

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 January 2024
Application Number	PL/2022/05221
Site Address	Clackhill Yard, Bradenstoke
Proposal	Change of use of land to private Gypsy / Traveller site and associated works
Applicant	A Dolan
Town/Parish Council	Lyneham and Bradenstoke
Division	LYNEHAM (Cllr Allison Bucknell)
Type of application	Full Planning
Case Officer	Callan Powers

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Councillor Alison Bucknell. This is to consider the visual impact on the surrounding area; the environmental/highway impact; the foul drainage arrangements; and the stability of the land.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the Officer's recommendation that planning permission be granted subject to conditions.

2. Report Summary

The application seeks planning permission for a single traveller pitch at the site. The key planning matters to be considered are:

- The principle of development;
- The landscape impact; and
- Highways matters and access.

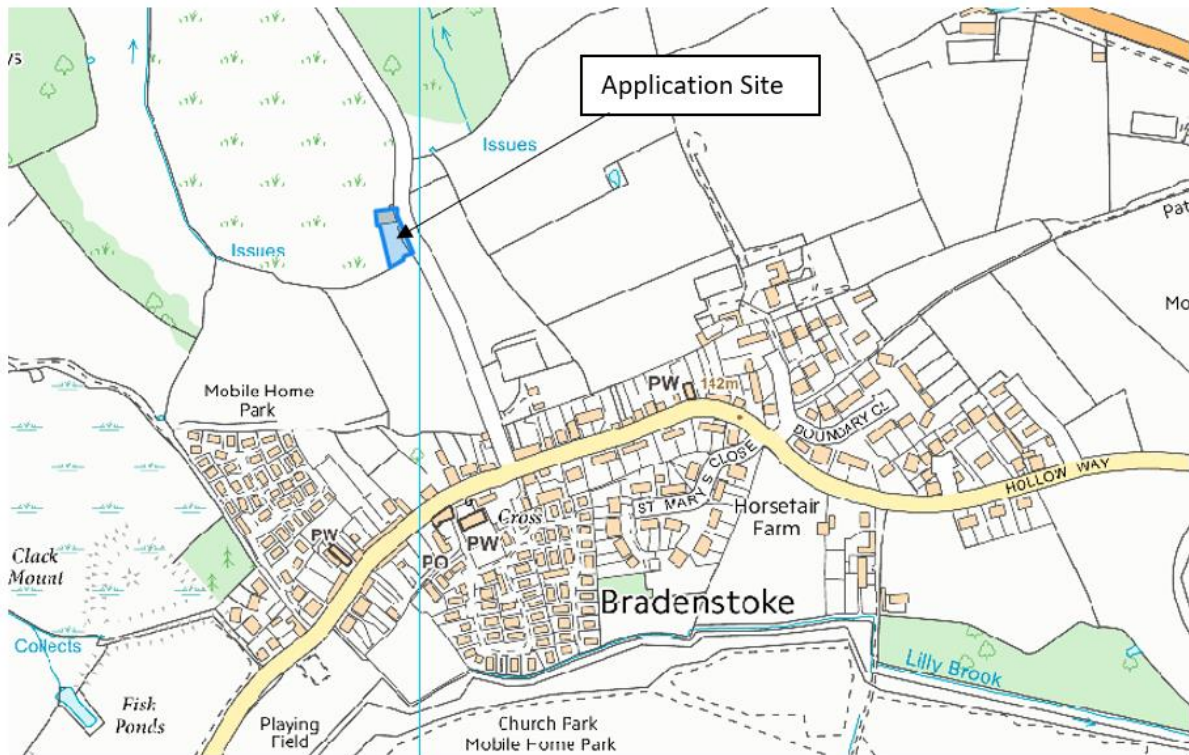
Lyneham and Bradenstoke Parish Council have objected to the proposed development; 39 objections have been received from interested third parties.

