

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 July 2024
Application Number	PL/2022/08186
Site Address	The Stables, Mapperton Hill, Mere, Warminster, Wilts, BA12 6LH
Proposal	Extension to existing Gypsy and Traveller site with 10 additional pitches, each pitch to consist of 1 Mobile Home, 1 Touring caravan and parking
Applicant	Mr M Doe
Town/Parish Council	MERE
Electoral Division	MERE – Cllr George Jeans
Type of application	Full Planning
Case Officer	Lynda King

Reason for the application being considered by Committee

This application has been referred to the Committee on the recommendation of the Head of Development Management on the basis of the scale of the proposed development, its visual impact on the surrounding area, design, environmental or highway impact and making the decision in public to satisfy Core Policy 47.

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 approx. 120 individual members of the public, as well as from Mere Town Council, Zeals Parish Council and the CPRE South Wiltshire Group. Gillingham Town Council, in Dorset, had no comment on the application.

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

- The Principle of the Development
- Impact on Highways
- Impact on character, appearance and visual amenity of the locality

3. Site Description

The application site, which is 1.9ha in extent, is approximately rectangular in shape and lies to the north and west of land in the applicant's ownership which is currently occupied by an existing 1 pitch traveller site. The fields appear to be used to keep horses. There are some existing temporary structures on part of the site which would be removed if the use currently applied for were to be implemented.

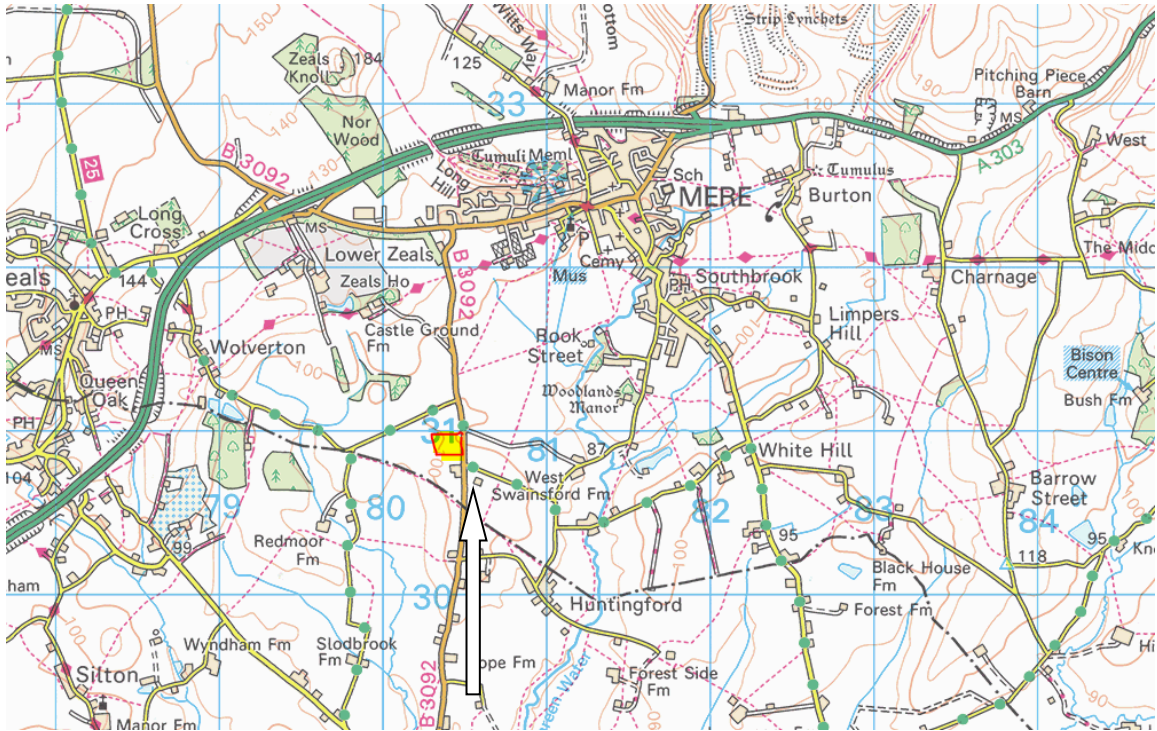
The site sits approximately 1.4 km to the south of the small historic town of Mere and approximately 1.8km south of the Cranborne Chase AONB. The distant Cranborne Chase escarpment can be seen from the northern boundary of the site. The site is accessed from the B3092 Gillingham to Mere road to the east of the application site, utilising the existing access to land in the applicant's ownership to the south. The site sits within the Blackmore Vale Special Landscape Area (SLA) which is a non-statutory saved local plan policy (C6) under the old Salisbury District Local Plan.

