

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	14 August 2024
<b>Application Number</b>	PL/2023/05363
<b>Site Address</b>	Dreamlea, Cricklade Road, Purton Stoke, Swindon, SN5 4JG
<b>Proposal</b>	Change of use of land from equestrian to two Gypsy and Traveller pitches, to include the change of use of an equestrian storage building to a shared day room.
<b>Applicant</b>	Mr J Ridgley
<b>Town/Parish Council</b>	Purton
<b>Division</b>	PURTON – Cllr Jacqui Lay
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Adrian Walker

### Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Councillor Jacqui Lay. This is to consider the scale of development; visual impact on the surrounding area; relationship to adjoining properties; the environmental/highway impact; the drainage; 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 two gypsy and traveller pitches at the site. The key planning matters to be considered are:

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

Purton Parish Council and Cricklade Town Council have objected to the proposed development; 54 objection comments and 3 in support have been received from interested third parties.

### 3. Site Description

The application site comprises a parcel of land located close to the small village of Purton Stoke. It is accessed via Cricklade Road, a classified B road which runs from Purton Stoke to Cricklade with a 50mph speed limit.

The site is L-shaped, relatively flat, however, slopes down from Cricklade Road which is at a higher level. Close to the northern boundary, there are a number of existing buildings, currently used for storage and the keeping of horses.

The site is relatively unconstrained, being unaffected by heritage or landscape designations. The site lies within the inner zone of the North Meadow Special Area of Conservation.



### 4. Planning History

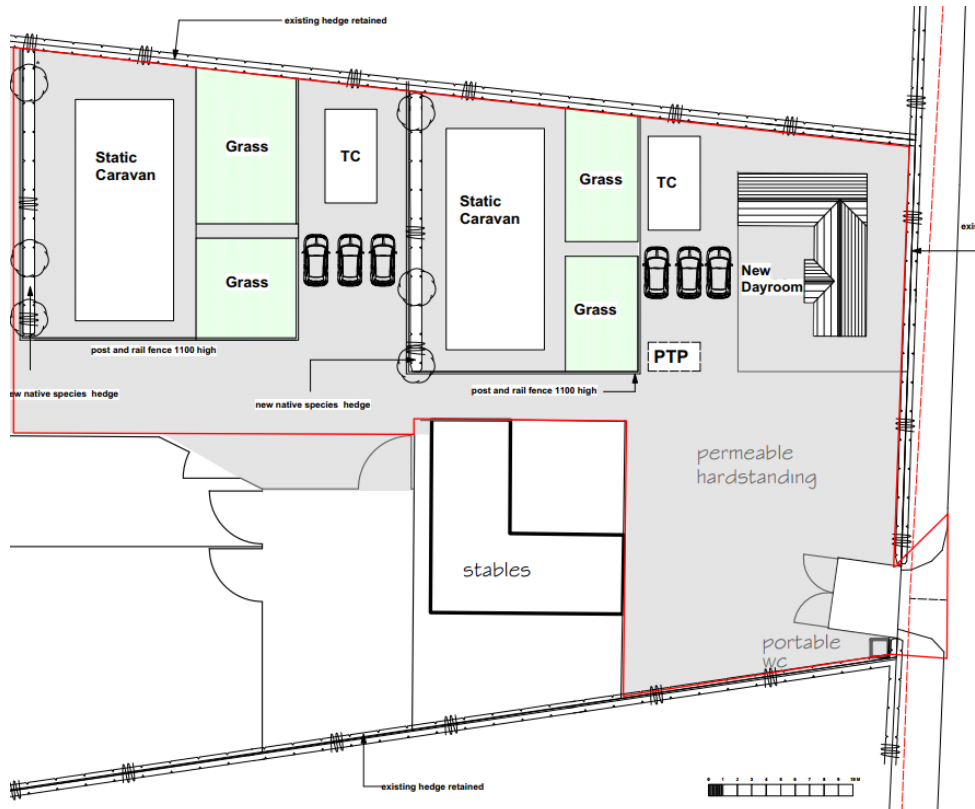
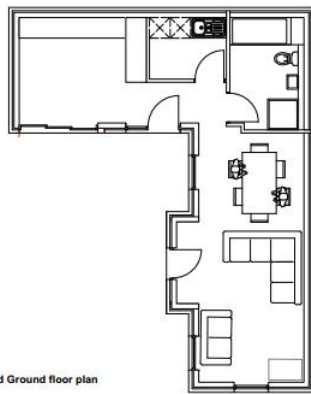
PL/2021/08332: Completion of replacement equestrian storage building (Part Retrospective). Approved 23/03/2022

14/00453/FUL: Hay Barn and Stables with Tack Room. Refused 06/03/2014 granted at appeal APP/Y3940/A/14/2215953 on 07/01/2015.

