REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	7th March 2013		
Application Number:	S/2012/1777/S73		
Site Address:	Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ		
Proposal:	Development of land without compliance with condition 11 imposed upon Appeal C (S/2010/0007) and in accord with the Landscape Management information submitted with this application		
Applicant / Agent:	Mr Grant/Mr Allen		
City/Town/Parish Council	Winterbourne Stoke		
Electoral Division	Till & Wylye Valley	**Unitary Member**	Councillor Ian West
Grid Reference:	Easting: 407378 Northing: 140538		
Type of Application:	Small Scale Major		
Conservation Area:	NA		LB Grade: NA
Case Officer:	Mrs Lucy Minting		Contact Number: 01722 434 377

Reason for the application being considered by Committee

There are a number of planning applications relating to this site before the Council at this time. For this reason the Area Development Manager considers it appropriate for them all to be considered by the South Area Planning Committee.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

1. Planning appeal decision;
2. Whether the proposed landscaping scheme is acceptable in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity;
3. Archaeological considerations;
4. Conditions.

The application has generated comments from 2 parish councils and 4 letters of objection from third parties.

3. Site Description

The site forms part of Stonehenge Campsite which is located between Winterbourne Stoke and Berwick St James. The campsite is *outside of a housing policy boundary and is therefore within 'open countryside' designated as a* Special Landscape Area and is adjacent to the Winterbourne Stoke Conservation Area.

Planning permission for the campsite was allowed at appeal for 'Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points.'

The campsite is currently divided into three distinct parts comprising an upper paddock, closest to the Berwick Road, a middle paddock, and a levelled lower section closest to the river.

4. Relevant Planning History

Application number	Proposal	Decision
213	Re-building of shed & piggeries	AC 01.06.50
TP/59	Construction of new access to highway	AC 27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC 12.10.55
S/2010/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points	Refused 11.05.2010 Allowed at appeal 11.11.2011
S/2012/0132	Erection of timber post and rail fence of 1.1m high along part of the western boundary of the site.	AC 03.05.2012

5. Proposal

The Inspector's decision to S/2010/0007 is attached at Appendix A.

Conditions 10 and 11 attached to the appeal decision required the applicant to submit and have agreed by the council a lighting and landscaping scheme.

Whilst the applicant submitted details on lighting and landscaping, they were not provided within the required timescale. As a result in May, following legal advice provided to the owner, the Council took its own advice from Counsel on the status of the permissions granted by the appeal Inspector.

Counsel's advice is that the permissions have not lapsed although the owner is in breach of the extant lighting and landscaping conditions. The solution to this has been for the owner to submit this application under Section 73 of the 1990 Act for planning permission for the development of land without complying with the extant landscaping and lighting conditions.

This S73 application is to address the 'missing' information required by condition 11 (landscaping). The condition states the following:

> The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
>
> (i) Within 3 months of the date of this decision, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size,

densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the local planning authority, the plan to include a timetable for its implementation;

(ii) Within 3 months of the date of this decision, if the local planning authority refuses to approve the scheme submitted under (i) above or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

(iii) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.

(iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.

6. Planning Policy

Adopted Salisbury District Local Plan saved policies, including the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy:

G1 – General principles for development
G2 – General criteria for development
C2 – Development in the countryside
C6 – Special landscape area
CN11 – Views in and out of conservation areas
CN21 - Archaeology
T9 – Touring caravans and tents

Government Guidance:
NPPF

Good Practice Guide for Planning & Tourism.

7. Consultations

Wiltshire Council Landscape Officer

The applicant and I strongly agree that the general design principles for the development of a landscape mitigation strategy for the above site are those that were presented in evidence at the public inquiry by Mark Gibbins of Indigo Landscape Ltd as follows:

Planting generally

5.1 The additional / revised planting proposals for the Stonehenge campsite have been developed as a response to the site itself and to the character and scale of its setting, as well as to its operational requirements.

5.2 The approach generally has been to use native trees and hedges in a natural manner to ensure the site 'blends' with the surrounding landscape, is easily maintained, and is therefore successful in the short, medium and long term. **Only native species are to be used around the site boundaries**. Ornamental / non typical species already planted will only be retained within the Caravan Site.

5.3 Existing trees have been retained and new tree planting is proposed to provide long term screening / filtering of the views of the Caravan Site and Rally Field as seen from the surrounding properties and landscape.

5.4 **Plant species have been chosen to reflect the character of the adjacent landscape**.

5.5 The exact details of the planting mixes would be agreed with the local authority, however it is suggested that:

- New hedges be consist primarily of hawthorn, with blackthorn, hazel and the occasional field maple
- Woodland areas be planted with a high percentage of understory species to give good low level screening, with beech (Fagus sylvatica), oak (Quercus robur) and ash (Fraxinus excelsior)***** forming the dominant canopy species planted as feathered trees to give year 1 impact. Evergreen species yew (Taxus baccata), holly (Ilex aquifolium) and native privet (Ligustrum vulgare)) will form a high percentage of the woodland understory to provide greater all year round screening.