The surrounding landscape context of the site is rural farmland consisting of varying sizes of fields with strong hedgerow field boundaries interspersed with mature trees. Development in this area consists of isolated farmsteads and cottages surrounded by fields. The nearest house to the proposed development site is Mapperton Barn House, part of Mapperton Hill Farm. It is situated approximately 130m away from the proposed development across fields with intervening hedgerows and trees breaking up the view to this property, and at a higher level than the application site. The hedgerows in the surrounding fields are generally well maintained to a height of 1.5 – 3m and consist predominantly of hawthorn with some additional native species along with isolated mature oak and other mature native tree species.

The field boundaries of the site itself are relatively low and therefore the screening value of the hedging has been negated somewhat, especially along the eastern boundary adjacent to the B3092, where gaps in the hedging have not been replanted. There is a line of trees in the hedge on the north eastern boundary of the site adjacent to the B3092 which largely screens the site when viewed from travelling from Mere towards Gillingham. The site is relatively open at the moment in the immediate vicinity of the site, but is screened in the wider landscape by the land levels and the wider landscaping.

The land is generally flat, with a slight fall towards the south east. The site is within an area with no risk of flooding from groundwater or fluvial sources, with a small area with a possible risk of surface water flooding.

The site is marked approximately in red on the plan below:-



Application site

4. Planning History

14/10556/FUL - Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access, and keeping of horses. A/C 15/07/2018

5. The Proposal

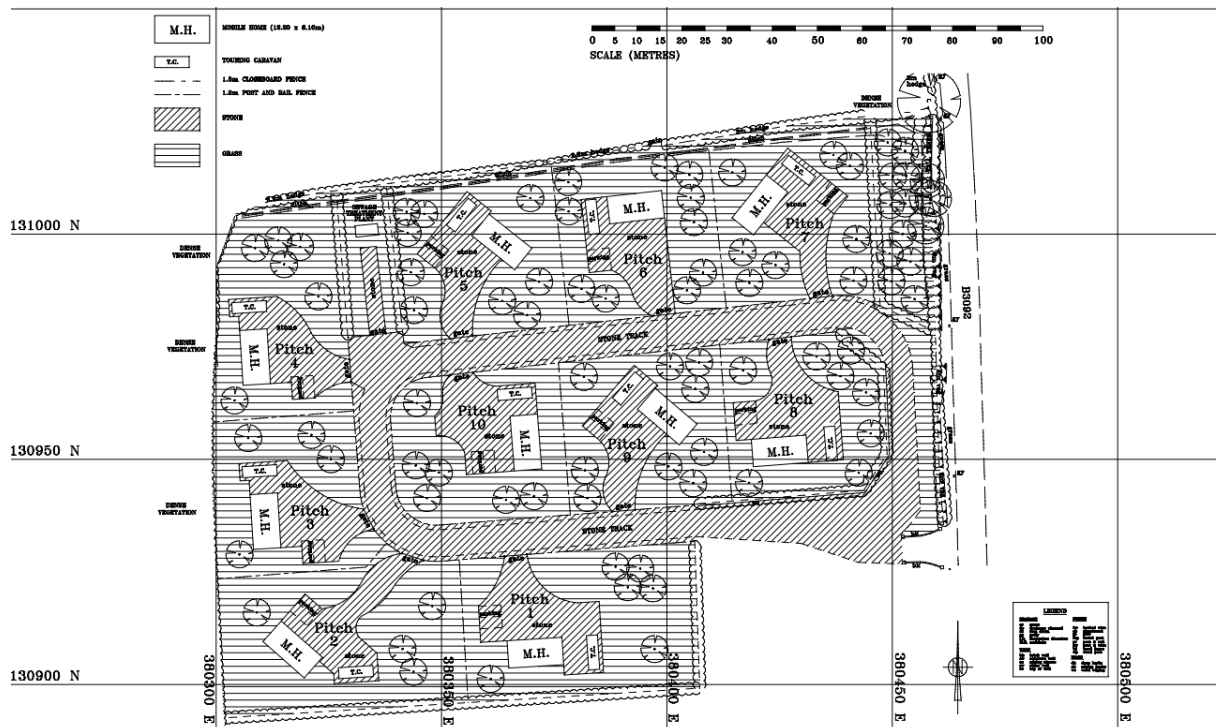
This application seeks full planning permission for the extension to the existing Gypsy and Traveller site with 10 additional pitches, each to consist of 1 Mobile home, 1 Touring caravan and parking. Additional hedging and trees would be planted to further enclose the pitches and to reinforce the existing planting. A package sewage treatment plant is proposed to deal with foul water, along with hardstandings around the pitches.