3. Site Description

The application site comprises a hillside, rectangular parcel of land located close to the small village of Bradenstoke. It is accessed via Clack Hill, a narrow, single carriageway road currently restricted to one-way traffic following the closure of the main road leading from Dauntsey up the escarpment to Lyneham.

The site is roughly rectangular, set on a slope characteristic of its hillside position. Close to the northern boundary, at the lowest point of the site, there is an existing shed of metal construction, currently used for storage and the keeping of horses.

The site is relatively unconstrained, being unaffected by heritage or landscape designations. There are, likewise, no known ecological designations affecting the site.



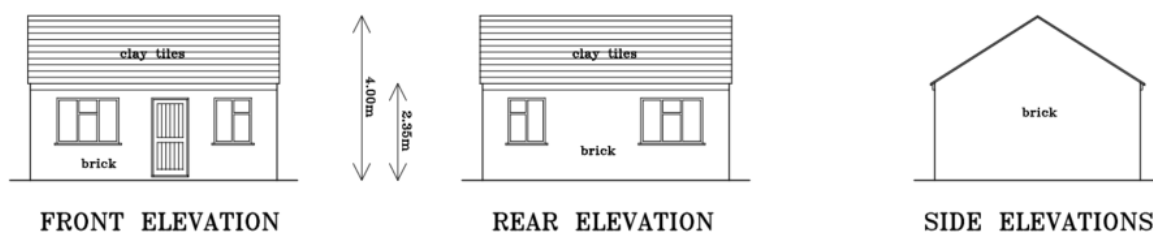
4. Planning History

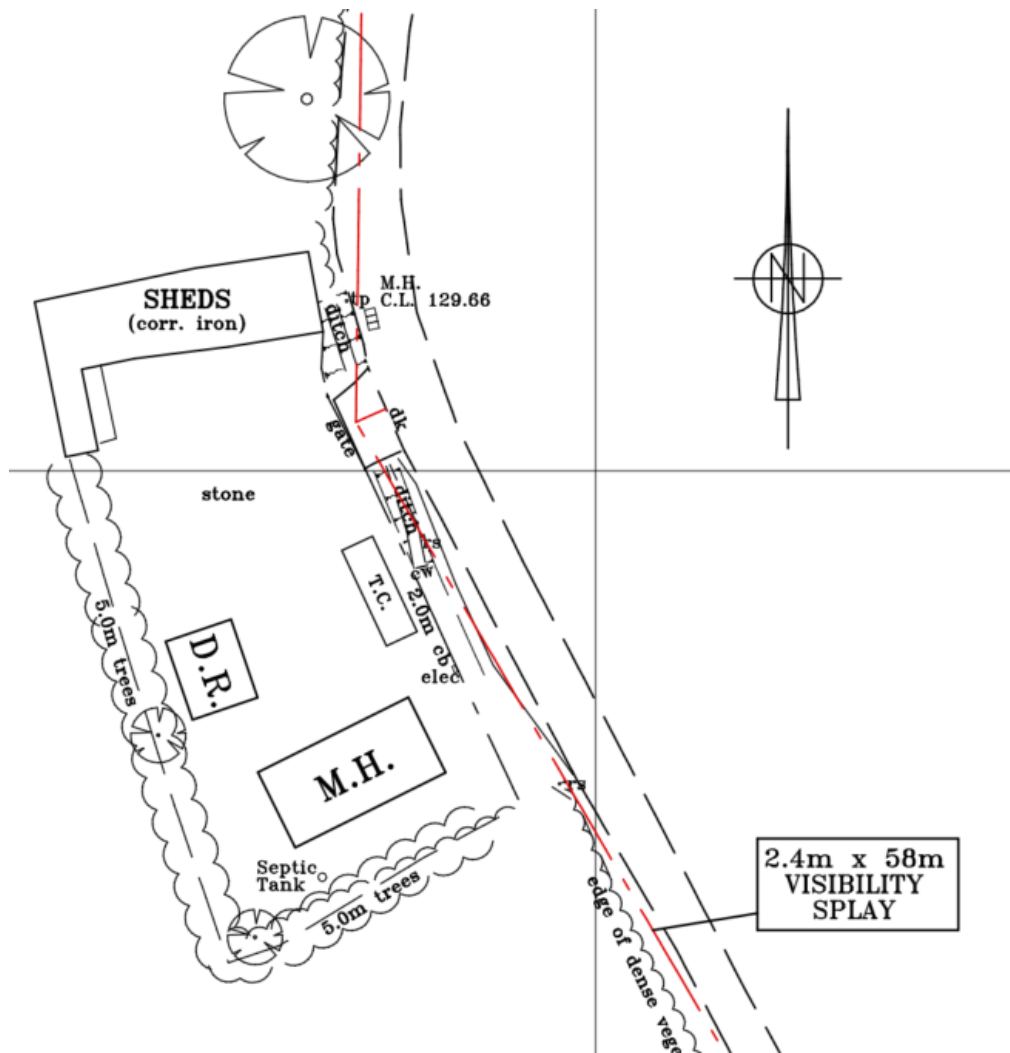
N/02/02227/FUL: Erection of a stable block and tack room. Refused 06 December 2002