*****Note Ash is now excluded from the scheme due to current Plant Health Order 2012 restricting the movement of ash seeds, plants and trees

The Landscape Management Plan and the landscape plan submitted with this planning application do for the most part reflect the above principles however there are a few inconsistencies to be rectified for the avoidance of doubt and to truly reflect the evidence given at the public inquiry. The following amendments need to be incorporated:

1. Paragraphs 5.4, 5.5 and 5.6 (of the Management Plan) referring to the phased removal of conifer species on site should be altered to reflect the detail of the landscape proposals given in evidence (paragraph 5.7 of Mark Gibbins evidence) as follows:

   Planting of woodland planting in gaps created by the removal of conifers on the boundary between Summerfield House and the Rally Field. This planting will be carried out in two phases:

   - The first phase will be undertaken at some point between years 2 and 5 when the planting along the northern edge of the Rally Field, and around the entrance of the site is well established and provides some screening of the A303 from Summerfield House. At this point the 6 individual conifers along the eastern part of the boundary and 9 of the trees in the solid tree belt will be removed. This will open up gaps in the existing planting, allowing light in and allowing the establishment of broadleaf species.
   - In the longer term (after 10 years or more), once the broadleaf species planted in the gaps created in phase 1 provide good screening of the A303 from Summerfield House, the remaining conifers will be removed and the gaps will be planted with further broadleaf woodland planting.

2. Paragraph 5.12 (of the Management Plan) refers to the proposed hedge and woodland mix for the boundaries of the site. The native hedgerow species mix generally reflects the mix suggested by Mark Gibbins with the addition of dogwood (*Cornus sanguinea*) which is acceptable.

The native woodland species mix now includes species that are non native and this contradicts the established design principles 5.2 and 5.4 (highlighted above). The following species should therefore be removed from the Management Plan:

Scots pine (was once widespread but now only truly native in parts of Scotland (ref: Planting Native Trees & Shrubs by Kenneth & Gillian Beckett)
Corsican pine
Larch
Thuja
Evergreen oak (*Quercus ilex*)

Although the use of fast growing nurse trees is widespread in forestry practice such small areas of planting do not require a 'nurse crop'. However I note that alder is included within the mix and this is commonly planted as a nurse tree species. Unlike commercial forestry where the nurse crop is harvested as a commercial crop, alder is left in situ and coppiced and this brings great biodiversity benefits.

3. The submitted landscape plan, Drawing no: 390-11 revision A 'Detailed Planting Proposals (2009 – 2014)', illustrates the planting proposals. The planting key on the plan should be amended to reflect the points raised above.

Wiltshire Council Archaeology

The National Planning Policy Framework (NPPF), which has superseded PPS5, contains the following Policy:

"128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

I would note that this application does not include an assessment of the potential for heritage assets to be present on the site, nor does it consider the potential effect of the proposal upon them. This service has not received or approved a Written Scheme of Investigation for these works, or any other works associated with the original permission on appeal. The Inspector noted at para. 65 of his judgement that he would add this as a condition.

However, the proposals that accompany this application do not appear likely to damage the potential archaeological remains which may be present on the site and so I have no further comment to make with regard to this particular application.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

4 letters of objection received. Summary of key relevant points raised:

- Conditions 10 and 11 of the appeal permission haven't been complied with within the timescales required and the appeal permission has now lapsed and all tents and caravans should be removed
- Landscaping management plan should not be considered as development is in breach of conditions
- Conditions/site is not being enforced
- The site licence should also be revoked
- The site can be seen from public road and footpaths

Berwick St James Parish Council support the application and recommend that the application should be referred to the Southern Area Planning Committee.

9. Planning Considerations

9.1 Planning Appeal decision

Section 73 applications leave the original permission intact but require the granting of a whole new freestanding permission. The original permission, however, may not be re-written.

The Inspector considered that the main issues to consider were:

- The effect on the character and appearance of the locality and effect on the Special Landscape Area (SLA) and nearby Conservation Area - The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matured, and with conditions to secure the landscaping and control the extent of the camping and caravanning; the 'harm to the character and appearance of the locality including the SLA would not be material.'

- The effect on the living conditions of occupants of nearby dwellings - The Inspector considered that subject to conditions limiting the area for and numbers of tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping; the development would not cause material harm to the living conditions of occupants of nearby dwellings.

- Economic benefits - The inspector considered that the development 'accords with PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure development to help deliver the Government's tourism strategy.'

9.2 Whether the proposed landscaping scheme is acceptable in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity

The Inspector's report refers to landscaping stating '*the appeal scheme contains proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location.*'

The Inspector considered that landscaping of the site was necessary in order to ensure that the use of the site for camping and caravanning and any related operational development

would be well screened in 5-9 years in order to safeguard the visual amenity of the area. He confirmed that that a condition was necessary to approve the details of landscaping and a landscape management plan.

The Council's landscape officer has advised that the general design principles for the development of a landscape mitigation strategy for the site are those that were presented in evidence at the public inquiry and referred to by the Inspector.

However, amendments are required to reflect the evidence given at the planning inquiry as listed above in the Landscape Officers consultation response. These include the timings of the phased removal of conifers, and the use of native species only.

The evidence presented at the inquiry referred to planting of woodland in the gaps created by the removal of conifers on the boundary between the campsite and Summerfield House, and that this would be undertaken in 2 phases. The first phase would take place between years 2 and 5 with the removal of 9 conifer trees to open up gaps in the existing planting allowing the establishment of broadleaf species. The second phase would be after 10 years when all the remaining conifers would be removed and the gaps planted with broadleaf woodland planting.

The proposed management plan as submitted included the phased removal of conifers on the boundary between the campsite and Summerfield House but on a longer timescale with the first phase between 5 – 10 years and the 2nd phase 10-20 years, and that only the 'majority of the remaining conifers will be removed.'

The native woodland species mix also included non native species (Scots Pine, Corsican Pine, Larch, Thuja, Evergreen Oak) which contradicts the design principles established at the planning inquiry which concluded that only native species would be used around the site boundaries and that plant species were chosen to reflect the character of the adjacent landscape.

