

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 August 2024
Application Number	PL/2023/00900
Site Address	Charlie's Place, Land off Sodom Lane, Grittenham, Wilts, SN15 4JY
Proposal	Change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn.
Applicant	Mr John Lee
Town/Parish Council	Brinkworth CP
Ward	BRINKWORTH – Cllr Elizabeth Threlfall
Type of application	Full Planning
Case Officer	Victoria Davis

Reason for the application being considered by Committee

The application has been called to committee by Councillor Threlfall. This is to consider the visual impact upon the surrounding area, the relationship to adjoining properties, the design (bulk, height and general appearance), and the environmental/highways impact.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

This application has been the subject of a statutory public consultation period and has attracted representations of objection from 37 respondents, including Wiltshire Wildlife Trust. Objections have also been received from Dauntsey Parish Council, Grittenham and Brinkworth Parish Council and Tockenham Parish Council. A separate objection was received from Land Development and Planning Consultants on behalf of a group of Grittenham and Brinkworth Parish Council.

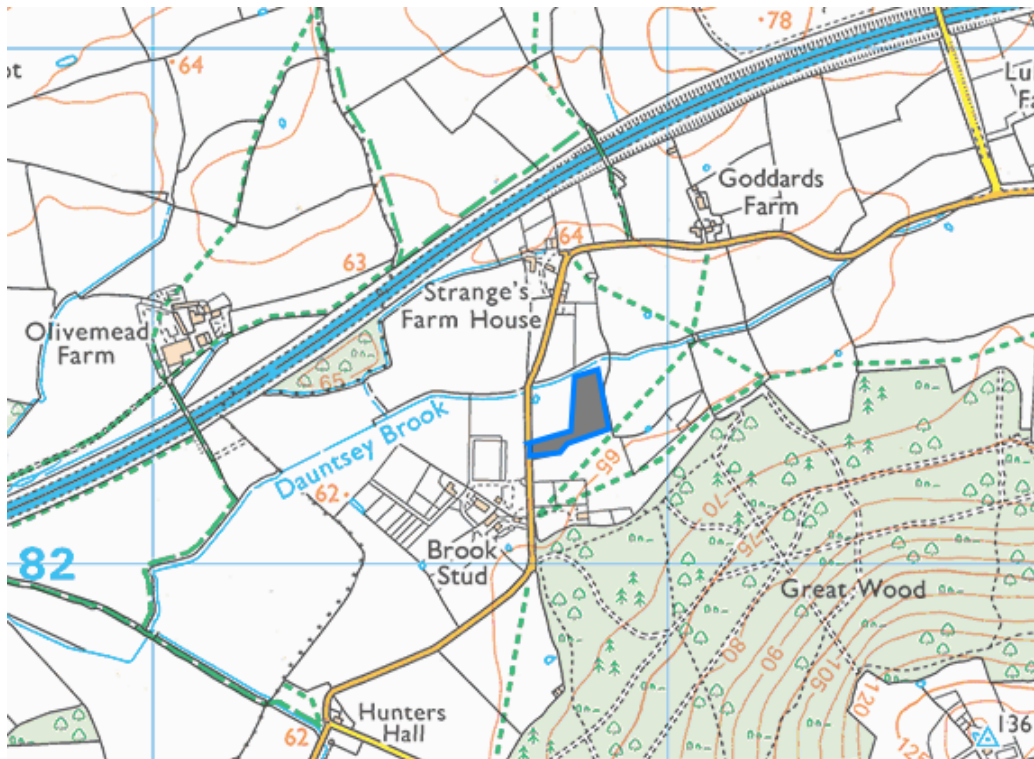
The Key Issues for consideration in respect of this proposal are:

- Principle of the Development
- Impact on Highways

- Heritage Impacts
- Flood Risks
- Ecology Impacts
- Impact on character, appearance and visual amenity of the locality

3. Site Description

The application site is situated approximately 5km east of Royal Wootton Bassett. The land is accessed from the C120 public road linking Sodom Lane and Whitehill Road through Grittenham. The site is in a rural location, located outside of any settlement identified in the Wiltshire Core Strategy.



The application site is approximately 0.4ha in area and is formed of an open field land currently down to grass and bordered by established hedges and post and wire fencing. There are no buildings on the land. Public Right of Way BRIN22 crosses close to the south-western corner of the site within the adjacent field.

The site falls to the north-west towards Dauntsey Brook which is a tributary of the River Avon. The site is accessed from Sodom Lane to the west of the site via a field gate located approximately 25m south of Dauntsey Brook. The Wiltshire Strategic Flood Risk Assessment (SFRA) does not identify any recorded flooding incidents for the site and indicates that ground water flood risk is low. According to the SFRA, there is a risk of flooding from surface water (pluvial) to the north of the site adjacent to Dauntsey Brook. The Environment Agency Flood Risk map identifies indicates that the site falls within FZ1 (extract below) though it is now known that the map is incomplete in this area and so is inaccurate. The submitted FRA indicates that the site falls within flood zones 1,2 & 3 with the northern most part of the site falling within the functional flood plain.

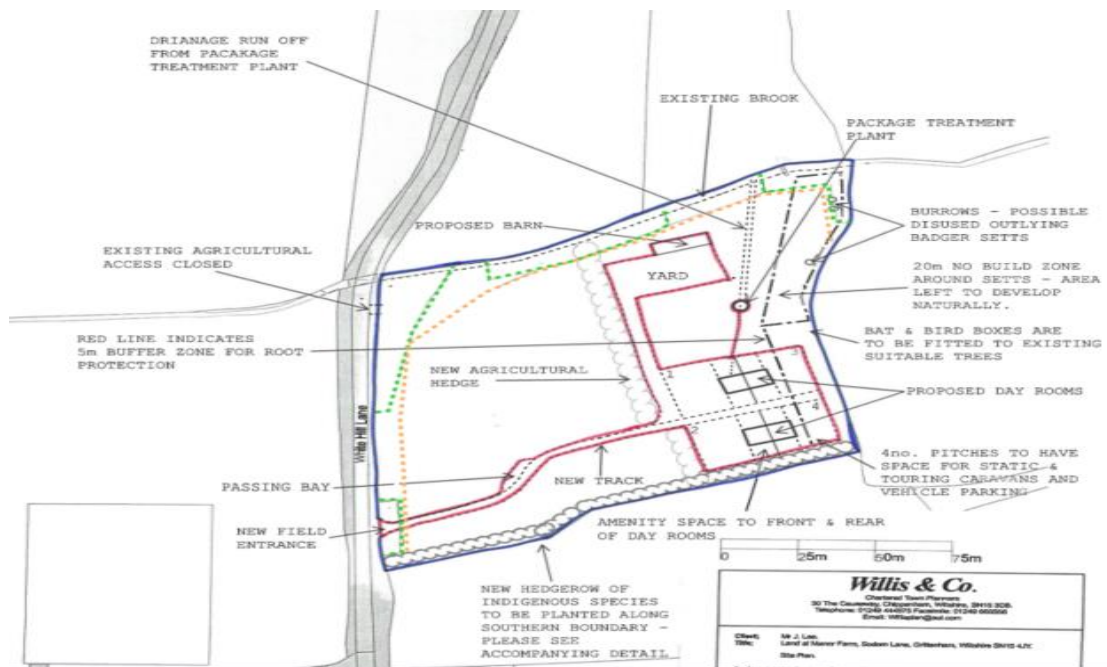
To the west of the site, on the opposite side of the road is an equestrian centre including stabling and a riding arena. Agricultural land extends to the north and east. To the south of the site, is Gable End Farm which is understood to be in use for rearing livestock including, turkeys, goats, sheep, pigs, ducks and alpacas. Other residential properties close to the site are Old Farm approximately 220m to the north and the dwellings at Hunters Hall approximately 700m to the south.