N/05/01179/S73A: Retention of mobile home and two touring caravans and erection of a utility room for a gypsy family. Refused 29 June 2005

5. The Proposal

This application is for the change of use of the site to a private gypsy/traveller site with associated works, to provide one pitch. This includes the siting of one mobile home and one touring caravan. A day room would also be constructed of brick with a clay tiled roof. The surface of the site would be finished with stone.





6. Planning Policy

Development plan policies

Wiltshire Core Strategy (WCS) adopted January 2015:

Core Policy 1 – Settlement Strategy;

Core Policy 2 – Delivery Strategy;

Core Policy 19 – Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area;

Core Policy 47 – Meeting the needs of gypsies and travellers;

Core Policy 51 – Landscape;

Core Policy 57 – Ensuring high quality design and place shaping;

Core Policy 58 – Ensuring the conservation of the historic environment;

Core Policy 60 – Sustainable Transport; and

Core Policy 61 – Transport and Development.

North Wiltshire Local Plan (saved policies) adopted June 2006:

None relevant

Wiltshire Housing Site Allocations DPD adopted February 2020:

None relevant

Emerging Wiltshire Local Plan:

According to the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to, notably, the stage of preparation of the plan (“*the more advanced its preparation, the greater the weight that may be given*”). As the emerging Wiltshire Local Plan is still at a very early stage, limited, if any weight, can be given to it at this time.

Other material considerations

National Planning Policy Framework (NPPF), published 20 December 2023 – Paragraphs: 2, 4, 10, 11, 38, 47, 63, 127 & 131

Paragraph 4 states the following:

The Framework should be read in conjunction with the Government’s planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.

Planning Policy for Traveller Sites (PPTS), published August 2015 (updated 19 December 2023) – Paragraphs: 2, 3, 4, 14, 22, 23, 24, 25, 26 & 27.

The 2023 update reverts the definition of Gypsies and Travellers (as set out in Annex 1 of the PPTS) to that adopted in 2012, as follows:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

7. Consultations

Lyneham and Bradenstoke Parish Council – Objection, as follows:

4 Councillors object 1 Councillor abstained.

Clack Hill is in a Green Belt area and:

Policy E: Traveller sites in Green Belt:

16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm to establish exceptional circumstances.

17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If the land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

Housing Allocation:

Clack Hill is in a Green Belt area and within the Parish of Lyneham and Bradenstoke. The Parish Neighbourhood plan has used its allocation of new houses and mobile homes for the foreseeable future (2030). The Wiltshire Housing allocation plan which is part of the Wiltshire Core Strategy also states that Lyneham has used its allocation of housing.

Site Limitations:

Clack Hill is a minor road which is very narrow in places. At present, due to the closure of the Lyneham Banks Road, it has increased usage. There is insufficient room for a footpath and so is very dangerous for pedestrians. Giving planning permission for this site will put those using the site in extreme danger.