The differences between the original scheme and that now presented can be corrected via planning condition.

9.3 Archaeological considerations

The council's archaeologist has advised that the site has high archaeological potential with medieval settlement features on either side of the campsite and earthworks extending right up to the eastern boundary, although the proposals do not appear likely to damage the potential archaeological remains which may be present on the site.

9.4 Conditions

Where an application under section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it. The conditions from the appeal permission should be carried forward and amended as necessary.

The details for original condition 12 (alarm system) were approved on 21st October 2011, so this can be amended that the approved alarm system shall now be retained and maintained.

Original Condition 14 requiring removal of fencing was the subject of a separate application under reference S/2012/0132/FUL for a 1.1 metre fence along the western boundary. This

application was approved subject to a condition requiring removal of the existing fence. An enforcement officer has verified that the fence at issue has been removed.

10. Conclusion

The landscape management plan (subject to amendments by way of condition) is considered acceptable and is appropriate to the character and appearance of the locality designated as a special landscape area, and the nearby Winterbourne Stoke Conservation Area.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely policies:

G1 – General principles for development
G2 – General criteria for development
C2 – Development in the countryside
C6 – Special landscape area
CN11 – Views in and out of conservation areas
CN21 - Archaeology
T9 – Touring caravans and tents

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development.

Subject to the following conditions:

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).

   Reason: For the avoidance of doubt.

2. The land notated as “Campsite/Red Land” on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.

   Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

   Policy: G1, G2, C6, C2, CN11, T9

3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated “Campsite/Red Land” or land notated as “Rally Fields/Blue Land” on drawing WGDP 01.

Reason: To prevent noise and disturbance to nearby residents of the site.

Policy: G2

4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated “Campsite/Red Land” or land notated as “Rally Fields/Blue Land” on drawing WGDP 01.

   Reason: To prevent noise and disturbance to nearby residents of the site at unsociable hours.

   Policy: G2

5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as “Rally Fields/Blue Land” on drawing WGDP 01 and shall be used only in connection with the use of the area notated as “Rally Fields/Blue Land” as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated “Rally Fields/Blue Land” on drawing WGDP 01 shall be used only in connection with the use of the area notated as “Rally Fields/Blue Land” as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day’s use for the purposes of this condition.

   Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

   Policy: G1, G2, C6, C2, CN11, T9

6. Notwithstanding the provisions of any Class of the Schedule to Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification), there shall be no stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.

   Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

   Policy: G1, G2, C6, C2, CN11, T9

7. A maximum of 10 fire pits shall be permitted within the land notated as “Rally Fields/Blue Land” on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.

   Reason: To prevent noise and disturbance to nearby residents of the site.

Policy: G2

8. The applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained made available to the local planning authority for inspection at reasonable notice.

   Reason: To support the other conditions.

9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).

   Reason: To safeguard the living conditions of the occupants of Over the Hill.

   Policy: G2

10. Within three months of the date of this decision, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels, details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting and a programme for implementation. Development shall be carried out in accordance with the approved details and programme of implementation and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

    Reason: In order to safeguard visual amenity.

    Policy: G1, G2, C6, C2, CN11, T9

11. All landscaping shall be carried out in accordance with the Stonehenge Campsite Landscape Management Plan 2009-2014 (dated 10th October 2012, reference WFG/TA/10.10.11) and the Detailed Planting Proposals 2009-2014 (dated 16/11/2012, reference 390-11 Rev A) accompanying the planning application subject to the following amendments:

    a) Paragraphs 5.4, 5.5 and 5.6 are replaced as follows:

       The first phase will be undertaken at some point between years 2 and 5 (where year 1 is 2009). The first phase will include removal of the 6 individual conifers along the eastern part of the boundary and 9 of the trees in the solid tree belt. This will open up gaps in the existing planting, allowing light in and allowing the establishment of broadleaf species.

       In the longer term (that is, between years 6 and 10), the remaining conifers will be removed and the gaps will be planted with further broadleaf woodland planting.

    b) Paragraph 5.12 which refers to the woodland mix and the associated table is amended to exclude the use of non-native species of Scots Pine (*Pinus sylvestris)*, Corsican Pine, Larch, Thuja or Evergreen Oak (*Quercus ilex)*.

c) The planting key on the Detailed Planting Proposals plan is amended to exclude the use of non-native species of Scots Pine (*Pinus sylvestris)*, Corsican Pine, Larch, Thuja or Evergreen Oak (*Quercus ilex)*.

The approved landscape management plan shall be implemented in full in accordance with the approved timetable.

Reason: To ensure adequate landscaping in order to safeguard visual amenity.

Policy: G1, G2, C6, C2, CN11, T9

12. The approved alarm system that has been fitted to the cesspit providing warning against overflowing and was agreed in writing by the local planning authority on the 21st October 2011 shall be retained and maintained.

Reason: To help prevent pollution to watercourses.

Policy: G2

13. The visibility splays of 4.5m x 75m across the site frontage measured from the centre line of the access adjacent to the northern site boundary shall be maintained permanently free obstruction above a height of 300mm.

Reason: In the interests of highway safety.

Policy: G2

Appendix A

The Planning Inspectorate

Appeal Decisions

Inquiry held on 17-18 May 2011
Site visit made on 19 May 2011

by K Nield BSc(Econ) DipTP CDipAF MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2011

Appeal A Ref: APP/Y3940/C/10/2139334
Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2010/1661
- The notice was issued on 24 September 2010.
- The breach of planning control as alleged in the notice is without planning permission, the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The requirements of the notice are:
  (a) Remove any tents stationed on the Land in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995; and
  (b) Cease permanently the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The period for compliance with the requirements is one month from the date the notice takes effect in respect of both (a) and (b) above.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.