N/07/01620/FUL: Erection of Three Field Shelters and 3 Stables with Tack Room and the Change of Use of the Land for Keeping of Horses. Withdrawn 13/09/2007

## 5. The Proposal

This application is for the change of use equestrian to two Gypsy and Traveller pitches, to include the change of use of an equestrian storage building to a shared day room. This includes the siting of two static caravans and two touring caravans.



## **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 3 – Infrastructure Requirements

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

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

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 51 – Landscape;

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

Core Policy 60 – Sustainable Transport;

Core Policy 61 – Transport and Development; and

Core Policy 62 - Development Impacts on the Transport Network.

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

None relevant

Wiltshire Housing Site Allocations DPD adopted February 2020:

None relevant

Emerging development plan

Gypsy and Traveller Development Plan

### Other material considerations

National Planning Policy Framework (NPPF) 2023

Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted. Where development is found to be wholly or partially inconsistent with the provisions of the Development Plan, then the decision maker must determine whether there are other material considerations that should influence the decision.

Planning Policy for Traveller Sites 2023

Paragraphs 22 and 23 reiterate the fact that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, and that applications should be determined in accordance with the presumption in favour of sustainable development, when taking into account the policies in the NPPF and this planning policy for traveller sites.

Purton Neighbourhood Plan

## 7. Consultations

Purton Parish Council – Objection, as follows:

*Purton Parish Council objects to this application, under delegated powers. Although Traveller sites are treated differently to normal planning applications, it is considered this application falls well short of the requirement for approval. It is recommended that these sites are not in greenfield locations such as this. There are no footpaths to access Purton Stoke, which has limited services, and it would be considered dangerous to walk on the road to approach the nearest bus stop to reach Cricklade or Purton, what bus service there is cannot be considered frequent. This will lead to use of cars and private transport to and from the location, joining the B4553 can be hazardous, even more so if a commercial vehicle, or towing a touring caravan. A relatively recent application for more pitches at the Bell Public House was refused due to accessing this road, I cannot see anything has changed, this should also be refused. Access to schools, doctors etc. will further entail the use of private transport, proving this is not a sustainable site for development.*

*There are two sites under consideration in Lydiard, neither of which are determined, to my knowledge, this would be yet another site within a few miles, there are further sites within Minety and near Rein and Shine, it is considered another would be an overkill. There is an abandoned site near Cricklade Railway, previously owned by a local family, which has been derelict for many years, if a further site is needed this could be utilized, minimizing further development in a green area.*

*Areas of the site are in flood plain 1, but it known that many times the flooded area exceeded this boundary. Purton Stoke is a rural community and classed as a small village, therefore it has no limit of development, as large villages do, but the ethos is infill only to provide local need, this is development in the open countryside and should not be approved.*

*In conclusion, access onto a busy road, lack of infrastructure, unsustainability, flood risk, development on the edge of the village, and opportunity to use existing site should mean refusal. With other sites still under consideration this should be immediately dismissed.*

Cricklade Town Parish Council – Objection, as follows:

*Due to lack of other information and it being a development in the open countryside.*

WC Spatial Planning – comments

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 in the policy.

WC Drainage – Support subject to conditions

WC Ecology – The development lies within the inner zone of influence (0-4.2km) for the North Meadow National Nature Reserve (NNR)/Site of Special Scientific Interest (SSSI) component of North Meadow and Clattinger Farm SAC

A financial contribution is required for the delivery of the Interim Mitigation Strategy of £803 per unit.

WC Highways – No objection, comments summarised as follows:

No highway concern in regard to the access or parking and turning within the site.

Visibility and parking and turning on-site are seen to be adequate.

The level of vehicle movements produced will have no overall negative impact on highway capacity and there is a built hardstanding already on-site.