4. Planning History

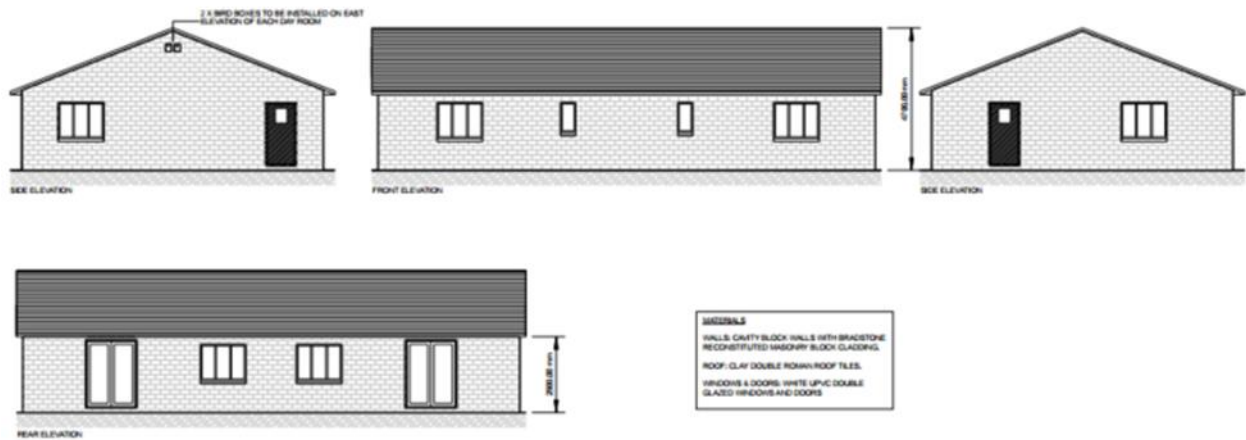
PL/2021/05660 Change of use of land for the creation of a 2 pitch Gypsy/Traveller site, comprising the siting of 2 mobile homes, 2 touring caravans, and the erection of 2 dayrooms (contained in 1 semi-detached unit) REFUSED

5. Proposal

The application seeks permission for the creation of a 4-pitch traveller site, to provide accommodation for one family though accommodated as independent households. It seeks permission for the siting of a mobile home, touring caravan, and the erection of a dayroom for each pitch, alongside the formation of new vehicular access and hardstanding.



The dayrooms provide bathroom, utility and kitchen/living/dining space. The buildings are arranged as a semi-detached pair occupying a footprint of approximately 16.4m x 7.95m, approximately 2.5m to eaves with a gabled roof approximately 4.7m to ridgeline. The drawings indicate recon stone to the elevations and clay double roman roof tiles. Fenestration is stated to be u-pvc.



The proposed barn occupies a footprint of approximately 18.3m x 6m, approximately 3.79m to the eaves and 5.02m to the ridgeline. The drawings indicate elevations to be dark stained timber cladding with a profiled sheet roof.



The application proposes a new hardstanding area to accommodate the mobile homes, touring caravans and dayrooms. This area is shown to be enclosed to the south and west by a new hedgerow. The plan indicates a new access track leading from the main road leading to a proposed yard and barn. The applicant confirms first 5-10m of the access driveway will be tarmac, continuing to crushed stone and gravel along the driveway and hardstanding areas.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

Core Policy 1
 Core Policy 2
 Core Policy 19
 Core Policy 47
 Core Policy 50

Settlement Strategy
 Delivery Strategy
 Royal Wootton Bassett and Cricklade Community Area
 Meeting the Needs of Gypsies and Travellers
 Biodiversity and Geodiversity

Core Policy 51	Landscape
Core Policy 57	Ensuring high design and place shaping
Core Policy 58	Ensuring the conservation of the historic environment
Core Policy 61	Transport and Development
Core Policy 64	Demand Management
Core Policy 67	Flood Risk

North Wiltshire Local Plan 2011 (NWLP)

H4 Residential development in the open countryside
 NE14 Trees and the control of new development
 NE18 Noise and pollution

Wiltshire Housing Site Allocations Plan Adopted February 2020

National Planning Policy Framework 2023 (NPPF)

Section 2	Achieving sustainable development
Section 4	Decision making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 12	Achieving well designed and beautiful places
Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

National Planning Policy for Traveller Sites 2023 (PPTS)

Other considerations

- Planning Practice Guidance (PPG)
- Wiltshire Local Transport Plan 2011- 2026
- The Wiltshire Gypsies and Travellers Development Plan Document (Draft)
- Wiltshire Council's published 2022 GTAA with the published GTAA setting out the pitch requirement for the period 2022 to 2038

7. Summary of consultation responses

Brinkworth Parish Council: Objection, concerns summarised below

- The land is rural and will necessitate a lot of hardstanding and tarmac which will not only be totally detrimental to the rich and diverse fauna and flora in the area, but it will also exacerbate the flooding which is already a serious issue in this area.
- Wiltshire Council Core Policy 2 states that proposals for development of the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development; i) Respects the existing character and form of the settlement , ii) Does not elongate the village or impose development in sensitive landscape areas, iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement. All of these points are relevant for consideration with this application.