Appeal B Ref: APP/Y3940/C/10/2142020
Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2011/0001.
- The notice was issued on 15 November 2010.
- The breach of planning control as alleged in the notice is: without planning permission, the carrying out of engineering and other operations on the land, including materially altering the landform by excavating and re-profiling the ground to form levelled areas; formation of hardstandings; formation of earth bunds and associated fencing; installation of a cesspool/waste disposal point and enclosing fencing, installing electrical

hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building.

- The requirements of the notice are:
  (a) Permanently demolish all the hardstandings, remove the new vehicular access and track surfacing materials, pathway surfacing materials, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points from the Land;
  (b) Return the excavated and re-profiled parts of the Land to its former landform, levels and profiles prior to development took place, i.e. to match that of the land immediately adjacent;
  (c) Permanently demolish the toilet/shower block and washing up building and reinstate the land to its condition before development took place, i.e. to match the levels and profile of the land immediately adjacent;
  (d) Reduce the height of the earth bunds and associated fencing so that where adjacent to Berwick Road as shown between the approximate points X-X on the plan attached to the Notice, the height of the bunds or the fences or their combined height does not exceed one metre;
  (e) Permanently remove the partly constructed track formed between the approximate points Y-Y as shown on the plan attached to the Notice and reinstate the Land to its condition to match the levels and profiles that of the land immediately adjacent;
  (f) Permanently remove all demolition materials arising from steps (a)-(e) from the Land;
  (g) Re-seed all the reinstated areas with grass.
- The period for compliance with the requirements is 3 months in respect of items (a) – (f) listed above and 3 months or by the end of the next planting season following the date the notice takes effect, whichever date is the later of the two in the case of item (g) listed above. The planting season is stated by the Council to run from 1 November to 31 March the following year.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.

Appeal C Ref: APP/Y3940/A/10/2136994
Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by W F and S R Grant against the decision of Wiltshire Council.
- The application Ref S/2010/7/FULL, dated 24 December 2009, was refused by notice dated 11 May 2010.
- The development proposed is described as the retention of access, driveway, hardstandings and change of use of land to touring caravan site.

Summary of Decision: The appeal is allowed and planning permission is granted as set out in the Formal Decision below.

Application for costs

1. At the Inquiry an application for full costs in respect of Appeal B was made by Mr W F Grant against Wiltshire Council and in respect of Appeal C by W F and S R Grant against Wiltshire Council. The application is the subject of a separate Decision.

Procedural matters

2. At the opening of the Inquiry the appellants withdrew the appeals under ground (e) in respect of both Appeal A and Appeal B. No evidence was called in respect of those appeals by either party.

3. In respect of Appeal C the Council had amended the description to "*Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points*". As the appellants have applied this revised description in the appeal documentation and I consider it describes the extent of the development more fully I intend to determine the s78 appeal on that basis.

4. The oral evidence at the Inquiry was taken on oath.

The enforcement notices

5. There are some minor errors in the notice in respect of Appeal B. Within the requirements of the notice under sections (b) and (e) words appear to be omitted which reduce the clarity of the requirements. I can make corrections to the notice without injustice to the parties.

Preliminary matters

6. The parties submitted an agreed Statement of Common Ground (SCG) at the opening of the Inquiry. The SCG agreed relevant planning policy guidance applicable to the development and other matters including some agreed conditions.

7. The SCG also contained Plan WGDP 01 prepared to assist the description and assessment of the parts of the site as a whole. This termed the area to the north of the site comprising the access, track and main caravan site with laid out pitches as "Campsite" (or Red Land) on the Plan. A field area broadly to the south of the access and west of the Red Land is termed "Rally Fields" (or Blue Land) and a further area to the south of the Rally Fields is termed "Parkland and Summerfield" (or Green Land).

8. These descriptive terms are used, with some variation, throughout the evidence by both parties and have relevance to some of the matters agreed by the parties and suggested conditions. As this subdivision of the site assists with the description of the scheme I will apply those terms.

9. The plans attached to the two enforcement notices include all the above listed areas. However, the application site boundary for Appeal C includes all the Campsite area but only (the eastern) part of the Rally Fields.

10. There is a single appellant in respect of both Appeal A and Appeal B but two appellants in respect of Appeal C. For clarity in the overall decisions I shall use the term "appellants" throughout.

The appeal under ground (c) (Appeal B)

11. The appeal under ground (c) is that the matters described in the notice (if they occurred) do not constitute a breach of planning control. I noted at my visit, and it was not in dispute at the Inquiry, that the operational development comprising the alleged breach had occurred.

12. The appellants accept that several items of the alleged breach require planning permission. Broadly these comprise the toilet/shower block and washing up building, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points. The appellants have not raised matters under this ground in connection with these items of operational development itemised in the Appeal B notice where there is a breach of planning control.

13. The appellants' case under this ground is in respect of two matters identified in the alleged breach. Firstly, earth bunds with a mesh fence either side of the access, slightly inset from the site frontage with Berwick Road (B3083) and secondly in respect of an access track leading from Berwick Road into the site and providing vehicular and pedestrian access mainly to caravan pitches in the eastern part of the site.

14. The earth bunds are grassed with some additional landscaping. A green coloured flexible mesh fence has been positioned mainly along the forward face of the bunds which in some places exceeds the height of the bunds (but in other places does not). The combined effect of the bunds and fence is to form a means of enclosure to The Rally Fields and it also provides a partial visual screen into the site from the public domain along the highway. The bunds are inset from the highway by varying but fairly short distances. In the following assessment I shall describe the combined height of the bunds and where higher the fence as together comprising "the bunds".