## **8. Publicity**

The application was publicised to neighbours through postal notifications.

54 objections to the development have been received from members of the public and have been considered. In summary the submitted comments raise the following issues:

- Drainage and Flood Risk;
- Traffic;
- Highways safety;
- Light and noise pollution;
- Waste disposal;
- Accessibility;
- Foul drainage;
- Development within the Greenbelt;
- Policy restrictions;
- Character and appearance;
- There is no indication as to how mains services will connect to the site;
- There is no footway;
- Lack of access to services and facilities;
- Lack of access to public transportation;
- Discrepancies in the planning application documentation/reports;
- Land ownership;
- Development in the open countryside;
- Enforcement/planning history issues;
- Ecology/Biodiversity/Great Crested Newts;
- Care of animals on the site.

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

## **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 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.

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 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 figure of the need for 79 pitches therefore supersedes the targets set out in Policy CP47 below, which have now been met. As of March this year it has been confirmed that the Council's own public sites are full and there was a long waiting list.

#### **Core Policy 47: Meeting the needs of gypsies and travellers**

*Provision should be made for at least 66 permanent pitches for gypsies and travellers, 25 transit pitches and 5 plots for travelling showpeople during the period 2011 – 2016. A further*



42 permanent pitches should be provided over the period 2016 – 2021. Permanent and transit pitches should be distributed and phased as follows:

Housing market area	Proposed requirement (2011 – 2016)	Proposed requirement (2016 – 2021)	Transit provision (2011 – 21)
North and West Wiltshire	26	22	10
South Wiltshire	37	19	8
East Wiltshire	3	1	7
Total	66	42	25

Proposals for new gypsy and traveller pitches or travelling showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or vacant or derelict site in need of renewal. Where proposals satisfy the following general criteria they will be considered favourably:

- I. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.
- II. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.
- III. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage and waste disposal.
- IV. The site must be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.
- 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.
- VI. It will not have an unacceptable impact on the character and appearance of the landscape and the amenities of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.
- VII. Adequate levels of privacy should be provided for occupiers.
- VIII. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.
- 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.

In assessing sites for travelling showpeople or where mixed-uses are proposed, the site and its surrounding context are suitable for mixed residential and business uses, including storage required and/or land required for exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.

It is recommended that pre-application advice is sought on all proposals for new gypsy and traveller pitches or travelling showpeople plots/yards. Early engagement with the

*local community is recommended to ensure sites are developed sensitively to their context.*

It is firstly necessary to consider whether the applicant does meet the criteria set out in the National planning guidance with respect to people of a gypsy or traveller heritage. The definition contained in Annex 1 of the document 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

Information has been provided to show to whether the intended occupiers of the proposed pitches met the above criteria and officers are satisfied that they do. On that basis the application then falls to be considered against the above criteria in Policy CP47, along with national policy, and any other policies that are relevant to a development in this location. The application details will now be considered against the individual criteria set out in the above policy 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.*

The site is within Flood Zone 1. It is acknowledged that the site is close to Flood Zone 2. As such for minor development a flood risk assessment is not required, and the application cannot be refused on these grounds. Due to concerns raised regarding recent flooding events, a flood risk assessment was submitted. This report concluded that *‘development will not increase flood risk to properties in the downstream catchment and will not pose a flood risk to users or existing properties’*. The site is also located in an area Susceptible to Ground Water Flooding less than 25%. The applicants have provided a comprehensive review of the ground conditions and data relating to groundwater flood risk. The geology and hydrogeology of the site indicates that the site is unlikely to be at risk from any of the three main sources of groundwater flooding. The Council’s Drainage Engineers have assessed both documents and support the application subject to conditions. Based on the information provided it is considered the proposal would be capable of meeting CP47, (i) as well as subject to the securing of conditions, particularly in relation to drainage details.

- 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, this is considered acceptable for the context. WC Highways have not raised any objection regarding highways safety.

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

The applicant has arranged for the site to be serviced by mains water and power. Evidence of the practicalities of this has been submitted as part of the application. Foul drainage would be dealt with by means of with a package treatment plant which will be conditioned to ensure the EA binding rules have been met and there is no pollution of nearby water courses. Having regard to waste disposal, it is reasonable to assume that the development could also be served by the local waste collection service that collects from the nearby properties in Purton Stoke. There is nothing within the application or the consultee responses that would lead the LPA to conclude that the site cannot be adequately serviced

*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 two pitches along with suitable parking and turning space. This includes the provision of a day room and some grassed areas as 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 Purton Stoke, 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. Cricklade is also a relatively short distance further away.