- The proposed development is alien to this environment contrary to the criteria of WCS CP2seek to meet housing needs of settlements or provide employment, services and facilities provided that the development
- C60 regarding sustainable transport also is relevant. The location is some distance outside the village on a fast and busy road with no footway or wide verge.
- The area for the proposed development is a rural area and as such, has narrow lanes which cannot cope with the caravans, lorries and trucks which this development would inevitably have.
- The roads are in daily use by farmers who would find it difficult in the extreme to continue their day-to-day work, in particular greatly affecting the movement of animals and feed.
- The extra traffic which would be generated will naturally gravitate towards School Hill for the B4042, which is known to have traffic problems, particularly around the school.
- Additionally with no local schools, all transport would only increase the traffic to ferry children backward and forward.

Dauntsey Parish Council: Objection, concerns are summarised below -

- It appears evident that the remaining undeveloped land could be further developed in an intensive manner with further piecemeal proposals.
- There is a fundamental need to consider the scheme against the restrictive open countryside planning policies that apply nationally and locally
- This is particularly pertinent where the cumulative effect of similar proposals in this valued open landscape area of the Dauntsey Vale apply.
- The site is situated in an unsustainable location where only vehicle use can access adjacent local village communities and nearby towns.
- The personal matters/reasons that are presented to support the proposal in reality do the opposite and confirm that the families, including children, should not have to reside in the countryside far from the services and amenities that they require both in the short and longer term.
- There appears to be a proliferation of similar proposals in this locality generally leading to unsustainable piecemeal development contrary to general planning policy.
- The Council is concerned that any further consents given for this type of development will further erode the fast diminishing countryside character in this general location and that this should be resisted.
- The introduction of permanent built form as well that will create a significant intrusion.

Tockenham Parish Council: Object, comments relevant to application PL/2021/05660 summarised below -

- Application may not meet the terms of all Traveller Site Planning Policies within the Wiltshire Core Strategy and the NPPF.
- Access of large vehicles to either site via Bowds or Trow Lane will be totally unacceptable. These are narrow, single-track, bendy lanes- certainly not suitable for caravans.

Wiltshire Council Spatial Plans: No objection. Full comments online. Officer comments conclude as follows –

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.

PPTS provides at para 11, that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward

Wiltshire Council Highways: No objection subject to conditions in relation to access layout and stopping up existing field entrance. Full comments online, mains points summarised below –

- Visibility splay within the dedicated public highway can meet manual for street standards
- The barn is for use associated with a single residential unit and has no commercial use that would attract its own vehicle movements

Drainage: No objection, subject to conditions to secure detailed foul and surface water drainage strategy. Full comments online, mains points summarised below –

- FRA has been provided which shows how the site will be sequentially laid out, the additional information could be sourced through appropriately worded condition.

Wiltshire Council Ecology: No objection subject to conditions in relation to detailed landscaping plan, external lighting and compliance with documents. Full comments online, mains points summarised below –

- The submitted ecology report details a sufficient survey effort to determine the ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the local area for biodiversity.
- The submitted documents are sufficient to favourably determine this application there remains some uncertainty on the exact specification of the habitat to be created
- Detailed landscaping plan is required

Wiltshire Council Public Protection: No objection subject to conditions in relation to EV charging, external lighting, hours of construction and contaminated land.

Wiltshire Council Public Rights of Way: No Objection subject to hedgerow planting being secured along the southern site boundary to mitigate visual impact on the footpath

Wiltshire Council Landscape Officer: No objection. Comments summarised below -

- There will be a permanent change of landscape character from an open, rural agricultural field to a residential site with associated statics, vehicles and other paraphernalia, noise and activity.
- There will be a permanent loss of a small length of hedgerow to create a new entrance.
- There will be a permanent loss of (some) agricultural land (albeit Grade 4) to create the drive way, hard standings, yard area and construct the day rooms and barn.
- It is considered that the new layout and proposed planting will provide landscape and visual mitigation to help integrate the development.
- The planting will take time to grow (300mm/year) and success of that mitigation lies with the applicant through sound maintenance and long term management.

Environment Agency: No Objection subject to conditions relating to no caravan storage, no raising ground levels in FZ 2 & 3. Full comments online, main point summarised below -

- Advice to LPA in relation to managing flood risk
- Recommendation in relation to floodable design for barn
- Advice in relation to hierarchy for dealing with foul sewerage noting main sewer connection should be first option
- Notifying applicant of Environmental permitting regulations in relation to discharge of effluent to surface or ground water

8. Publicity

55 letters of objection were received from 37 respondents. The concerns raised are summarised below –

- Application should not refer to Manor Farm in the address. This is not related to Manor Farm.
- Impact to highways safety - significant additional number of vehicles
- Closure of Lyneham Banks has led to increased traffic along this route
- Road alignment is dangerous
- Routes will be dangerous for horse riders
- Size of site, cumulative impact of several similar developments in this rural area
- Cluster of units (including other application under consideration) would dominate the nearest settlement
- Proximity to AONB
- Lack of green energy – no heat pumps, solar, vehicle charging
- Development does not meet Future Homes and Buildings standard which clearly details the need for new developments to be highly efficient, low carbon and include renewable energy sources.
- Visual impact on the rural landscape
- Loss of agricultural land and urbanisation of rural area
- Application is deficient – ecology report, highways/access report, Acoustic Report, evidence of personal circumstances
- Location is unsustainable – Grittenham has no local services or transport links
- Ecological impacts including to Great Crested Newts and adjacent meadow consideration is given
- Proximity to Country Wildlife site should be taken into account development in close proximity will have devastating impact on local ecology, character and wildlife.
- Proximity to Great Wood & Grove Farm Meadows
- Site is at risk of flooding – will increase flood risk on and off site
- Concern in relation to foul water drainage arrangements – cess pits should be last resort
- Site will generate waste – no arrangements are proposed
- Loss of agricultural land
- Development may hinder use public rights of way
- Site is in not accessible, remote from services, will put pressure on existing services
- Impact on residential amenity
- Development will be visible from public rights of way
- Exceeds NP allocations and GTAA identified need
- Site has no power or water supply

- Site is 5 + miles from services that families will need eg. doctors and schools which are already stretched.
- Consultation period of 20days is too short
- Site area is too large and will allow for further expansion
- Impact on nearby listed buildings – low quality appearance of buildings
- 5m high commercial barn will not be hidden
- No ecology report has been submitted
- Brownfield sites should be prioritised for G&T sites
- Proposed external materials for day rooms are not in keeping with local area
- Lack of personal circumstances in support of application.