15. There is some disagreement between the principal parties regarding the total height of the bunds. The Council has provided measurements from ground level at the edge of the highway indicating that the height varies from 1.1 metres (m) to 1.65m. The appellants have taken measurements from the mid-point of the highway where the camber is highest and indicate that the height of the bunds above that point vary from less than 1m to 1.32m. Without doubting their accuracy, I find the basis of the appellants' measurements from the camber to be rather contrived and I am more persuaded by the Council's measurements in providing a total height of the bunds.

16. The appellants contend that the bunds are permitted development under Part 2 Class A of Schedule 2 to the General Permitted Development Order 1995 (as amended) (GPDO). That permits "*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure*" subject to compliance with a number of specified criteria.

17. However, criterion (a) of Class A does not permit such development adjacent to a highway used by vehicular traffic where the height of any gate, fence, wall or means of enclosure exceeds 1m above ground level.

18. In this case although the bunds are inset slightly from Berwick Road they clearly perform a function of separating the appeal site from that highway. In the context of this site they act as a boundary to the highway. Notwithstanding their inset from the highway I consider that it is positioned adjacent to them. As they exceed 1m in height they are not permitted development under Part 2 Class A.

19. With regard to the access there is no dispute that until (at least) 2008[1] there was a simple grass farm track leading from Berwick Road. Additional photographs show that reasonably extensive engineering operations to remove

[1] Photographs in Appendices 3 and 11 of evidence of Stephen Hawkins

the surface and create a base and apply scalpings were undertaken. These works also appear to have widened the track (from its appearance in earlier photographs) and altered the position of its junction with Berwick Road.

20. Taken together those are engineering operations which cumulatively are significant in scale and exceed works that could reasonably be regarded as incidental to the provision of a means of access. As a matter of fact and degree, I find the proposed works beyond that which is permitted by Part 2 Class B, neither are they permitted by any other Class of the GPDO. The proposed works, in my opinion, are such that they fall within the meaning of "development" under s55 of the Act for which an express grant of planning permission is required.

21. In a ground (c) appeal the burden of proof lies with the appellants and since this has not been discharged in respect of the matters in dispute the appeal under ground (c) fails.

The appeals under ground (a) (Appeal A and Appeal B) and the s78 appeal (Appeal C)

Background

22. It is not in dispute that the areas termed "Campsite" and "Rally Fields", all formerly comprising agricultural land, have been used for camping and caravanning activities to varying degrees for some 2-3 years[2]. The Campsite area initially contained 5 hard surfaced standings used with various facilities/buildings provided in connection with that use. This area previously contained a number of modest agricultural buildings now mostly demolished. Until December 2010 this area had certification firstly from the Caravan & Camping Club and then the Caravan Club to use that part of the site as a Certified Location.

23. The Rally Fields comprise two paddocks. The upper paddock (nearest Berwick Road) has been used for temporary touring and camping "events" under permitted development rights provided under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO. Use of the lower paddock for camping and caravanning took place when there was high demand such as around the summer solstice.

Main issues

24. There is no dispute between the parties that planning policies at both national and local level, whilst seeking (in general terms and subject to various criteria) the protection of the countryside from inappropriate development, support tourist related development in the countryside including the development of caravan and camp sites.

25. Saved policy T9 of the adopted Salisbury Local Plan (LP) is in line with the general thrust of SP[3] policy RLT10 and policy EC7 in PPS4[4]. It is a permissive policy allowing the provision of new touring caravan/camping sites adjacent to the main holiday routes subject to a number of criteria. Amongst other matters the criteria require the site to be well screened from vantage points, highways and residential development and that trees and other landscaping are

[2] Evidence of Anthony Allen
[3] Wiltshire and Swindon Structure Plan (SP)
[4] Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)

planted within and around the site. In addition the policy requires that the use should not be detrimental to the amenities of residents of the area. The site of the appeals lies in close proximity to the A303 and the parties agree that it is a main holiday route as required by policy T9.

26. In the light of the above I consider that the main issues in these appeals are:

(i) the effect on the character and appearance of the locality including its effect on the Special Landscape Area (SLA) within which the site is located and the nearby Winterbourne Stoke Conservation Area (CA),

(ii) the effect on the living conditions of occupants of nearby dwellings through potential noise and disturbance, and

(iii) whether other considerations including economic benefits outweigh any harm that is identified.

Reasons

Character and appearance

27. The appeal site adjoins the south-western extent of the CA which in that area comprises a meadow and other open land near the river. The parties agree that the proposed development preserves the elements of the setting and character of the CA that make a positive contribution to that heritage asset. I see no reason to differ. Consequently, there is no conflict with national policy HE 10 in PPS5[5].

28. The wider area around the appeal site falls within both the Salisbury Plain West High Chalk Plain and the Wylye Chalk River Valley landscape character areas described in the Wiltshire Landscape Character Assessment. The appeal site is situated on the valley floor of the River Till.

29. A recent Landscape Character Assessment was undertaken for Salisbury District[6]. That indicates that the appeal site lies within Character Area A1: Till Narrow Chalk River Valley which is situated towards the north-east of Salisbury and running through adjacent areas of chalk downland (Area D). Within that area the overall condition of the landscape is good with moderate to high landscape character sensitivity and moderate visual sensitivity. I acknowledge that within the general description of the landscape character of the area there are pockets exhibiting some variation to the general landscape characteristics. I have noted the evidence of interested parties in this regard who pointed out some local variations in the area near the appeal site.