No permanent buildings are to be constructed.

The site is proposed to be occupied by Gypsies or Travellers who fulfil the definition of Gypsies and Travellers in Annex 1 of Planning Policy for Traveller Sites (as amended).

No details of the mobile homes and touring caravans proposed are provided as this is not necessary as any unit on the site will have to comply with the definitions of mobile homes set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. It is understood that the site is for the applicant's relatives' use.

The site layout plan is set out below:-



6. Local Planning Policy

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Wiltshire Core Strategy (2015) and saved policies from the Salisbury Local Plan (2003).

Wiltshire Core Strategy-

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP17 – Spatial Strategy for the Mere Community Area
- CP47 – Meeting the needs of Gypsies and Travellers
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP57 – Ensuring high quality design and place shaping
- CP60- Sustainable Transport
- CP61 – Transport and Development
- CP62 - Development Impacts on the Transport Network

Saved Policies from the Salisbury District Local Plan

C6 - Special Landscape Areas

National Planning Policy context

NPPF - 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.

7. Summary of consultation responses

Mere Town Council – Object for the following reasons :-

“The application states that this is a proposal for an extension to an existing gypsy and traveller site. This would rather imply that there is an existing gypsy and traveller site at this location. However, the location currently has planning permission for 1 No. Romany gypsy pitch and associated works including 1 mobile home, 1 day room, 1 touring caravan and stables for the keeping of horses. The existing permission was granted, in July 2015, with a condition for no more than one caravan to be used for residential purposes in order to restrict the occupation of the site. It may therefore be misleading to call it a gypsy and traveller site, implying that it is a site for gypsy and travellers (plural) – whereas it is a site for one gypsy and traveller (singular).

Bearing this in mind, the application proposals would therefore create a significant change of use for the site with significant impact on the landscape, surrounding countryside, highways & amenities.

The Wiltshire Core Strategy Core Policy 47 states:

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 a vacant or derelict site in need of renewal. Proposals must satisfy the following general criteria:

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

Please see photographic evidence showing historic flooding of site (attached). Furthermore, it is believed that it would be considered an inappropriate location for conventional housing. (See Planning Appeal by Richborough Estates for Land at Castle Street, Mere – App Ref: 16/12217/OUT)

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

There is no pedestrian access/footway along the highway towards Mere or Milton on Stour. The vehicular access is not considered to be “safe” – please see further details under “Specific Reasons” below:

iii. the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

It is believed that electricity has very recently been installed to service the one residential mobile home that currently exists on the site. A larger supply would be necessary to serve the proposed development along with water, sewerage, drainage and waste disposal.

iv. 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. This will be defined in detail in the methodology outlined in the Site Allocations DPD, and

iv. 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 Planning Appeal by Richborough Estates for Land at Castle Street, Mere - a site just 1.13 km away was dismissed by the Planning Inspectorate on the basis that it would cause harm to the landscape character of the area and the very significant levels of harm to the setting of Mere Conservation Area and to Mere Castle, both designated heritage assets and the latter a scheduled ancient monument, the highest order of heritage designation. We can confirm that the application site is visible from Castle Hill and Long Hill.

Specific Reasons

Highway Safety – the site is just off the B3092 with access directly from and onto the B3092. This stretch of road has a 50mph speed limit and is the main access route from Mere to Gillingham (Dorset). It is also routinely used by private cars, commercial vehicles and HGVs travelling from the Mere direction, the A303 Trunk Road or the Frome direction to Gillingham, Shaftesbury, Blandford and Poole in Dorset. The road has no pedestrian pavement or footpath. The road has an accident record: Local knowledge can confirm that there have been a number of fatal accidents on this stretch of road during the last 40 years. The application site is both close to the brow of a hill in the Gillingham direction (south) and a blind corner on the Mere side (north) and the Town Council is concerned that it will not be possible to meet highway safety requirements for the number of movements that will be generated in and out of the site. Furthermore, the current occupier of the site is presently installing a very high brick wall either side of the vehicular entrance adjacent to the highway (presumably without planning permission) – the presence of this wall will hamper visibility for people coming out of the site but will also block views of approaching vehicles for those travelling up and down the B3092.