There are also a public and bus stops within walking distance of the site (approx. 350m).

Policy C of Planning policy for traveller sites (PPTS) acknowledges that gypsy sites can be located within rural or semi-rural setting and para 25 quantifies this advice by stating that new traveller site development should be very strictly controlled in open countryside that is away from existing settlements. The phrase 'away from' has been interpreted on appeal to mean isolated, whereas sites within a reasonable distance from existing settlements (in some cases distances of up to a mile) have been accepted as not being 'away from' settlements for the purposes of this criteria. Indeed in the appeal decision for 19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton (appeal allowed 16th March 2023 ) the application site was described by the Inspector as being 'away from any settlement' (para 21 of the Inspector's decision letter) and he made no reference to this being contrary to the provisions of either Policy CP47 or the PPTS. It is considered, therefore, that the current application site about 350m from Purton Stoke and 2km south of the Cricklade meets criteria v.

*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 majority of the site is screened with a established hedgerow and a new native hedgerow will be planted on the western boundary.

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 two pitches. 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 located within the North Meadow Special Area of Conservation buffer zone. In May 2023 the North Meadow And Clattinger Farm Special Area Of Conservation Interim Recreation Mitigation Strategy 2023 - 2028 was published. This requires a sum of money for applications to be secured through a legal agreement. This will be discussed in the following section of the report. The site is not identified as being likely to host any archaeological features. The proposal is not considered to impact the habitats of Great Crested Newts.

#### 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 the conversion of an existing building.

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 would not generate significant levels of traffic at this access. Accordingly, the Council's Highways Officer raises no objections on technical grounds.

There would be sufficient space within the site for parking and turning. As such it is considered that the proposals comply with Core Policy 61 subject to conditions to secure the access, parking and turning.

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 Purton Stoke. 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. Purton Stoke is to a certain extent served by public transport, namely the Stagecoach 53 bus which provides a regular service between Cricklade and Swindon.

#### 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 package treatment plant. The Environment Agency sets out general binding rules for septic tanks and small sewage treatment plants, if these rules cannot be met a permit must be applied for from the Environment Agency. This will also be conditioned.

### Ecology

Habitat Regulations Assessment: North Meadow Special Area of Conservation An Interim Recreation Mitigation Strategy 2023 – 2028 (May 2023) has now been agreed with Natural England. As this application lies within the outer zone of Influence (Zol) 4.2 – 9.4km from North Meadow SAC is it screened into Appropriate Assessment (AA) due to an increase recreational pressure on the SAC in combination with other plans or projects.

Wiltshire Council, Cotswold District Council and Swindon Borough Council in partnership with Natural England have produced an Interim (2023-2028) Recreation Mitigation Strategy for proposed development within this zone.

The standard mitigation agreed under the above strategy for all residential development of under 50 units in the Inner Zone is:

- Strategic Access Management and Monitoring (SAMM) contribution per unit £323
- Infrastructure Mitigation Projects/Suitable Alternative Natural Greenspace (SANG) contribution per unit £480

Total financial contribution to delivery of the Interim Mitigation Strategy - £803 per unit.

The application site is within the Amber Zone for Great Crested Newts (GCN). The habitats to be impacted are hardstanding and regularly used amenity grassland which are habitats that are not associated to be of significant value to GCN.

The development proposes to retain the hedgerows which are of value to GCN and so no significant impact is anticipated and consequentially no GCN license is considered to be required.