30. The appeal scheme contained proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location. The Council also confirmed that assumed growth rates to maturity for the suggested species were acceptable.

31. A detailed assessment of the visual effect of the cumulative effect of the appeal schemes from various viewpoints within the Till Valley and on the surrounding downland was undertaken by the appellants' landscape consultant. The Council's assessment was of a more limited nature. In addition, I was able to

[5] Planning Policy Statement 5: Planning for the Historic Environment (PPS5)
[6] Salisbury Landscape Character Assessment: Chris Blandford Associates (February 2009)

look at the site from various viewpoints at my site visit and reach my own conclusions on the visual effect of the schemes on the landscape.

32. In the main the appellants' photographic evidence, assessment, and its conclusions were not disputed by the Council. It was accepted by the Council that the visual envelope of the Campsite and Rally Fields areas is very limited with only a few areas of land in the public domain from which clear views of the site can be gained.

33. In the short to medium term persons using a public right of way alongside the River Till to the east of the site would be able to see (the upper parts of) caravans stationed in the nearest pitches alongside the eastern edge of the Campsite area although a steep embankment serves to restrict views into the site from the path. In the longer term planting within and outside the site would provide screening for much of the year.

34. Views into the proposed development in the Rally Fields would be gained from a section of the public right of way to the south-east of Summerfield House, and from a section of bridleway to the west of the B3083. In the medium term it would be possible to see substantial numbers of tents in the Rally Fields from the bridleway but views into that area would reduce towards the longer term due to growth in the landscaping that has taken place or is further proposed.

35. I agree with the Council that glimpses of tents in the Rally Fields would be gained from the hillside position of a byway to the east (Viewpoint 22). However, that would be at a distance of approximately 1.5 km from the site. At the time of my (spring) visit those views were restricted by vegetation and, as the photographic evidence indicates, they would not be prominent even in the winter time when there would be less leaf growth.

36. Views into the site from the B3083 are currently limited to a section of about 300m leading south from the A303. The site entrance, part of the access track and earth bunds with fencing would be clearly visible from the road. I am satisfied that planting of the earth bunds along the site frontage, some of which has taken place, would provide reasonable short term visual screening which would be enhanced over the medium term by additional planting such that only the top parts of tents in the upper paddock area of the Rally Fields would be visible. Over the longer term those views into the site would diminish further.

37. The parties agree that the fence along the bunds is prominent in some views and I do not differ in that respect. I consider that its removal, secured by a planning condition if all other matters are acceptable, would be in the interest of the visual amenity of the area.

38. Planting alongside the northern boundary would also provide substantial screening of the site from the B3083. The Council expressed doubts at the Inquiry that there was sufficient space between the access track and the site boundary to allow for sufficient plant growth. Although I saw on my visit that the width of the planting strip varied I consider that there is adequate space to allow planting which would provide a screen over a period of between 5 – 10 years. Planting has taken place alongside the boundary outside the appellants' land but no scheme is before me that would allow for the management of that area which reduces the weight I have attached to it in contributing to a screen.

39. The A303 is in an elevated position to the north-west of the appeal site where there is an exposed section following the removal of trees and vegetation by the Highways Agency and which allows views towards the site from passing vehicles. However, traffic on that road is reasonably heavy and moving at considerable speed so such views as there are from that position are likely to be fleeting in the short term but would reduce with screening from the existing and proposed landscaping .

40. There are a number of residential properties within the visual envelope of both the caravan site and the Rally Fields. In the short term views of the Rally Fields from Scotland Lodge, which is at a slightly elevated position above the A303 can be gained. These views would significantly reduce in the medium term as the landscaping matures. Views from the other dwellings are limited. However, I noted that parts of the site can be seen presently from Over the Hill to the south and parts of the gardens of Till Cottage and Keepers Cottage.

41. In all these cases the limited views that exist at present would reduce in the medium to long term as the existing and proposed landscaping at the edges of the site matures. Control of the extent of the camping and caravanning to minimise the visual impact and to ensure adequate landscaping can be secured through planning conditions, if all other matters are acceptable. Consequently, both the use of the site for camping and caravanning together with the related operational development would be well screened in the medium to long term (5-9 years).

42. Overall, I found the appellants' assessment of visual impact persuasive in indicating that there would be very limited visual impact of the appeal schemes on both the local and wider areas of the landscape. It is, in any event, based on a worst-case scenario of all the proposed caravan pitches being occupied and tents present in both paddocks of the Rally Fields. However, I agree with the appellants that the situation for most of the period being considered would be less than that further reducing the likely visual impact.

43. I note the Council's concern that the assessment does not fully consider the visual effect of vehicles at the site entrance (either entering or leaving) or on the access track. I accept that vehicles and caravans in those positions could be visible particularly from some of the elevated viewpoints. Such activity is likely in most cases to be of a transient nature and even at the busiest times is not likely to be harmful to the landscape character for anything other than a short time. Consequently, I have not attached significant weight to that concern.

44. Taking all the above factors into account I consider that there would be limited conflict with SP policy RLT10 and LP policy T9. I do not consider that the harm to the character and appearance of the locality including the SLA from the appeal proposals would be material and it would not of itself lead me to dismiss the appeals.

Living conditions

45. The Council has raised objections in this regard only in respect of the enforcement notice issued in respect of the alleged change of use (Appeal A) and not the scheme comprising the s78 appeal (Appeal C). Notwithstanding that, compelling evidence was given at the Inquiry by a number of the interested parties who live near the site (and others) to indicate that at various times the use of parts of the site for camping and caravanning had led to noise

and disturbance to their living conditions at unsocial hours. The evidence provided indicated that this was primarily from music (both amplified and non-amplified) played late at night particularly from those parts of the Rally Fields and Summerfield House closest to the dwellings. Some of the interested parties indicated that the music and other noises could be heard over a wide area.