Flooding, Land Drainage & Sewage – Although the site is within Flood Zone 1, local knowledge demonstrates that this site is prone to flooding and has very poor drainage. The application site and fields in the surrounding area are often under water after periods of heavy rainfall with excess water draining onto adjoining fields and even onto the B3092. Surface water run-off from the hard landscaping within the proposed development will exacerbate the flooding issues and cause a negative impact on

adjoining land. The planning statement says that foul drainage will be dealt with by means of a sewage treatment plant. Given the flooding nature of this site, the Town Council has raised concerns about ground water contamination.

Visual Intrusion, loss of amenity & site screening – the site is in the open countryside and falls just outside the Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty. Although the site is bordered by a mature hedgerow from the B3092, the hedgerow is deciduous with tall, spindly branches rather than thick and compact and is therefore visible from the road. Furthermore, the site will be highly visible from local vistas and beauty spots on Long Hill & Castle Hill in Mere and the surrounding hills of the South Wiltshire Downs. The Planning Inspector, when considering the appeal by Richborough Estates for the development of land at Castle Street, noted that this area was a “pastoral landscape opening out towards the Dorset County border and the Cranborne Chase Area of Outstanding Natural Beauty.” Furthermore, the site of this planning application would be easily visible from the well-used Monarch’s Way long-distance footpath and also from numerous other Public Rights of Way in the vicinity.

Please see the Planning Inspectorate’s Appeal Decision in respect of the outline planning application submitted by Richborough Estates for land at Castle Street (it is the fourth document from the bottom of the list):

<https://development.wiltshire.gov.uk/pr/s/planningapplication/a0i3z000014emBtAAI/1612217out?tabset-8903c=2>

There is only a difference of 1300m between the land at Castle Street and this site at Mapperton Hill - it is very clear that a gypsy and traveller site development would have a detrimental impact and harm on the character of the landscape when viewed from Castle Hill, Long Hill and the Monarch’s Way and would fail to conserve the locally distinctive character of the settlement and its landscape setting.

Refuse Collection – There is no refuse bin area or refuse collection area identified within the site and it would be unacceptable and dangerous to place refuse bins out onto the B3092 road or in any area that may cause an obstruction to the highway and or visibility splay”.

Gillingham Town Council - No Comment on the application.

Zeals Parish Council - Object to this application on the grounds that it is an inappropriate development in open countryside on an unsuitable site with dangerous access onto the B road.

Note that the current development has not complied with previous planning permission conditions.

WC Arboriculturist – No objection to amended plans relocating access away from TPO tree.

WC Archaeology – No objection subject to conditions

WC Drainage – No objection subject to conditions

WC Highways – No objections subject to conditions

WC Landscape – No comments received

WC Spatial Planning – No objections. The proposal meets the Council’s criteria in Policy CP47 and the national planning guidance.

WC Public Protection – No objections, subject to the Council being satisfied that the non mains drainage sewerage system works in the location proposed

8. Publicity

The application was publicised by way of a site notice and neighbour notifications and generated over 130 letters of objection, with some individuals writing in on more than one occasion. The objections can be summarised below:

- The level of development proposed is inappropriate and not proportionate to the area
- Local residents were concerned when the first application was granted on the site that it would lead to ‘mission creep’ and lead to further applications for the expansion of the site in the future
- The nature of the development is wholly inappropriate in this rural location in the open countryside.
- The development would be a blot on the landscape
- The development of this scale would put additional pressures on the already stretched services in Mere, eg the Doctors surgery.
- Access onto B3081 will be unsafe, due to it being a very busy road.
- The existing access has not been closed up, as required by the previous consent.
- Road unsafe for walkers into Mere
- In appropriate development in the open countryside
- The proposal will dominate the nearest settled community due to its size
- The land is prone to flooding
- To allow a gypsy site would be discriminatory to local farmers who cannot get planning permission for a dwelling on their land
- Visual impact on local landscape
- The mobile homes will be very visible in the landscape
- Adverse impact on biodiversity
- Light pollution in the open countryside
- Mere already has enough housing
- Planning permission was refused on the edge of Mere for a greenfield site due to its impact on the countryside and the historic views from the town
- It is not clear if the applicant meets the planning tests of being a gypsy
- The development is not in accordance with Policy CP 47
- No need for a further gypsy site has been established via local planning policy
- No details have been provided of the size of the proposed caravans

The local branch of the CPRE also raised concerns about the proposal, citing objections that the site is in the open countryside and is part of the setting for Mere, that it is contrary to Policy CP51 (Landscape) and questions whether the application complies with both local and national policy regarding the provision of gypsy sites.

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.