For the above reasons (and please note there are no exceptional circumstances) the planning application should be declined.

WC Spatial Planning – No objection, relevant extracts from response as follows:

Pitch requirements –

The emerging Gypsies and Travellers Plan is at an early stage in the plan-making process.

The Housing Act 1985 (as amended) states that local authorities should periodically assess the accommodation needs of persons residing in caravans and houseboats within the district. Planning Policy for Traveller Sites (DCLG, August 2015) provides that local planning authorities should make their own assessment of need for the purposes of planning (para 4b); use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions (para 7c); and that local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area (para 9).

Wiltshire Council commenced a GTAA in the spring of 2019. It was completed in June 2020. The study was conducted by Opinion Research Services (ORS) on behalf of the Council and published on the Council's website in October 2020. The study informed the pitch and plot requirements set out in the Regulation 18 consultation on the draft Gypsies and Travellers Development Plan Document (DPD), which took place between January and March 2021. The consultation document, and the consultation report, are available on the Council's website.

The 2020 GTAA has now been superseded by a March 2022-based GTAA, also available on the Council's website. The 2022 GTAA now forms the most up to date assessment of accommodation need of gypsies and travellers and travelling showpeople in Wiltshire.

The 2022 GTAA covers the period 2022 to 2038. It proposes pitch requirements for gypsies and travellers, and plot requirements for travelling showpeople. The requirements are for households who meet the definitions in PPTS Annex 1; households who do not but may be protected under equality legislation; and households who could not be determined due to absence or refusal to engage with the assessment. The GTAA also makes recommendations how to meet temporary accommodation requirements.

For gypsies and travellers that meet the planning definition in Annex 1 to PPTS, a total of 120 pitches are needed between 2022 and 2038. For the first five years (2022-27), 79 pitches are needed. At this stage, the Council cannot demonstrate a five-year supply against the new pitch requirements in the 2022 GTAA.

Chapter 3 in the report sets out the GTAA methodology. Key components of the assessment are household interviews on traveller sites in Wiltshire; interviews with traveller households in bricks and mortar; and the projection of accommodation need over the assessment period using household formation rates.

The site was not in existence when the GTAA was undertaken (see Figure 6). Consequently the proposal would not contribute to meeting identified need in the study as the site is considered to be occupied by the applicants, and would therefore be unavailable to households with identified need currently residing in the county. Para 7.31 in the GTAA states:

“It is important to note that any applications for new sites or additional pitches as a result of in-migration should be seen as windfall need and will not contribute towards meeting need identified in the GTAA and the 5-year supply. They can be dealt with by a Criteria-Based Local Plan Policy.”

There may however be personal circumstances that are relevant in the determination of the application (see PPTS Policy H).

Locational criteria –

Proposals are to be assessed against the criteria in Core Policy 47. The policy states that new development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal.

CP47 i) states that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable. The site is located in Flood Zone 1. Other consultees may be able to advise on any other potential barriers to development.

CP47 ii) requires that the site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users. Highway officers will be best placed to comment on the proposal in this regard. Paragraph 109 in the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

CP47 iii) requires that the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. Foul water drainage is proposed to be dealt with by way of septic tank which is not unusual for traveller sites. It is proposed that site is connected to mains water and power.

Criterion iv) requires that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas. Highway consultees will be able to confirm whether the site can be safely accessed and accommodate internal vehicular movements and is therefore compliant with policy.

CP 47 v): states that proposals will be considered favourably where a site is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

There is no public transport in this location so trips would be undertaken by private car. The nearest settlement recognised as such in adopted CS Core Policy 17 is Bradenstoke, a small village. Facilities and services, including schools and surgeries, are available at Lyneham and Royal Wootton Bassett which are 1.5 miles and 5 miles away respectively.

Other traveller sites have been permitted by the Council in open countryside outside settlements with similar distances to essential services.

CP47 vi) requires that a site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties and is sensitively designed to mitigate any impact on its surroundings. .