46. I have no doubt that much of the problem in this regard stemmed from the fairly uncontrolled use of the site at that time. Suggested planning conditions discussed at the Inquiry to limit the area for camping and caravanning (and the numbers of caravans and tents) together with limitations on amplified and non-amplified music and greater visual screening would, in my opinion, go a very considerable way to resolving the concerns that were aired. Such conditions can be attached to a planning permission, if all other matters are acceptable.

47. Subject to the imposition of planning conditions as discussed above attached to any permissions granted in respect of these appeals I conclude on this issue that the development proposed in Appeal A and Appeal C would not be materially harmful to the living conditions of occupants of nearby dwellings and would accord with the overall aims of LP policy T9(iv).

Economic benefits

48. The parties agree that the use of the site for tourist related purposes would lead to economic benefits both to the immediate and wider areas. The scheme would provide one FTE[7] job and there was agreement that there would be some visitor spend, albeit unquantified, in the area.

49. The proposed development, taken as a whole, accords with national planning policy in PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure developments to help deliver the Government's tourism strategy. It is also supported by the Government's commitment to promote sustainable growth and jobs[8].

Fallback position

50. The appellants have permitted development rights which enable them to make use of the site for camping[9] and caravanning. For the days that such activity would be covered by these rights the numbers of tents and caravans at the site would be fairly uncontrolled and could be significantly greater than those suggested in the schemes now before me with the suggested conditions. There is a reasonable likelihood that some of the problems brought to my attention by uncontrolled camping and caravanning in the past would re-occur under this fall back position. Consequently I can attach considerable weight to it in my overall balance of considerations.

Other matters

51. A number of other matters are brought to my attention by the interested parties. There is concern that the appeal schemes would have a harmful effect on nature conservation interests in particular the nearby SSSI[10] along the River Till. However, no substantive evidence was produced to support that contention and I cannot attach significant weight to it.

[7] Full time equivalent (FTE)
[8] Ministerial Statement dated 23 March 2011 by Greg Clark, Minister of State for Decentralisation
[9] Under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO
[10] Site of Special Scientific Interest (SSSI)

52. Concern was also expressed by interested parties and the local Parish Councils in respect of the effect of the schemes on highway safety, particularly slow moving large vehicles and some vehicles towing caravans seeking to exit the site onto the B3083. The initial consultation responses of the Highways Agency and the Highways Department of the Council[11] did not raise objections in this respect, however shortly before the Inquiry an objection was received[12] indicating the view of the relevant highways officer that visibility from and of vehicles leaving the site access is restricted by a hedge that had recently been planted along the roadside site frontage. The principal parties agree that greater visibility can be secured by re-positioning the planting along the bunds and that this could be secured through a condition, if all other matters are acceptable.

53. I have had regard to other matters raised including the effect on archaeology, and sewerage and waste water disposal. None alters my view as to the main issues on which these appeals turn.

Conditions

54. The parties have both suggested[13] a number of conditions in the event that the appeal is successful. A number of the suggested conditions are common to the individual appeals, notwithstanding differences in site boundaries. Conditions relevant to the individual appeals are set out in the Annexes to this decision.

55. A number of conditions are suggested mainly to safeguard the visual amenity of the area. For this reason a condition is required for details of any existing and proposed landscaping to be submitted to the Local Planning Authority and approved in writing. In connection with Appeals B and C I will attach a condition requiring the removal of the mesh fence. I also agree that a number of conditions should be attached in respect of all the appeals for the provision and maintenance of landscaping including a requirement for a landscape management plan. These landscape conditions require the permitted use to cease and all tents and other incidental development to be removed in the event that the conditions are not satisfied.

56. I agree that a condition is required to put a restriction on the siting and number of caravan pitches. Whilst the parties agreed in principle that they should only be within the area notated as "Campsite/Red Land" on Drawing WGDP 01 contained in the SCG to the easternmost part of the site, to protect the visual amenity and character of the area and also help to safeguard the living conditions of occupants of nearby dwellings, they differed as to the number of pitches and caravans that would be appropriate in that area.

57. The appellants have suggested that that part of the site could accommodate 15 caravans laid out as illustrated on Drawing: Landscape Plan 2010. The Council considers that the area should be restricted to the northern part of that area such that it would accommodate 11 pitches and caravans (Plots 1-8 and 13-15 on Drawing: Landscape Plan 2010). The disputed area is well contained by earth embankments following the excavation and re-profiling of the ground in that area and it is reasonably well screened by existing vegetation. It is the nearest area to the garden of Keepers Cottage across the public right of way but a considerable distance from the house and the most private part of the

[11] Evidence of Charlie Bruce-White
[12] Document 13 to the Inquiry
[13] Contained in the Statement of Common Ground

garden. In consequence, I lean to the view of the appellants that there would not be a materially harmful effect on the amenities of the occupants of Keepers Cottage from the use of pitches 13-15 on Drawing: Landscape Plan 2010 and the condition I will impose will reflect that conclusion.

58. Conditions are suggested to limit the area for tented camping, the number of tents and the number of days that the use would be permitted. The area to be used is not in dispute by the parties (the area notated as Rally Fields/Blue Land on drawing WGDP 01) but the number of tents and number of days that would be available for camping are in dispute.