Wiltshire Wildlife Trust provided the following response –

The design and access statement for this application repeatedly states there will be a biodiversity gain on site from this development. For this to be verified, we would expect to see a baseline survey and management plan that use the current Biodiversity Metric (currently 3.1) to evidence this. We would also look to see a long term condition within the planning permission that measures put in place to deliver no net loss/ a net gain of biodiversity- in addition to commitments to retain/ conserve existing habitats as recommended in the PEA- are maintained by the applicants and that this is monitored by the LPA.

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.

The introduction of the Framework (latest iteration published in 2023) states that 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"*.

9.1 Principle of development

WCS, policies CP1 'Settlement Strategy' and CP2 'Delivery Strategy' outline the Council's settlement hierarchy and identify the settlements where sustainable residential development should take place. CP1 identifies a hierarchy of four tiers of settlements, namely: Principal Settlements; Market Towns; Local Service Centres; and Large and Small Villages. CP13 'Spatial Strategy: Malmesbury Community' Area expects development to be in accordance with CP1.

The site is located outside of any settlement. Policy CP2 states that outside the defined limits of development, other than in circumstances as permitted by other policies within this plan, as identified in paragraph 4.25, *"development will not be permitted outside the limits of development, as defined on the policies map"*. CP2 continues stating that 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.

The Government's Planning Policy for Traveller Sites August 2015 (PPTS) is a material consideration in planning decisions. Policy C, paragraph 14 of the PPTS requires local planning authorities to ensure that "*the scale of such sites does not dominate the nearest settled community*" when assessing the "suitability of sites in rural or semi-rural settings" and therefore acknowledges that sites for Gypsy and Traveller accommodation may not always be located within defined settlements.

Five-year land supply –

Core Policy 47 of the adopted WCS identifies permanent pitch requirements for gypsies and travellers in Core Policy 47. The pitch requirements are now no longer up to date due to the completion of several gypsy and traveller accommodation assessments (GTAA's) in 2014, 2020 and 2022 (see below). The 2022 GTAA is now regarded by appeal Inspectors as the most up to date position on pitch need in Wiltshire. For sake of completion, the spatial planning team has provided a position against the requirements in the Core Strategy as it is the adopted development plan. It is confirmed that the CS requirement has been met and exceeded by 63 pitches in total. Full comments are available online.

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 normal market housing in that the Council is required to demonstrate that it has a supply of suitable sites – in the case of G&T sites, this must be a 5-year supply. 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.

At another recent appeal into the provision of a gypsy site elsewhere in the County ((2023/00249 Land at Littleton Drew, Chippenham – appeal dismissed 16 April 2024 where the planning application was refused as not being in full compliance with Policy CP47, the Inspector commented on the need and supply of gypsy and traveller sites. During this appeal hearing it was agreed that the Council cannot demonstrate a five-year supply set against the 2022 Gypsy and Traveller Accommodation Assessment (GTAA). This identifies a need for 79 pitches over the period 2022-2027. Furthermore, that the Council's Gypsies and Travellers DPD is scheduled in the Local Development Scheme for adoption in mid to late 2025 meaning that specific sites for gypsies and travellers will not realistically come forward until after that time.

This very recent appeal decision, issued in April of this year, states clearly that the Council does not have, and is not likely to have in the near future, a 5 year supply of suitable gypsy and traveller sites. This is a material consideration in the determination of the current application before the Committee, especially as the application appears to be in accordance with the provisions of both local and national policy on the subject.

Status of applicant and personal circumstances

The proposal is for four Gypsy/Traveller pitches to be occupied by Gypsies/ Travellers who fulfil the definition of Gypsies and Travellers in Annex One of Planning Policy for Travellers Sites, hardstanding and a commercial barn. The site will consist of 4 pitches including 4 mobile homes, 4 day rooms, 4 touring caravans, associated hardstanding, landscaping and a commercial barn.

The application sets out that the applicant has owned the land for several years and are seeking to settle their family on the land. The four pitches are proposed to enable the family to live independently but nearby to each other. The four pitches are understood to allow for the applicant, their two eldest children and mother to live at the site. In addition, the applicant runs a landscaping business and the proposed barn is intended to store equipment used in connection with this business. Having the barn at the same site is intended to reduce the need for travel to and from an off site storage facility every working day.

Annex 1 of the PPTS 2015 states that for the purposes of this planning policy “*gypsies and travellers*” means:

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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

It is stated that the applicants meet the planning definition set out in Appendix 1 of the PPTS for the accommodation requirements. The supporting statement describes that the applicants have led a nomadic life for many years and are keen to settle with their family so that the children can attend school on a regular basis and the older children can have job stability. In addition to this, they would like to take care of Mrs Lee's ageing mother who currently resides in a care home. They would still like to travel during school holidays or separately, i.e. the oldest children travel whilst the applicants look after their mother and vice versa. Also, the mother would like to travel with family members. It is understood that the family are currently residing with a family member

though this is not stated to be an arrangement which can be permanent. It is not known whether the family has been resident in Wiltshire though it is stated that the younger children are at school in Cricklade and the applicant's mother in law currently resides at a care home in Cirencester. Having the family together on the 4 pitches will give them the flexibility for travelling, whilst also giving them the stability of a permanent home for the purpose of school and work.

The family's needs are not captured within the latest GTAA and this proposal is not advanced on the basis that it will contribute towards meeting need identified in the GTAA. In another recent appeal decision at Land at Grittenham (para. 56), the Inspector gave significant weight to the fact that the site would contribute to a need that has arisen within the county despite this not being identified at the time. The benefit being that granting permission for the pitches would prevent further needed being added to the overall requirement within Wiltshire.

If the proposals are considered acceptable a planning condition could be imposed on any planning permission granted to ensure that the Council retains some control of the use of the site, so that any future occupiers would satisfy the definition of a 'traveller' as set out in the National Planning Policy for Traveller Sites though it must be considered that without any personal occupancy condition the site could operate effectively as a transit site which would not necessarily meet a local need.

9.2 Assessment of WCS Core Policy 47 Criteria

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 considers each of these criteria in turn.

The criteria of CP 47 is consistent with Paragraph 24 of the PPTS which expects 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.

CP47 states that proposals for any new gypsy and traveller pitches or travelling show people plots/yards would only be granted "*where there is no conflict with other planning policies and where no barrier to development exists*". The policy requires such new developments to be situated in "*sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal*" and where the following criteria can be met:

CP47 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.

It is an area of land previously used for agricultural activities and had no ground stability concerns or previous uses which raise specific contamination risk. However, the Public Protection team highlights that agricultural land may have given rise to forms of contamination such as fuel oil, vehicles, asbestos, pesticides or herbicides and suggest a condition to ensure that if such contamination is encountered the LPA must be notified and the applicant must provide a strategy of the steps to deal with such contamination.