Linked with this, PPTS Policy C and paragraph 25 state that “local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure”.

From a planning policy perspective any impacts on the nearest settled community would have to be relevant in planning terms. By setting respective policy (PPTS Policy C), the Government acknowledges in principle that traveller sites can come forward in countryside locations, and indeed, traveller sites have been permitted in such locations in Wiltshire either by the council or at appeal.

The policy requirement of avoiding ‘dominance’ is not detailed further in national planning policy. Further advice should be obtained from Landscape colleagues if the development would be visually intrusive.

There is no evidence to suggest that 1 traveller pitch in this location would put undue pressure on local infrastructure at settlements referenced under v) above.

CP47 vii) requires that adequate levels of privacy should be provided for occupiers. It is important to ensure that the minimum space requirements for pitches, including safety gaps/easements between structures are maintained and provide adequate safety levels.

CP47 ix) requires that the site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The ecologist and landscape officers are best placed to comment.

Conclusion –

The pitch requirements for the NWHMA set in the Core Strategy have been met. There was a sufficient supply of traveller sites in this HMA as of 2018. The site would not contribute to meeting identified need in the 2022 GTAA but there may be personal circumstances relevant in this case.

The proposal would broadly accord with Core Policy 47 criterion v). Other consultees will be best placed to comment on the proposal’s compliance with the remaining locational criteria.

WC Highways – No objection, comments as follows:

The site is located on Clack Hill, a C classified section of public highway subject to a speed limit of 60mph, there is existing access from the public highway to the land. A separate dwelling outside of identified development boundaries would usually attract an adverse highway recommendation on sustainability grounds, due to the heavy reliance on the private motor vehicle as the main mode of transport.

The proposals seek permission for one Gypsy/Traveller pitch comprising, a Mobile Home, a Touring Caravan and a Dayroom.

No detail of the number of bedrooms for the purposes of assessing parking provision has been provided, however the area indicated as stone, would be sufficient for vehicle parking and turning for at least 3 vehicles.

The existing access would require upgrading in order to meet the required surfacing standards for residential development and the proposed gate at the access would be required to be set back a minimum of 4.5m. The upgrading of the access should include a consolidated surface for the first 5m to prevent loose materials entering the public highway. There is a drainage ditch which passes under the existing access this would require consideration when upgrading the surfacing.

The visibility splays indicated do not meet the required standard for the speed on the road, however this is an existing access which would not be considered to be over intensified by the proposals. The splays could be improved further from the site by virtue of maintaining the vegetation within the public highway. However, the geometry and alignment of the road in this location is such that I do not consider vehicles would be travelling at the higher speeds permitted by the imposed speed limit.

.... no objection to the proposals in relation to highways, however the proposals would place a heavy reliance on the private motor vehicle and as such would not be considered sustainable in terms of accessibility.

WC Archaeology – No objection

8. Publicity

The application was notified to neighbours through postal notifications. A total of 11 postal notifications were sent out to neighbours.

39 objections received from members of the public have been considered, all of which raising objections to the development. In summary the submitted comments raise the following issues:

- There have been land slips in the area and the proposal is not supported by a survey;
- The development is harmful to the conservation area;
- The proposal would exacerbate local issues with the water supply;
- The access is on a blind bend and unsafe;
- The development would be an eyesore;
- No parking is proposed;
- There is no existing foul drainage;
- Planning permission has previously been refused;
- The development is too close to the village;
- The development would set a precedent for further development;
- Development should not take place until the issue on Dauntsey Banks has been resolved;
- The gate piers and fence have been installed without planning permission;
- There is no indication as to how mains services will connect to the site;
- There is no footway into the village;
- The proposal would affect neighbours' outlook;

- Clack Hill is unsuitable for large vehicles;
- No/insufficient provision for sewage;
- Would cause traffic conflict on Clack Hill;
- Would continue environmental degradation;
- Lack of access to services and facilities;
- Lack of access to public transportation;
- Discrepancies in the planning application documentation;
- The surroundings of a small village should be preserved;

A comment received making defamatory or potentially libellous claims has, in accordance with the Council's policies on public participation, not been taken into consideration.