Principle of development

Core Policy 2 (Delivery Strategy) states that –

“Within 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 CP2, as set out above. Policy CP47 sets out the criteria against which such applications are to be considered. The development of new permanent sites in suitable and sustainable locations will be considered in accordance with the criteria set out in this policy, and the policy has been informed by the national policy set out in the Planning Policy for Traveller Sites, which was originally published in 2012, but which has been subsequently updated in 2023.

Work is progressing on the Council’s Gypsy and Traveller Development Plan Document (DPD), and 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. This document, the 2022 – 2038 GTAA, indicates that for the period 2022 – 27 there is a need for 79 pitches for nomadic travellers. In a recent appeal elsewhere in the County (PL/2023/00249 Land at Littleton Drew, Chippenham – appeal dismissed 16 April 2024) it was accepted that this need has not started to be met, and that the Gypsy and Traveller Development Plan Document still has yet to be adopted, with a target date now of mid to late 2025. The Inspector stated that “proposals for specific sites for gypsies and travellers will therefore not realistically come forward until after this time”.

The figure of the need for 79 pitches therefore supersedes the targets set out in Policy CP47 below, which have now been met. 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 5-year supply of suitable sites. At present there is not a 5-year supply of such sites within Wiltshire, which is a material

consideration in the determination of this application. 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:

<i>Housing market area</i>	<i>Proposed requirement (2011 – 2016)</i>	<i>Proposed requirement (2016 – 2021)</i>	<i>Transit provision (2011 – 21)</i>
<i>North and West Wiltshire</i>	26	22	10
<i>South Wiltshire</i>	37	19	8
<i>East Wiltshire</i>	3	1	7
<i>Total</i>	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.

Enquires were made as to whether the intended occupiers of the proposed pitches met the above criteria and your 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.

Criteria i that there are no significant barriers to development.

The site is not located within an area of flood risk from fluvial or groundwater flooding according to the Council's Strategic Flood Risk Assessment, although a small part of the site is liable to surface water flooding. The Council's Drainage Engineers raised no objection to the proposal, subject to conditions, following details discussions with the applicants to produce a workable scheme for the disposal of foul water from the site. It is an area of land previously used for agricultural activities and had no physical impediment to development in the manner proposed.

The Council's Drainage engineers commented that:-

In February 2024 the LLFA had the following objections to the proposal comprising of an attenuation pond / soakaway feature.

- 1. No development shall commence on site until the applicant has provided calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.*
- 2. The applicant is required to submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment.*
- 3. The applicant is required to show overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event.*
- 4. The applicant is required to demonstrate that the proposed discharge from the package treatment plant is in full compliance with the General Binding Rules (for discharge to a drainage field) or that an Environmental Permit from the EA has been obtained.*

The LLFA is satisfied that adequate responses have been provided to the points above and that we have no further objections to the proposal.

Criteria ii that it is served by a safe and convenient vehicular and pedestrian access.

Your Highways Engineers have concluded, subject to conditions, that the access arrangements to the site onto the B3092, are acceptable and will not cause significant hazard to other road users.

Criteria iii that the site can be adequately serviced.

The application includes the provision of a package sewage treatment plant, which will be licenced by the Environment Agency to ensure no pollution of nearby water courses. There is nothing within the application or the consultee responses that would lead the LPA to conclude that the site cannot be adequately serviced.

Criteria iv that the site is large enough to provide adequate vehicular parking and manoeuvring, as well as amenity space for residents.

From the Site Plan set out above it is clear that there is adequate parking and manoeuvring on the site for vehicles, as well as amenity space around the proposed caravans for residents. Your Highways Engineer has not raised objection to the proposed internal layout of the site. His comments on the revised Highway information submitted during the course of the determination of this application is as follows:-

I refer to the above planning application, and in particular to the ARR (Access Review Report) dated February 2023, submitted on behalf of the applicants by The Hurlstone Partnership. You will be aware that the initial highway response dated 7/12/22 recommending refusal on highway grounds. The application including consideration of the ARR has now been allocated to me.

I have reviewed the ARR, visited the site, carefully measured the available access visibility and considered what level the visibility could be improved to with the extents of highway land or the red lined areas of the site.

The road past the site is subject to a 50mph speed limit which requires 160 metres visibility to the nearside carriageway edge based on DMRB guidance, (unless the speeds can be considered to be lower in which case a lower visibility standard can be considered).

The northbound approach is of straight alignment and carries traffic well up to the 50 mph speed limit. In this direction the current available visibility is 99 metres. Minimal cutting back of vegetation which has grown out over the highway verge will provide the required 160 metres visibility.