### Other material considerations

#### Five Year Land Supply –

As has been mentioned above, the requirement to have a land supply applies equally to gypsy and traveller sites as it does normal bricks and mortar housing. At a 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 in his decision letter, as follows:-

*40. Policy B of the PPTS indicates that Councils should be able to identify a five-year supply of deliverable sites for gypsies and travellers to meet locally set targets. However, the Council accepts that the current development plan does not allocate sites for gypsies and travellers and that it cannot demonstrate a five-year supply at the moment set against the 2022 Gypsy and Traveller Accommodation Assessment (GTAA). This identifies a need for 79 pitches over the period 2022-2027. This is not a recent occurrence. Dr Ruston refers to a 2023 appeal decision where the evidence submitted showed that the Council had failed to deliver sites via the development plan process and the inspector described this as ‘a woeful failure of policy’. The situation is*

*unlikely to improve in the short term. The Council had started a Gypsies and Travellers DPD in March 2021 but this is now scheduled in the Local Development Scheme for adoption in mid to late 2025 and will concentrate on a review of Core Policy 47. Proposals for specific sites for gypsies and travellers will therefore not realistically come forward until after that time.*

*41. At the Hearing both of the main parties accepted that there were no other sites available and suitable for the appellant and families to turn to at the moment. It was reported that the Council's own public sites were full and there was a long waiting list. Other known sites tended to be private and were occupied by the owning family and were not available to outsiders.*

This 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.

## **10. Conclusion (The Planning Balance)**

This application proposes the development of land for a gypsy and traveller site to accommodate 2 pitches along with parking, and a package sewage treatment plant on land outside of any settlement boundary and therefore in open countryside. Therefore, to meet the provisions of policy CP2 (Delivery Strategy) and CP47 (Meeting the needs of gypsies and travellers) the development has to comply with a number of criteria.

From the assessment set out in section 9 above, it is considered that the proposed development does comply with the provisions of Policy CP47, and it therefore one to the types of development considered acceptable under special circumstances for Policy CP2. The consideration above is that the scheme is acceptable in that it will not have an adverse impact on the landscape of the locality, and the Highways Officer is happy that the use of the site in the manner proposed will not have an adverse impact on highway safety, which is another key criteria for development within the area. The proposed development would not cause demonstrable harm to the landscape, and a contribution to the North Meadow Special Area of Conservation will mitigate against any ecological harm.

The proposal will help to meet the acknowledged shortfall in gypsy and traveller pitches across Wiltshire and as is set out in paragraph 11 of the NPPF, decisions should apply a presumption in favour of sustainable development and should approve proposals that accord with the up to date development plan, or where the policies for determining the application are out of date, grant development unless it is in a protected area or the development would have adverse impacts on the policies of the NPPF as a whole.

Accordingly, it is recommended that this application is approved.

## **RECOMMENDATION**

**That planning permission be granted, subject to a legal agreement to secure a financial contribution to the North Meadow Special Area of Conservation Mitigation and the following conditions:**

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

Location Plan 2023-132-LP rev A

Proposed Site Plan 2023-132-SP Rev B  
Existing Block Plan 2023-132-EBP  
Proposed Plans and Elevations 2023-132-100 B  
Proposed Block Plan 2023-132-BP Rev B  
Existing Plans and Elevations 2023-132-101  
Planning Statement  
Groundwater Flood risk Technical Note B (AWP dated 26<sup>th</sup> April 2024)  
Flood Risk Assessment (AWP dated 20<sup>th</sup> June 2024)

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 four 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 two shall be static caravans, 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. 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.

8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The plans will be 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: In the interests of conserving the functionality of the local area for biodiversity and to minimise unnecessary light spillage above and outside the development site.

9. No development shall take place until surface water drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage, condition the following additional information must be provided:
  - Details on the material specification.
  - Details on the level of compaction required, and
  - Cross sections through proposed gravelled area

REASON: To ensure the gravelled area will be able to accommodate the runoff from the development for the 1 in 100 year plus climate change (40%) rainfall event, and will not in effect act as impermeable surface.

10. No development shall take place until a foul drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above condition it is expected that the applicant will provide:
  - Evidence that the EA's General Binding rules have been met in full.
  - Drawings to demonstrate the proposed siting of the Foul Package Treatment Plant
  - Supporting calculations to demonstrate compliance with Building Regulations for any drainage field / mound.

REASON: To prevent pollution of nearby water courses.

11. 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 :-
  - a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities; all hard and soft surfacing materials

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

13. No petrol or diesel electricity generators shall be used on site at any time unless otherwise permitted by the Local Planning Authority.

REASON: In the interests of amenity.

14. 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.

15. 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.

16. 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.

17. 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>.

18. 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](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

#### 19. INFORMATIVE TO APPLICANT

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.