It should be noted that issues including the resale value of homes and whether the site has been used unlawfully in the past are immaterial to the consideration of the application, which is to be determined in accordance with the development plan unless material considerations indicate otherwise.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of Development

Principle of development

Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy (WCS) states that –

Inside the defined limits of development –

Within the limits of development, as defined on the policies maps accompanying the Core Strategy, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Outside the defined limits of development –

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25 (of the adopted Wiltshire Core Strategy), development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- **Specialist accommodation provision (Core Policies 46 and 47)**
- Supporting rural life (Core Policy 48)

Meeting the needs of gypsies and travellers is one of the exceptions to Core Policy 2 as referred to under Core Policy 47. Core Policy 47 sets out criteria against which such applications are to be considered. The policy is informed by the national policy set out in the Planning Policy for Traveller Sites. The CP47 criteria is considered later in this report.

Five-year land supply –

Work is progressing on the Council's Gypsy and Traveller Development Plan Document (DPD), and to inform this a recent Gypsy and Traveller Accommodation Needs Assessment (GTAA) – which identifies the need for new pitches across the County and to ensure that there is adequate pitch provision in the DPD – was carried out in 2022. The GTAA confirms that there is now additional need for pitches in Wiltshire beyond that referred to in the WCS, and specifically for the period of 2022-38 there is a requirement of 120 new pitches for Gypsies & Travellers who meet the planning definition in PPTS Annex 1; 61 pitches for households who do not meet the definition but may be protected under the Equality Act; and up to 18 pitches for households who could not be determined. The GTAA further notes that requirements for the first 5-year periods in the GTAA have not been met; for the period 2022-27 the need is 79 pitches for Gypsies & Travellers who meet the planning definition. The GTAA is a material consideration that must be given significant weight.

In a recent appeal elsewhere in the County (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 March 2023) it was accepted that this need has not started to be met. The figure of need for 79 pitches supersedes the now out of date targets set out in Policy CP47. It should be noted that the pitch requirements for gypsy and traveller sites are treated in the same way as conventional housing in that the Council is required to demonstrate that it has a 5-year supply¹ of suitable sites. At present there is not a 5-year supply of such sites within Wiltshire; again, this is a material consideration that must be given significant weight.

The Brewers Pit Inspector stated the following:

The PPTS indicates that in producing their Local Plan Councils should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.

Core Policy 47 indicates that provision should be made for 66 permanent pitches for gypsies and travellers during the period 2011-2016 and a further 42 similar pitches in the period 2016-2021. The SCG (Statement of Common Ground agreed between the appellant and the LPA prior to the appeal hearing) indicates that these accommodation needs have been met through the grant of planning permission on appropriate sites. In terms of future need the 2022-2038 Gypsy and Traveller Accommodation Assessment (GTAA) indicates that for the period 2022-27 there is a need for 79 pitches for nomadic travellers. The Council accepts that this need has not started to be met and the individual needs of the appellant and family are acknowledged by the Council.

The Council also accepts that the present development plan does not allocate sites for Gypsies and Travellers and it appears that it has never done so. The Council therefore rely on the results of individual applications to meet the strategic need for gypsy and traveller sites. A Gypsy and Traveller Development Plan Document (DPD) to be undertaken

¹ Following publication of the new NPPF, and in view of the stage the evolving Wiltshire Local Plan has reached, the Council is now required to demonstrate a minimum 4yr HLS for conventional housing. However, the NPPF states that "For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document".

alongside the Local plan Review was programmed in the 2017 Local Development Scheme (LDS) for adoption in the first quarter of 2021. However the 2022 version of the LDS puts back the adoption of the Gypsies and Travellers DPD to, at best, the end of 2024.

This is an on-going failure of policy on the provision and supply of sites and goes against the requirements of the PPTS. I find that there is currently an ongoing need for Gypsy and Traveller sites which will not be catered for through the formal plan led system for some time. These are factors to which significant weight must be attached.