The site falls to the north west towards Dauntsey Brook which is a tributary of the River Avon. The site is accessed from Sodom Lane to the west of the site via a field gate located approximately 25m south of Dauntsey Brook. The Wiltshire Strategic Flood Risk Assessment (SFRA) does not identify any recorded flooding incidents for the site and indicates that ground water flood risk is negligible. According to the SFRA, there is a risk of flooding from surface water (pluvial) to the north of the site adjacent to Dauntsey Brook. The risk extent covers approximately 1/3 of the site. EA flood risk map indicates that the field is affected to the northern section adjacent to Dauntsey Brook only when the watercourses are in flood and reservoir flooding occurs. There are no known sewer flood risks in the vicinity of the site.

It should be noted that the application development area relates only to the land outlined in red in the location plan as below. The land in blue is within the same ownership but there is no development proposed in this area.

The Environment Agency Flood Risk map identifies indicates that the site falls within FZ1 (extract below) though it is now known that the map is incomplete in this area and so is inaccurate.

Figure 3: Environment Agency's Flood Map for Planning

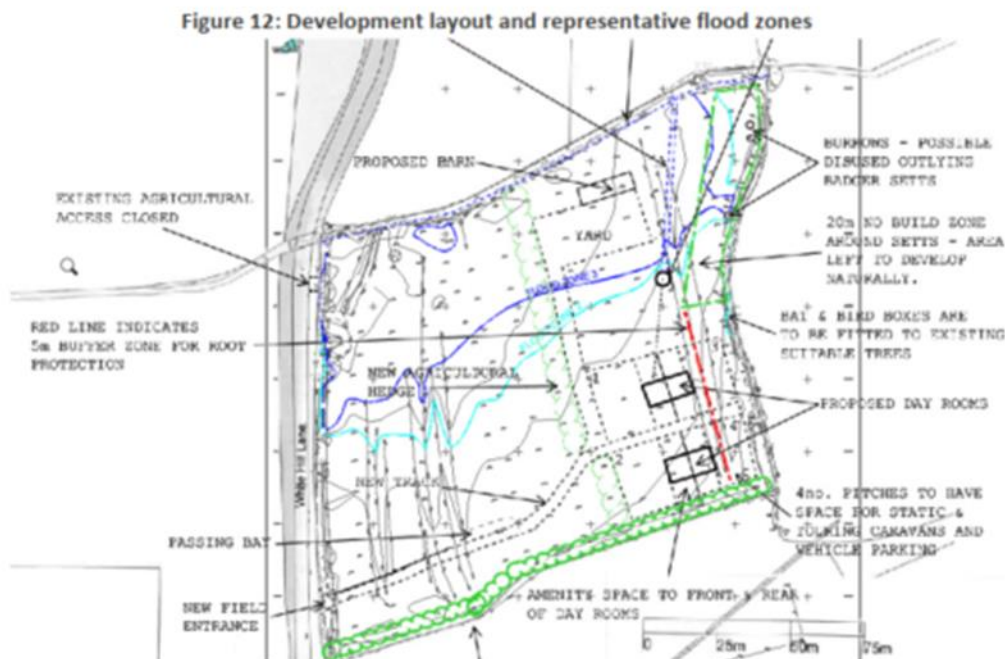


During the course of the application a number of representations received have raised concern in relation to the foul and surface water drainage arrangements as well as the general flood risks (pluvial and fluvial) that are apparent in the area. A number of photographs and videos have been submitted to the LPA which identify flooding across the site during April and October 2023. These show a significant proportion of field and road adjacent to the site (near the existing field entrance) under flood water. The photos and videos provide clear evidence of contemporary flood events affecting the field and Sodom Lane immediately adjacent. In light of this evidence and given that there no record to identify the definitive extent of fluvial flooding, the applicant agreed that a site specific FRA assessment would be needed in order for the LPA to fully understand the flood risks at the site. A FRA produced by SDS Consulting – Civil and Structural Engineers, was later submitted.

In producing the submitted FRA the applicant's consultant made enquiries to the Environment Agency to obtain: the detailed Flood Map of the area; the latest available modelled flood levels

for the watercourses in the vicinity of the site; the modelled flood extents; flood defence locations; details of historic flood events; and local flood history data from all sources of flooding. Though the response did identify that there are flood depths associated with the brook, the exact depth and extent of flooding within the site could not be determined from the flood model information received. It can be understood however that FZ2 & 3 do encroach into the site.

SDS have carried out calculations based on the levels indicated at the available node points close to the site, the assumption of a linear fall of flood levels between those points and the known topography of the site. From this information they have produced a drawing showing representative Flood Zones within the site to the south of Dauntsey Brook. On fluvial flood risk, the FRA concludes that the published EA flood risk mapping is incomplete and therefore inaccurate. It further contends that on evidence available, representative flood levels can be calculated which indicate that the site falls within flood zones 1,2 & 3 with the northern most part of the site falling within the functional flood plain. When taking into account the combination of flood risks, including in particular the flood plain area, the flood risk within the field (area outlined in blue) is considered to be high.



The FRA goes on to assess the Flood Risk Vulnerability of the proposal, in particularly noting that caravan parks and mobile homes are 'Highly Vulnerable'. Such uses should only be allowed in FZ1. With reference to NPPF Table 2, the proposed development is an appropriate land use in Flood Zone 1 and Flood Zone 2 with the application of the exception test. No pitches are to be located in Flood Zone 3.

The proposed storage barn would be considered a 'Less vulnerable' development which is considered acceptable in Zone 1, 2 & 3a but should not be permitted in 3b. The NPPF also requires a sequential approach is applied to the location of development, taking into account all sources of flood risk along with future risks of climate change. The aim of the sequential test is to steer development to areas with the lowest risk of flooding. With this in mind, the applicant has reduced the red line location plan and refined the site layout such that the siting of the pitches

and dayrooms are within FZ1. The site access would also be to the south of the site, away from the areas most at risk of flooding.

The Council Drainage Team in their capacity as Lead Local Flood Authority and the Environment Agency have been consulted and have reviewed the submitted FRA. They are both generally satisfied that the main developed area of the site is at low risk of surface water flooding although to the north is at high risk, the development proposed for this area is Less vulnerable classification and acceptable in such locations subject to specific design requirements.

The EA are satisfied that the residential elements of development are within FZ1. They highlight that the proposed barn is located within FZ3, and anything stored within this barn is at risk of flooding. It was highlighted that the design of the barn would need to be amended to be designed as a floodable structure so that it would not impede flood flow. An example design was suggested to the applicant and their plans were amended in response.