Turning to the southbound approach, the bend to the north slows vehicle speeds. I consider the south bound speeds around the bend to be of the order of 44 mph which requires a visibility distance of 120 metres. This distance is available from the access when measured to the southbound carriageway as the ARR sets out in some detail at section 2.14. I have also noted the details provided in the ARR regarding southbound braking distances.

Core Strategy policy CP47 sets out sustainability considerations for Gypsy and traveller sites amongst other policy considerations. CP47 criterion (v) deals with sustainability: "proposalswill be considered favourably (if) ...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 1.3 miles driving distance south of the town of Mere which is listed as a local Service Centre in the Core Strategy where there are a range of facilities including a school, doctor’s surgery, shops and businesses. There are bus stops within walking distance of the site with services into Mere and Gillingham.

I have noted that the application reference 20/07643 residential caravan site for 4 gypsy families which recently was recommended for permission and received permission is a greater distance from Mere centre: driving distance 1.5 miles.

Having considered this policy and the above facts I do not consider that an objection on transport sustainability grounds could be justified.

The proposed internal layout is satisfactory.

The site area includes a second point midway along the frontage which has sub-standard visibility to the north. I consider that closure of this access should be secured.

I have no highway objection subject to the following conditions:-

Prior to first occupation of any dwelling pitch hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 160 metres to the south and 105 metres to the north. The visibility so provided shall thereafter be maintained.

Reason: In the interests of highway safety.

Prior to first occupation of any dwelling pitch hereby permitted the access hereby permitted shall be surfaced over the first 6 metres from the carriageway edge in a well-bound consolidated material (not loose stone or gravel).

Reason: In the interests of highway safety.

Any gates erected on the access shall be erected at least 6 metres from the carriageway edge and made to open inwards (away from the carriageway) only.

Reason: In the interests of highway safety.

Prior to first occupation of any dwelling pitch hereby permitted the existing access located approximately midway along the red lined site frontage shall be properly and permanently closed with roadside grass verge being fully reinstated across the access position.

Reason: In the interests of highway safety. (Case Officer Note – since this consultation response was received the access point in question has been permanently stopped up in accordance with the requirements of the earlier consent granted on the adjoining site under ref.no. 14/10556/FUL).

Criteria v that the site is located in or near to an existing settlement with a range of facilities.

The site is approximately 1.4km south of the town of Mere, which is listed as a Local Service Centre in the Core Strategy where there are a range of facilities including a school, doctors surgery, shops and businesses, and there are bus stops within walking distance of the site with services into Mere and Gillingham.

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 1.4km south of the town of Mere meets criteria v.

Criteria vi that the proposal will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties.

The site does not have any near residential neighbours, with the nearest dwelling being over 130m away. The existing mobile home on the adjoining site is situated between the application site and the proposal, which is on sloping ground which slopes away from the neighbour to the south. There are also existing hedges and hedgerow trees along the southern boundary of the site and the proposal is to increase the level of planting both around and within the site to screen it even further from the neighbour and passing traffic on the B3092. It is accepted that glimpses of the site will be possible from the lane to the north, but again there are intervening hedges and hedgerow trees which will largely mask the low lying site. There are no Public Rights of Way in the vicinity of the site, with the nearest being the Footpath MERE2 to the east of the B3092, about 300m away. It is possible that the site can be seen from Castle Hill in Mere, approx. 1.6km to the north, but the site would be seen against the backdrop of the extensive farm buildings associated with Mapperton Hill Farm, which is at a higher level than the application site. The appeal decision referred to by the Town Council and others where the Inspector dismissed an appeal for a substantial housing development was much closer to the town and the Castle Hill than the current application site, and covered a much more extensive area of land. It is suggested that the two proposals are not comparable and that the impact from the Hill is significantly less in the current scheme, sufficient not to be a reason for refusal.

The photographs below show the general state of the land as it existed at the time of the submission of the application. The access point shown in the photo has now been closed off in accordance with a condition of the earlier application for a Gypsy and Traveller plot on the adjoining land, and the Case Officer confirmed this had occurred at a site visit.



General view across the site

The site lies in a Special Landscape Area, which is a local designation saved from the Salisbury District Local Plan. Policy C6 says that within the Special Landscape Area development should be sympathetic with the landscape, and use materials appropriate to the locality. The proposal is for the siting of a number of mobile homes and touring caravans, with no permanent buildings proposed. To comply with the provisions of the Caravans Site Act the height of mobile homes is limited to 10 feet (just over 3 metres) and therefore they are not obtrusive over hedging that could be 2m in height. The Council's Landscape Officer has made no comment in respect of this application. It is considered with suitable planting around and within the site that this proposal will not have an adverse impact on the landscape of the area and would not be contrary to Policy CP 51 of the Core Strategy.