The Inspector allowed the appeal, concluding at para 38 that:

It is clear to me that the Council cannot demonstrate a five year supply for new sites at the moment as required by the PPTS and the considerable local need for Gypsy and Traveller sites is unlikely to be met soon through the plan led system. The failure of positive policy, as opposed to the provision by windfall sites, is a significant factor in favour of the proposal.

In two further relatively recent appeal decisions relating to Land to the South of Bridge Paddocks, Braydon Road, Leigh (20/01449/FUL) and Land adj. Bridge Paddocks, Braydon Road, Leigh (20/08187/FUL) the Inspector concluded that the proposed unlimited occupancy of Gypsy/Traveller sites (both comprising 4 pitches and including the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms, all to be used for residential purposes) would contribute towards addressing the unmet general need for Gypsy and Traveller sites as they could be occupied by any persons that meet the PPTS definition. The Inspector noted in the decisions that there were no grounds to impose a temporary planning permission condition or one that limits occupancy to specific named persons.

WCS Core Policy 47

The application site lies in the countryside, wherein development will not normally be permitted other than in accordance with specified exception policies set out within the development plan. One such policy is Core Policy 47 of the WCS, which sets the policy for the determination of applications for travellers' sites. According to the policy, "*where proposals satisfy the following general criteria they will be considered favourably:*" – this report now considers each of these criteria in turn –

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

There are no issues with flood risk or drainage associated with the site. Whilst further along the escarpment at Lyneham there is known to have been a landslip in recent years, with reported land movement over a longer period of time, the known affected area is close to 1 kilometre from the site. Furthermore, the proposed use as a single traveller pitch is not considered to cause significant risk in this regard whether in the site's immediate vicinity or elsewhere.

- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.*

The vehicular access proposed is acceptable and is where there is an existing access that is understood to have been used for equestrian purposes for a number of years. The proposed gates would be/are set back from the road and are to open inwards, providing the opportunity to park within the site without creating a hazard to other road users. Pedestrian access is at the same point and, given the scale of the development at a single pitch, this is considered acceptable for the context.

iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

The site would be serviced by mains water and power. Foul drainage would be dealt with by means of a septic tank.

iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

The site is sufficiently sized to allow the provision of the necessary living arrangements for a traveller site of one pitch along with suitable parking and turning space. This includes the provision of a day room and some general purpose amenity space.

Highway safety is considered further below.

v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

The site is within a reasonable distance of Bradenstoke, a Small Village that has limited services and facilities, but nevertheless an identified settlement to which a modest degree of development is directed in line with the settlement strategy. Lyneham is also a relatively short distance further away.

There are also 2 public houses (The Cross Keys Inn and The Peterborough Arms), several bus stops (eg. St Marys Church and The Peterborough Arms) and a church (St Mary The Virgin) within walking distance of the site.

vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

Due to the generally screened characteristics of its surroundings, the site is well contained and not readily visible in more distant views. The frontage of the site has been planted with a hedgerow. Walls and piers have been erected either side of the access, and it is understood that iron gates are to be hung within the piers (replacing an existing timber gate); while these have/would introduce built form into the rural scene, it is not considered that they cause any harm to the extent that planning permission should be refused.

Landscape impact is considered further below.

vii. Adequate levels of privacy should be provided for occupiers.

The self-containment of the site works effectively to give the site a feeling of privacy and it is not overlooked from either the private or public realms.

viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

The site is suitably sized for the provision of a single pitch. This would not be disproportionate either to the immediate environment or the nearby village.

ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site is not affected by any such designation, nor is there a clear reason to consider that the development would have any such adverse effect.

Notwithstanding the Parish Council's comments, the development site is not within the Green Belt.

Landscape impact

The proposed development would not affect the amenities of adjoining land uses, nor is it considered to give rise to significant adverse landscape impact. The site is well enclosed with little in the way of visual overspill. The built form involved in the proposal is limited, with the proposed day room being a relatively modest construction and traditional in appearance.