The EA request a condition to prevent caravans from being stored within the barn as they can float away during a flood event and cause blockages. It is also suggested that a condition is necessary to prevent any ground raising within FZ 2 and 3. Advice in respect of flood warning and emergency escape, and foul and surface water drainage arrangements was included in their response.

The applicant confirms that the sewage treatment plant as indicated on the plan will comply with the Environment Agency's regulations. The treated discharge water (discharge pipes are indicated on the site plan) is intended to connect to the watercourse.

The Council Drainage Engineer requests a detailed drainage strategy be secured by condition to include foul water arrangements and evidence of how EA binding rules have been complied with or that an environmental permit has been obtained.

The proposal is considered to comply with criteria i of policy CP47 of the WCS.

CP47 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 Council Highways Engineers have concluded, subject to conditions, that the access arrangements to the site onto the C120 Sodom Lane, are acceptable and will not cause significant hazard to other road users. Conditions will ensure the existing field access is stopped up and that the access is designed with sufficient splay and drainage arrangements.

The applicant will be informed that separate consent is required from WC Highways to create the new vehicle access. Land Drainage Consent may also be required for works which affect drainage ditches.

The proposal is considered to comply with criteria ii of policy CP47 and CP61 (ii) of the WCS.

CP47 iii) The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

The Council Drainage Engineer raises no objection to the proposal subject to a detailed foul and surface water drainage strategy being secured by condition.

There is nothing within the application or the consultee responses that would lead the LPA to conclude that the site cannot be adequately serviced.

CP47 iv) The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

It is considered the site is large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas. The Council Highways Engineer has raised no objection to the internal layout of the site.

The Public Protection team have been consulted and raise no concerns in relation to noise or odour affecting future occupants. A condition is suggested to in relation to noise during construction for the benefit of existing surrounding neighbours.

CP 47 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 located in open countryside outside recognised settlements. The nearest village is Brinkworth (2.1 miles). Grittenham is not a recognised settlement in the WCS and there is no evidence of any essential facilities or services at Grittenham. Brinkworth primary school is approximately 2 miles away to the north. Brinkworth also has a village hall, pub and church, nursery and recreational facilities. The market town of Royal Wootton Bassett is approximately 3.8 miles away and provides all essential services and facilities such as surgeries, food stores, schools, employment etc. Overall, a primary school can be accessed in Brinkworth which is 2 miles away but essential health services would be at Royal Wootton Bassett.

There is no public transport in this location so trips would be undertaken by private car.

An application for one pitch at Land South of Old Farm along this stretch of road was approved by the Council in December 2020 (20/05488/FUL refers). The delegated report explains that the location was not considered remote for a one pitch, single family site in that instance. In that case, the proposal was advanced on the basis of a personal need for the applicant's family, with only one pitch proposed on a well contained and spatially constrained site with no prospect of expansion.

In determining the appeal relating to the site between Old Farm and Goddards Farm (approximately 0.3km north of this site - Land at Grittenham - PL/2021/04055 Appeal ref: APP/Y3940/W/22/3312704), the Inspector accepted that the location was acceptable for two pitches referring to the fact that the pitches would be occupied by an extended family and noting that some of the journeys by car would be shared for that reason.

This application, for four pitches and commercial barn has the potential to generate considerably more journeys than these other proposals. It is, however, relevant to take into account that the supporting DAS also describes this as a proposal for the applicant's family, older children and mother in law to allow them to settle together as a family group on the land. This arrangement may reduce conflict with CP47 & 60 in respect of reducing motorised journeys.

When considering the nature of occupation as described by the applicant, it is considered that the number of unsustainable journeys could be mitigated. On that basis, and in line with the Inspector's decision in relation to the appeal site, it is considered that the site may be considered reasonably located.

As was the conclusion with the previously refused application for this site however, a non-personal consent for four pitches, without any supported requirements stemming from the GTAA and no personal need being identified, this location is considered to give rise to a greater number of unsustainable journeys making the location inappropriate.

The LPA has previously considered this site not to be within reasonable distance of service and facilities therefore contrary to CP 47 (v). However, since that decision in the LPA must now take into account a recent appeal decision (24 October 2023) relating to a similar proposal. The circumstances of this proposal are similar to the Land at Grittenham scheme, the drive times being directly equivalent and the appeal proposal being intended to provide pitches for an extended family, thus allowing for some shared trips. The differences between the proposals are not so significant to allow the LPA to reach a different conclusion.

On consideration of the above, the site is considered to be in a suitable location having regard to access to services and facilities in accordance with CP47v. It will be necessary to include a personal condition to ensure that the pitched are occupied as proposed.

CP47 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.

The use of the site as a traveller site would result in a permanent change to character and appearance of the area, through the loss of agricultural land and a change in activity. The proposal will introduce an arrangement of built form in an area currently free from development.

The proposal has been reviewed by the Council Landscape Officer who has raised no objection and concludes that the proposed landscape mitigation to help integrate the development into its surroundings. The layout is described as being compartmentalised by providing a new hedgerow running north to south. The new built form lies to the east of the hedge leaving a paddock between the site and the road which is to be managed for hay. This new hedgerow defines the boundary that contains the living space and other activities from the remainder of the site, which can remain in agricultural use as a pastoral hay field. This addresses the threat of further eroding the rural character of the area through spillage of activities/clutter. The officer is satisfied that the site should become less discernible as the vegetation matures, especially as it is located in a fairly flat landscape where hedgerows interrupt long views. The new native hedge proposed along the entire length of the southern boundary which will in time provide screening and filtering of views for users of the PROW's BRIN22 & BRIN19. Views onto the site from the road will be fleeting if in a car.

The proposed day rooms are noted to be basic in their design with a choice of materials which is in keeping with the area and should weather down to give an appearance of natural stone. A barn is not an unexpected feature within a rural landscape.

Due to the distance from neighbouring residential properties, it is not considered that the amenity of neighbouring properties would be adversely impacted upon.

It is considered that with suitable planting around and within the site being secured by condition, this proposal will not have an unacceptable impact on the character of the surrounding area and wider landscape. The proposal is considered to comply with criteria vi of policy CP47 and CP51 of the WCS.

CP47 vii) Adequate levels of privacy should be provided for occupiers.

The site located approx. 160 metres north from the nearest residential property Gable End Farm to the south east. The accommodation at Brook Stud is approximately 230m to the south west. Old Farm is approximately 155m to the north of the site.

Due to the separation distances between properties and commercial/agricultural uses nearby it is considered that the proposals would not result in inadequate privacy for occupiers of the site.