It is therefore concluded that the proposal meets the criteria vi of policy CP 47.

Criteria vii that adequate levels of privacy can be provided for the occupiers.

As is set out above, this site is in a rural area with no immediate neighbours and the site is surrounded by an existing hedgerow which will be enhanced as part of the development. The site therefore meets the requirements of this criteria.

Criteria viii that the site should be appropriate to the scale and character of its surroundings.

The application site is currently an open area of land that has been used for the grazing of horses. Adjacent to the site are buildings and structures associated with the adjoining gypsy and Traveller pitch, along with some on the actual site itself. These containers will have to be removed to allow for the development of the site as proposed.

Concern has been expressed by local residents about the size, scale and location of the site proposed. However, from the evidence set out above, the Council still has a shortfall of 79 Gypsy and Traveller pitches across the County and does not have a Gypsy and Traveller Development Plan Document in place which allocates sites for this use. Therefore, there is a recognised unmet need for Gypsy and Traveller pitches across the County and there are currently no location requirements for these pitches. If the application meets the criteria of

Policy CP47, and other relevant policies in the Core Strategy and National Guidance, then planning permission should be granted.

A number of objections to the scheme make reference to the scale of the development leading to an unacceptable concentration of gypsy and traveller sites in the vicinity of Mere. However in a recent appeal decision elsewhere in the County (Land adj B4040, Mintey, North Wiltshire SN16 9RQ LPA ref. PL/2021/06991, decision date 2 November 2023) for 4 additional pitches and associated works the appeal was allowed and the Inspector commented in respect of the number of units proposed and the impact on the local community as follows:-

14. Part of the Council's concern relates to the scale of the proposed development when considered in combination with other existing and consented Gypsy and Traveller pitches near to Minety and the effect that this would have on the settled community. At the hearing the Council produced evidence regarding facilities within Minety and the scale of the settled community. ONS₂ 2021 census data showed the population of Minety to be 860 people spread across 350 households and I heard that the village benefits from a number of services and facilities including a pub, shop, primary school, church and village hall.

15. The proposed development is for an additional 4 pitches which combined with the 2 approved pitches on the adjacent part of the field and 16 existing pitches at Sambourne Park, would result in an increase from 18 to 22 pitches near to Minety with a total of 38 pitches within a 2km radius of the village according to the Council. Having regard to the scale of the proposed development both in isolation and combined with other existing and permitted pitches compared with the scale of the adjacent village, I consider that it would be appropriate to the scale and character of existing nearby settlements. It would not dominate the nearest settled community at Minety or place undue pressure on local infrastructure.

The nearest town to the current application site is Mere, which is listed as a Local Service Centre in the Core Strategy and at the last census had a parish population of 3,106. It contains a number of services such as shops, school, doctor's surgery and employment opportunities. In light of the Inspector's comments above it is not felt that the increase in numbers of pitches on the site from 1 to 11, along with 4 recently granted nearby at Jane Oaks Farm (Ref. no. 20/07643/FUL) would dominate the nearest community or place undue pressure on local infrastructure.

It is therefore considered that the proposal meets criteria viii, and is appropriate to its surroundings.

Criteria ix that the site will not compromise any nationally or internationally recognised designation, nor have adverse effects on river quality, biodiversity or archaeology.

The site lies outside of the catchment of the River Avon, where there are concerns about the impact of additional development on the water quality of this system that it designated for its wildlife importance. There are no features of biodiversity importance in the vicinity of the site. It does not affect any recognised designation, and the Council's Archaeologists were consulted on the application and raise no objection, subject to conditions. The site also lies at a significant distance from the Cranborne Chase AONB so as not to have a significant effect on that designated landscape either. Therefore the proposed development meets criteria ix of Policy CP47.

Policy CP47 comments that 'new development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the general criteria they will be considered favourably.' The application site is not on previously developed land but it is a relatively small

area of pasture land that is not of high agricultural value. It is located within close proximity to the town of Mere and is on a bus route between Mere and the larger town of Gillingham in Dorset to the south.

Policy CP51 – Landscape, is also relevant when considering an application within the open countryside, but as can be seen from the comments in respect of criteria vi above, it has been concluded that the scheme is acceptable and will not have an adverse impact on the area, subject to suitable conditions. The mobile homes are limited in how high they can be to comply with the definition of a caravan in s.29(1) of the 1960 Caravans Site Act which was modified by s. 13(1) of the 1968 Act. s.13(2) of the 1968 Act. As the application is proposing a number of caravans within the application it is not necessary to know how large they are proposed to be as they will have to meet the definitions set out in the above Act to remain within that definition. Anything outside of that range will not have planning permission.