Appeal decisions, including recently the appeal in Grittenham (ref PL/2021/04055 and Planning Inspectorate Ref APP/Y3940/W/22/3312704, appeal dismissed) have confirmed that the provision of traveller sites in the countryside is not intrinsically harmful to the landscape. The application site is not significantly exposed to the public realm and, owing both to the nature of the site and the scale of the development proposed, the development is considered unlikely to have a significant impact on the qualities of the rural landscape. There would accordingly be no conflict with the aims of Core Policy 51 of the WCS.

Highways

The site has an existing access. The proposal for a single pitch would not generate significant levels of traffic at this access. Accordingly, the Council's Highways Officer raises no objections on technical grounds.

Nevertheless, the existing timber gate across the entrance opens outwards and so to a certain extent impedes visibility. It is appropriate to ensure that this gate is removed prior to the first occupation of the development. A more suitable gate could reasonably be located further from the road edge and arranged to open inwards only.

The Highways Officer has pointed out the general unsustainable characteristics of the site. The site is in the countryside, away from the limits of development of any of the more sustainable settlements identified within the WCS, and is also not within the 'Small Village' of Bradenstoke. The site is nevertheless within a reasonable walking distance of the village and its limited services, and the proposal is supported as being one of the exceptions allowed under the policies for development in the countryside, listed at paragraph 4.25 of the WCS. Bradenstoke is to a certain extent served by public transport, namely the Connect2 bus which provides a request-based service carrying pre-arranging passengers into Lyneham.

Conditions recommended by the Highways Officer relating to the surfacing of the access and the gates are reasonable and necessary in the interests of the highway safety.

Conservation

The site is distant from the Bradenstoke Conservation Area and so would have no impact on it. The site does not affect the setting of any other heritage assets, and nor is there any known significant archaeological potential at the site. There is, therefore, conflict with Core Policy 58 of the WCS.

Foul drainage

Foul drainage is a matter generally confined to consideration under the Building Regulations rather than under the planning process. Foul drainage would be dealt with by means of a septic tank.

Stability of the site

The site is relatively distant from the location of the landslip, albeit part of the same escarpment. There is no specific reason to question the stability of the site.

10. Conclusion

The proposal would help to meet the acknowledged shortfall in gypsy and traveller pitches across Wiltshire.

The application site is in the countryside, a location where development will not normally be permitted other than in accordance with certain specified exceptions. The development would provide a traveller pitch, a form of development which is acknowledged to be one such exception. It is further considered that the proposal meets the relevant criteria set out in Core Policy 47 of the WCS.

Whilst the access is not perfect, the development would not generate significant levels of traffic, and accordingly the Highways Officer raises no objection. The proposed development would not cause demonstrable harm to the landscape, and concerns over possible land instability are not considered to be overriding.

Accordingly, it is recommended that this application is approved.

RECOMMENDATION

That planning permission be granted, subject to the following conditions:

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

Drawing No. 2200026/02: Proposed Site Layout, dated April 2022 and received 07 July 2022;

Drawing No. 2200026/03: Proposed Dayroom Plans and Elevations, dated April 2022 and received 07 July 2022;

Planning Statement, dated April 2022 and received 07 July 2022; and

Application Form, dated 04/05/2022 and received 07 July 2022.

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

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

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

3. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding

members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than one shall be a static caravan, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan.

REASON: In the interests of the appearance of the site and the amenities of the area, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

6. The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. The development hereby permitted shall not be first brought into use/occupied until the existing, outward opening timber gates have been removed. Any gates later installed or retained at the site shall be set back 4.5 metres from the edge of the carriageway, and shall open inwards only.

REASON: In the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

9. No new external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Note 01/21 The Reduction of Obtrusive Light" (ILP, 2021)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

10. INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

11. INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

12. INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

13. INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

14. INFORMATIVE TO APPLICANT

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.