In terms of the site layout itself the pitches are not separated by boundary treatments, but the mobile homes are set either side of the day room building. The nature of the site layout would result in four travellers' pitches within relatively close proximity to each other though there appears to be sufficient space to ensure each pitch has access to an outdoor space. The layout is similar to that of other travellers' pitches and as such would not result in harm to the amenity of the occupiers.

The proposal is considered to comply with criteria vii of policy CP47 and CP57 of the WCS.

CP47 viii) Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

Linked with this criteria, 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"*.

The site is located in the open countryside and outside of any settlement. Development in the surrounding area is comprises, sporadic detached properties, equestrian centre, farm properties with associated outbuildings. The application seeks permission for the creation of a 4-pitch traveller site, to provide accommodation for one extended household.

In considering this point the LPA must again have regard for the Land at Grittenham appeal decision in which the Inspector concluded at para. 39 that *The addition of two gypsy pitches some distance from both the hamlet and the village of Brinkworth would not dominate these nearby settled communities. Even taking into account the approved single gypsy pitch to the west of the appeal site, this would still not dominate the community.* In reaching this conclusion the Inspector noted that there were not a proliferation of gypsy and traveller sites in the locality.

It is considered that a cluster of residential units in this location could cause harm when considering the scale of the nearest settled community. In this case however, with the 'Land at Grittenham' proposal being dismissed at appeal, this leaves only the one approved pitch in the locality. Any residential occupation of the appeal site would be unlawful at this time and thus should not be considered as part of the baseline level of development. On the basis of the Inspectors conclusions at the recent appeal, the LPA finds that the proposal for four pitches for

this extended family would not dominate the existing community. This is reflected in the comments provided by the Council Spatial Planning officer.

Based on the information provided, the proposal for four additional pitches in this locality is considered to be acceptable in relation to the scale and character of its surroundings and existing nearby settlements. The proposal is therefore compliant with CP47 viii and PPTS para. 25.

CP47 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 located in open countryside, adjacent to Grove Farm Meadows County Wildlife Site, a non-statutory designation made because it supports Priority Habitat Lowland Meadows – Neutral Grassland. Approximately 130m to the south east is Great Wood County Wildlife Site, designated for its Ancient Woodland and Priority Habitat Lowland Mixed Deciduous Woodland. Several ponds are located within 250m of the site and there is an existing record of Great Crested Newt a short distance to the north of the site.

Ecological survey of the site is required to assess the value of the ecology of the site and the potential for adverse effects on the surrounding Priority Habitats

The application is submitted with an ecology report (Preliminary Ecological Appraisal, Land at Manor Farm, Date: October 2022 by Wessex Ecology) which the Council Ecologist confirms provides a sufficient survey effort to determine the ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the local area for biodiversity. Details in relation to hedgerow specification, and a grassland buffer zone and bat and bird boxes were added to the site plan on request.

A condition is requested to provide certainty on the exact specification of the habitat to be created via a detailed landscaping scheme. Further conditions required details of external lighting and compliance with the submitted plans and ecology report recommendations.

Subject to conditions, the proposed development is considered to satisfy the above criteria in accordance with Core Policy 47 (ix) and Core Policy 50 of the WCS.

Proposed storage barn – mixed use

CP47 is supportive of mixed use sites (residential and business uses) not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties

In this case the proposal includes a storage barn for use in connection with management of the agricultural land and in connection with the applicant's storage business. Given the level of separation from nearby properties and the taking into account the surrounding mix of development it is not considered that the level of activity associated with the proposed use would result in any excessive impacts that would be unacceptable to existing neighbouring residents or the proposed occupants of the site. It is important to consider that the barn is intended to be used by the occupants of the site therefore the likelihood of conflict between uses is minimised. The site is not appropriate located for new commercial storage building therefore a condition will be required to ensure the use is for the applicant only, and for the specific uses proposed in the application.

Biodiversity Net Gain

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Section 15 of the NPPF requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

It is noted that representations from the Wiltshire Wildlife Trust suggest that the application should include a baseline survey and management plan that uses the Biodiversity Metric to evidence no net loss of biodiversity. Whilst it is acknowledged that this is a reliable way to assess habitat baseline and demonstrate biodiversity loss/gain, at the time the application was submitted it was not a statutory requirement to provide this level of information. The scheme is not required to demonstrate 10% biodiversity net gain in order to comply with CP50.

Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024 (2 April 2024 for smaller sites) BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better quality natural habitat than there was before development.

This application was received on 6 February 2023 prior to requisite dates introducing the mandatory requirement to demonstrate BNG. Therefore, this proposal is not required to demonstrate 10% BNG.

Heritage Impacts

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Core Policy 57 expects that development is sympathetic to and conserving historic buildings and historic landscapes. Section 16 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

A number of representations have noted the proximity to nearby listed building, specifically Old Farmhouse, approximately 200m north and Goddard Farm approximately 300m north east. Both of these buildings are a significant distance from the application site and separated by intervening vegetation and/or other built form. Whilst the development would alter the character of its immediate surroundings and may be partially visible from the main road and public rights of way, it is unlikely that the setting of the listed buildings over 200m away would be adversely affected. The development would not intrude into or detract from any significant views of these listed buildings. Accordingly, their setting is considered to be unharmed and there is no conflict with CP57 or CP58 of the WCS in this respect.

Energy & Sustainability

WCS Core Policy 41 identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. Major developments are required to include a Sustainable Energy Strategy. It is relevant to note that the energy performance standards referred to in CP41 for new homes is the 'Code for Sustainable Homes' which was removed by government in 2015. There is no replacement standard that Core Policy 41 will apply to at this time.

Representations have been received which raise that the development does not incorporate green energy features such as solar panels or heat pumps. The Public Protection team request a scheme for EV charging prior to the commencement of development.

On this matter it is relevant to note that recent changes to Building Regulations Part L (in force June 2023) have set new standards for the energy performance and carbon emissions for buildings – providing a 30% reduction in carbon emissions requirement. This will involve the improvements to insulation requirements, performance of building materials including glazing, improving airtightness and providing more efficient heating systems. Whilst the application does not include a proposal for the installation of heat pumps or solar panels the LPA is satisfied in this case that the enhanced energy performance and carbon emissions, including the provision of EV charging points, will be secured through compliance with building regulations.

Loss of Agricultural Land

The land subject of the application is agricultural land and is not allocated within the development plan for any other purpose. The NPPF expects the best and most versatile land to be protected – this is land graded between 1 to 3a. In this case the land is identified as grade 4 which is poor quality agricultural land. Accordingly, the proposal would not lead to the loss of BMV agricultural land.