59. The appellants suggest that the defined area for tented camping should only be used for such purposes between 19 March and the 30 September inclusive within any calendar year and that it should be used for a maximum of 20 tents on any day within that time period save for 10 days when a maximum of 100 tents would be permitted and a further 14 days when a maximum of 40 tents would be permitted.

60. The Council has suggested a more restrictive approach within the same area. It suggests that that land could be used for tented camping for up to a maximum of 100 days between 1 March and 1 October inclusive within any calendar year. Within that period the Rally Fields should not be used for the stationing of more than 20 tents in total on any day save for between 18 - 25 June inclusive when no more than 100 tents in total could be stationed there and no more than 40 tents in total on Bank Holiday weekends. As the Council's suggested period for use is similar in span to that suggested by the appellants I do not see any particular benefit to the overall visual amenity of the area to limiting the number of days to 100 when the area could be used for a limited use of a maximum of 20 tents. The location of those tents away from dwellings is not likely to lead to harm to the living conditions of occupiers of nearby dwellings. Further such a limitation of use suggested by the Council would, to my mind, be difficult to monitor either by itself or by local residents.

61. The further limitations in respect of use by up to a maximum of 100 tents (8 days) and use by up to a maximum of 40 tents on Bank Holiday weekends suggested by the Council do not differ markedly from the limitations suggested by the appellants and which would, in my view, be simpler to monitor. For those reasons I will impose conditions along the lines suggested by the appellants in respect of these matters.

62. To support the above conditions I agree that an up-to-date written record of all persons visiting the site is maintained and permitted development rights that would otherwise allow camping and caravanning on other parts of the site should be removed. Circular 11/95[14] advises that such permitted rights should only be removed in exceptional circumstances and I consider that this is such a case to safeguard the living conditions of occupants of nearby dwellings and also as uncontrolled camping and caravanning on the remainder of the site would cause harm both to the visual amenity and character of the area.

63. Conditions to restrict the location and number of fire pits and to prevent the playing of amplified music at any time in the appeal sites and to place a time limit of 2300 hours for the termination of the playing of unamplified music on any day will help to prevent noise and disturbance to nearby residents of the site at unsociable hours.

[14] Circular 11/95: The Use of Conditions in Planning Permissions

64. A condition to restrict access to and egress from the land used for tented camping from the southernmost access to the site will safeguard the living conditions of the occupants of Over the Hill. A condition requiring the provision of an alarm system installed to the cesspit will help to prevent pollution to water courses.

65. Finally I will attach a condition to require a written scheme of investigation of archaeological remains and to implement a programme of work based on the findings prior to any ground works being undertaken.

Balance of considerations and conclusion on the ground (a) and s78 appeals

66. Although I have found some limited conflict with SP policy RLT10 and LP policy T9 in respect of the effect of the schemes I do not consider that the proposed development would have a materially harmful effect on the character and appearance of the locality including the SLA. Any resulting harm would be significantly outweighed by direct and indirect economic and tourism benefits to the locality and the wider area. In addition I found that the scheme would not, subject to conditions, have a harmful effect on the living conditions of occupants of nearby dwellings.

67. I conclude that for the reasons given above and having regard to all other matters raised the appeals under ground (a) and s78 should succeed.

The appeal on grounds (f) and (g) (Appeal B)

68. As there is success on ground (a) which leads to the corrected notice being quashed, there is no need to go on to consider the appeals on grounds (f) and (g).

Formal decisions

APP/Y3940/C/10/2139334 (Appeal A)

69. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex A to this decision.

APP/Y3940/C/10/2142020 (Appeal B)

70. I direct that the enforcement notice be corrected by the deletion of "to development took place " and the substitution therfor of the words "to the development taking place" in paragraph 5 requirement (b) and by the deletion of "profiles that" and the substitution therfor of the words "profiles to that" in paragraph 5 requirement (e).

71. Subject to the above corrections I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the carrying out of engineering and other operations on the land, including materially altering

the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of earth bunds and associated fencing, installation of a cesspool/waste disposal point and enclosing fencing, installing electrical hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex B to this decision.

APP/Y3940/A/10/2136994 (Appeal C)

72. I allow the appeal and grant planning permission for a change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points at Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ in accordance with the terms of the application (Ref S/2010/7/FULL, dated 24 December 2009) and the details submitted therewith and thereafter and subject to conditions set out at Annexe C to this decision.

Kevin Nield

INSPECTOR

ANNEXE C

SCHEDULE OF CONDITIONS FOR APPEAL C: APP/Y3940/A/10/2136994

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).

2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.

3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.

4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.

5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.

6. Notwithstanding the provisions of any Class of the Schedule to Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification), there shall be no stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.

7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.

8. Within seven days of the date of implementation of the permission hereby

granted the applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained thereafter and made available to the local planning authority for inspection at reasonable notice.

9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).

10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

11. The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

    (i) Within 3 months of the date of this decision, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size, densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the Local Planning Authority, the plan to include a timetable for its implementation;
    (ii) Within 3 months of the date of this decision, if the Local Planning Authority refuses to approve the scheme submitted under (i) above or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
    (iii) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
    (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.

12. Within 3 months of the date of this decision details of a scheme for an alarm system to be fitted to the cesspit to provide warning against overflowing shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed within 3 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.

13. Within one month of the date of the permission hereby permitted visibility splays of 4.5m x 75m measured from the centre line of the access adjacent to the northern site boundary shall be provided across the site frontage. The visibility splays shall be maintained permanently thereafter free from obstruction above a height of 300mm.

14. The fence along the side and top of the earth bunds fronting Berwick Road (B3083) and within the site shall be removed within three months of the date of the permission hereby granted.