore considered that the application should be refused for the reasons outlined by the Highway Officer on the basis of these Policy criteria.

9.3 Sustainable form of gypsy site, including the needs and safety of future occupants and their children

The NPPF and latest Government Guidance on Traveller sites as well as gypsy site policies in the Development Plan allow for sites outside of settlements. However, access to services and facilities remains an important consideration in respect of sustainability. In particular Policy CF12 of the District Plan includes the proximity of local services as an assessment criterion. The application states that part of the requirement of the family will be to provide for the education of school age children and access to medical facilities for one of them.

The proposals indicate the provision of sewerage treatment facilities on the site as a sealed septic tank. It is noted that Wessex water raises no objection to the proposals as submitted, advising only that new connections will be necessary. It is considered reasonable to require the submission of foul water drainage details. In the unlikely event of any pollution occurring then this would be subject to

other legislation to control. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern.

Wessex Water plans indicate that there is water supply in close proximity. The site does not fall within any Environment Agency zone subject to flooding.

Servicing of the site is therefore considered feasible and village facilities are reasonably nearby. However, the highway safety issues identified above outweigh considerations of other aspects of sustainability on this site.

i 9.4 Advertising and Consultation

Objectors and the Parish raise the issue of consultation and advertising. Again, this is an individual application advertised in the normal manner as for any other planning proposal of a similar scale, i.e. with a site notice and consultation with immediately abutting neighbours. An additional objection was that the site notice was green (not white), but this has been standard practice for all planning applications for many months. It is acknowledged that at the time of the advertising of the application, there were intermittent issues with Council's website, affecting all planning applications. However, the advertising period extended well beyond the statutory three weeks, commencing on 27 March and officially indicated as ending on 28 April 2012. Public responses have furthermore been accepted well beyond that date and none has been excluded that has been received by the time of the report preparation (15 May 2012).

Objections were also raised with regard to the requirement for Community involvement and consultation to reduce tensions between local and travelling communities. It is considered that this aspect of the national guidance relates to the process of planning by the Local Authority of a wider strategy to meet gypsy and traveller accommodation requirements. At present this forms part of the preparation of the Core Strategy and the supporting documentation thereto, as indicated above by the Planning Policy officer. This individual case is considered on its own merits and in the light of the current Development Plan, and consultation/advertising took place at a level associated with all other minor planning applications.

With regard to the site plan the agent has confirmed that a red-outline plan is to be submitted (at the time of writing) that would exclude the paddock area from the development site. Where refusal is recommended it is suggested an informative would be appropriate.

9.5 Previous Appeal Decision

Members will recall that an application for a gypsy site for three pitches at Semington was refused by the committee last year. An appeal against this decision was allowed in February this year. That site was also outside of the limits of development for the village of Semington and three miles from Trowbridge. However, the Inspector found the site to be 'a sufficiently sustainable location'. He also found that there was a 'fairly substantial existing unmet need' in this part of Wiltshire, a matter to which he attached 'significant weight'. He found the proposed site, which like this one, was adjacent to the A361, to be an acceptable location for such a use. Whilst this decision indicates that issues such as sustainability matters should be approached carefully, and unmet need taken into account, it does not provide an argument for ignoring serious road safety issues.

10. Conclusion

The general principle of the proposal is considered to be in accordance with the development plan policies and national guidance in the "Planning Policy for Traveller Sites" DCLG, March 2012. However, significant and serious concerns in relation to the safety and security of future occupants (in particular those that are vulnerable, i.e. children) exist in relation to highway safety aspects. The proposals therefore do not accord with the relevant criteria applicable under the Development Plan. Refusal is recommended on these grounds.

Recommendation: Refusal

For the following reason(s):

- 1 The lack of pedestrian facilities in the vicinity of the site and the speed of traffic on the adjacent roads, which are subject to a 60 mph speed limit, would result in unacceptable highway safety hazards for future occupants, in particular children. The proposal is therefore contrary to Policy DP15 of the Wiltshire Structure Plan 2016, Policy CF12 of the West Wiltshire District Plan 1st Alteration (2004) and Policy H of "Planning Policy for Traveller Sites" : Department for Communities and Local Government, March 2012

- 2 The additional traffic generated by this proposal would increase vehicular movements through the junctions of Poplar Tree Lane/A361 Frome Road and Poplar Tree Lane/B3019 Bradford Road, to the detriment of road safety due to the sub-standard visibility in the South East direction. The proposal is therefore contrary to Policy DP15 of the Wiltshire Structure Plan 2016, Policy CF12 of the West Wiltshire District Plan 1st Alteration (2004) and Policy H of "Planning Policy for Traveller Sites" : Department for Communities and Local Government, March 2012

Informative(s):

- 1 The applicant is advised that the change of use considered under this application related only to the area not indicated as paddock in the "Proposed Site Layout Plan". In the event of any submission for any alternative or revised proposals on this site the Local Planning Authority should be consulted ahead of time in respect of the extent of delineation of the red-line area on any new plans. In the event that buildings (including agricultural structures) are proposed in a future application, the design should take account of the need to limit impacts as far as possible by measures including appropriate siting and size.

Appendices:	
Background Documents Used in the Preparation of this Report:	