10. Conclusion (The Planning Balance)

The site is located outside of any settlement. Policy CP2 states that outside the defined limits of development, other than in circumstances as permitted by other policies within this plan, as identified in paragraph 4.25. Within this list of 'exception policies' Gypsy and Traveller accommodation is listed under '*specialist accommodation provision*' and as such CP47 is of relevance to this application. This is a criteria based policy which can be used to provide the basis for decisions where there is no identified need in accordance with PPTS Para. 11

The 2022 GTAA is currently the most up to date assessment of accommodation need for travellers in Wiltshire. There is no evidence that the pitches proposed would be available to households with an identified need in the study. The proposal does not relate to any identified need and is considered to be a 'windfall' site. Accordingly, the proposal should be appraised against the specific criteria of CP47 of the adopted WCS.

From the assessment set out above, it is considered that the proposed development does comply with the provisions of exception Policy CP47.

Subject to conditions, it is considered that the site can be adequately drained and there are no barriers in relation to flood risk, ground stability or contamination. It is envisaged that the site can be served by essential services and the site can evidently accommodate an adequate level of parking, circulation space and achieve appropriate levels of amenity and privacy for all pitches.

In light of the recent appeal decision relating to Land at Grittenham, the proposal for four pitches in this locality is not considered to result in a cluster of residential development that is disproportionate the scale and character of its surroundings and the existing nearby settlements. The proposal does not give rise to amenity impacts that would affect existing residents nearby.

On the basis of the applicant's personal circumstances – i.e that the four pitches are to be occupied by one extended family, the proposal would not give rise to an unacceptable number of unsustainable journeys. As such, subject to occupancy of the site as described being secured by condition, the pitches for this family are considered to be sufficiently located to access services and facilities. The development is capable of being served by safe and convenient access to the highway network and would not cause a hazard to other transport users including cyclist and pedestrians.

Subject to appropriate materials and landscaping mitigation being secured by condition, the proposal will integrate sufficiently having an acceptable impact on the local character and appearance of the countryside. The proposal would not impact upon protected species and the proposed ecological mitigation measures will maintain acceptable levels of biodiversity across the site.

On consideration of the above, the proposed development is not found to be contrary to either local or national planning policy and should therefore be granted planning permission, subject to suitable conditions.

11. RECOMMENDATION

That planning permission be GRANTED subject to the following conditions;

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

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

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

JL-JH-01 Proposed Barn Floor Plan & Elevations
(received 4 June 2024)

JL-JH-02 D Location and Site Plan
(received 18 May 2023)

Visibility Splay Plan
(received 21 April 2023)

Hedgerow Details
(received 19 April 2023)

JL-JH-03 Proposed Day Room
JL-JH-05 Proposed Access Detail
(received 14 April 2023)

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage scheme has been fully implemented in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

4. No development shall commence on site until details of the works for the disposal of sewerage, including evidence to the LPA to support that the EA General Binding Rules have been met, has been submitted to and approved in writing by the Local Planning Authority. Where proposals do not meet the General Binding Rules, Environmental Permit applications for foul discharge must be made to the Environment Agency.

No accommodation on site shall be first occupied until the approved sewerage disposal scheme has been fully implemented in accordance with the approved plans.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

5. No development shall commence on site until details of the stopping up of the existing field access, to the north of the proposed access, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard and soft surfacing materials;
- the location and specification of fence to delineate the “20m no build zone around setts –area left to develop naturally”
- details and location of bat roosts and bird boxes

- description and evaluation of existing and proposed ecological features to be managed

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. All soft landscaping comprised in Landscape Plan shall be implemented in the first planting and seeding season following the first occupation of the accommodation on site or the completion of the development whichever is the sooner.

The site shall be maintained in accordance with the Landscape Plan for the duration of the development from the commencement of the scheme and shall be protected from damage by vermin and stock.

Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory implementation and maintenance of a suitable biodiversity mitigation and enhancement strategy.

8. The development hereby permitted shall be undertaken in full accordance with the recommendations within Section 6 of the Preliminary Ecological Appraisal, Land at Manor Farm, Date: October 2022 by Wessex Ecology and shall not be brought into use/occupied until the suggested mitigation measures have been carried out in full.

The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: To ensure the protection, mitigation and enhancement of biodiversity

9. The development hereby permitted shall not be brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans.

Access over the ditch shall be constructed such that surface water drainage shall not discharge onto the highway.

The first five metres of the access, measured from the edge of the carriageway, shall be consolidated, and surfaced (not loose stone or gravel).

The recessed access set back 4.5 m from the carriageway edge shall provide a minimum width of 4.5 m and its sides splayed outward at an angle of 45 degrees toward the carriageway edge. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

10. 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.

11. The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:

John Lee, Maria Lee, Olivia Lee, John Lee and Joan Orchard.

REASON: Planning permission for the development of four pitches has been granted on the basis that the applicants personal circumstances will require additional pitches for their extended family. The site is not considered to be within reasonable distance of services and facilities to provide four separate pitches.

12. When the land ceases to be occupied by those named in condition 11 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

REASON: Planning permission for the development of four pitches has been granted on the basis that the applicants personal circumstances will require additional pitches for their extended family. The site is not considered to be within reasonable distance of services and facilities to provide four separate pitches.

13. No more than 8 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 4 shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Plan Rev. D, received on 18 May 2023.

No caravans shall be stationed or stored within the barn.

REASON: In the interests of visual amenity and flood prevention, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

14. No commercial activities shall take place on the land, including the storage of materials, except within the approved barn which shall be used only for storage in connection with maintenance of agricultural land and in connection with the landscaping business operated by Mr Lee and no other purpose.

REASON: The proposed use is acceptable on the basis of a need for gypsies and travellers but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

15. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. No 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 Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To minimise unnecessary light spillage above and outside of the site and in the interests of conserving biodiversity.

17. There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity and flood prevention.

18. 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.

INFORMATIVES

HABITAT/WILDLIFE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

EA PERMIT/BINDING RULES/LDC

It is noted that the applicant intends to discharge foul water via a Septic Tank / Private Treatment Plant. This requires consultation with the EA, see the EA guidance. The applicant can also contact the EA for pre-planning advice at swx.sp@environment-agency.gov.uk.

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows

Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).

The applicant should note that LDC will be required for both the surface water and sewage treatment outlet discharges. For the sewage treatment outlet LDC, the applicant will need to include evidence that the General Binding Rules have been met.

VEHICLE ACCESS

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.

BUILDING REGS

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.

LAND OWNERSHIP

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.

CIL

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>.