The Inspector who determined the appeal in Minety, referred to above, commented that:-

In the main, the appeal site and wider field is laid to grass and the boundary of the field is marked by existing hedgerows and trees. There are some limited gaps through the landscaping, including along the line of a public footpath that runs diagonally across the field to the north the appeal site. The appeal site is located in a countryside location, near to the village of Minety. The surrounding area largely comprises fields interspersed with sporadic development including Sambourne Park, an existing 16 pitch Gypsy and Traveller site located near to the appeal site and separated from it by an intervening field. The site falls within the Thames Valley Floor area of the Thames Open Clay Vale Landscape Character Area, noted as a low lying, largely tranquil rural landscape that is highly sensitive to change, but it is not subject to any specific landscape designations.

The layout and appearance of the proposed pitches would be similar to the approved pitches to the front of the field, although they would each have a day room and development on the appeal site would have a higher density. The appeal site and surrounding land is largely flat, though Sambourne Road is set at a slightly higher level. Whilst the site access and gaps in existing landscaping would allow for some views of the proposed development from the adjacent road, these would be fleeting given the lack of footpaths and the likely speed that passing vehicles would be travelling at. I acknowledge however that development at the appeal site would inevitably become more visible during the winter months when surrounding landscaping is not in leaf.

However, this could at least in part, be mitigated by the provision of additional landscaping.

It is suggested that the situation in Minety and the current application site are similar in terms of location in a sensitive, but not subject to any specific landscape designations and that the impact of the development on the wider landscape will be largely limited to glimpses into the site from traffic passing along the highway as there are no public rights of way in the immediate vicinity of the land in question, and the site is some distance away from the higher ground around Mere and the AONB to the north.

The comments of local residents and the two local Town Councils are acknowledged, but it is considered that their concerns have been adequately addressed in the section above and that the proposal is compliant with both national and local planning policy and that there is insufficient grounds to object to the proposal.

Other material considerations

Five Year Land Supply –

As has been mentioned above, the requirement to have a 5 year 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 which is attached as an appendix to this report) 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 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 today, 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 10 mobile homes, and 10 touring caravans (one each per pitch), along with access improvements, parking, hardstandings and a package sewage treatment plant on land outside of any settlement boundary and therefore in open countryside. No permanent buildings are proposed. 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 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.

It is considered that the proposed development would not be contrary to either local or national planning policy and should therefore be granted planning permission, subject to suitable conditions.

RECOMMENDATION –

To grant, subject to the conditions below –

- 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:

Location Plan, Drawing no. MD22-SLP Rev A, received on 17th November 2022
Site Layout Plan and Drainage layout, Drawing no. 0500 Rev P3 received on 10th April 2024

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

- 3) 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
- car parking layout

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.

- 4) 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.

- 5) No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 6) No development shall commence on site until a scheme for the discharge of foul water from the site/phase, including all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

REASON: to ensure that the development can be adequately drained without increasing flood risk to others.

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

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

- 8) No development shall commence No development shall commence within the area indicated by the red line boundary on Site Location Plan MD22-SLP Revision A until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: In order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible in accordance with Paragraph 205 of the NPPF.

- 9) Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting 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, or the subsequently approved landscaping and means of enclosure plans, shall be erected or placed anywhere on the site on the approved plans.

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

- 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) No more than 20 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 10 shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan, received on 10 April 2024.

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.

- 12) 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.

- 13) Prior to first occupation of any dwelling pitch hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 160 metres to the south and 105 metres to the north. The visibility so provided shall thereafter be maintained.

REASON: In the interests of highway safety.

- 14) Prior to first occupation of any dwelling pitch hereby permitted the access hereby permitted shall be surfaced over the first 6 metres from the carriageway edge in a well-bound consolidated material (not loose stone or gravel).

REASON: In the interests of highway safety.

- 15) Any gates erected on the access shall be erected at least 6 metres from the carriageway edge and made to open inwards (away from the carriageway) only.

REASON: In the interests of highway safety.

Informative Notes

- 1) 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.
- 2) Consultation with the Environment Agency is likely to be required in relation the purposed package treatment plant.

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.

- 3) In relation to Condition 8 above, the watching brief should comprise the archaeological monitoring and recording of any ground works that have the potential to impact on buried archaeological remains. The programme of archaeological work will conclude with the preparation of a report on the results of the exercise.