

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 25 April 2023

Time: 1.30 pm

Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.hunt@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Howard Greenman (Chairman)
Cllr Tony Trotman (Vice-Chairman)
Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Carole King

Cllr Christopher Newbury
Cllr Pip Ridout
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher OBE
Cllr Richard Britton
Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr George Jeans
Cllr Dr Nick Murry

Cllr Andrew Oliver
Cllr Stewart Palmen
Cllr Nic Puntis
Cllr Bridget Wayman
Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 22 March 2023.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 18 April 2023 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 20 April 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 9 - 10*)

To receive details of completed and pending appeals, and any other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **20/07643/FUL - Land at Janes Oaks Farm, Mere, Warminster, Wilts, BA12 6LH** (*Pages 11 - 54*)

Change of use of land to use as a residential caravan site for 4 gypsy families. Laying of hardstanding, access improvements and erection of two amenity buildings.

8 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

None

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 22 MARCH 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Stewart Palmen (Substitute)

Also Present:

Cllr Nick Botterill, Cllr Gordon King, Cllr Trevor Carbin and Cllr Tony Jackson

31 **Apologies**

Apologies were received from Councillors Ernie Clark and Sarah Gibson.

Councillor Gibson was substituted by Councillor Stewart Palmen.

32 **Minutes of the Previous Meeting**

The minutes of the meetings held on 22 February 2023 and 2 March 2023 were received.

Subject to amending the minutes of 2 March 2023 to correct the spelling of Mr Francis Morland's name, and to include the word 'arable' before 'crops' on line four of the second paragraph on page 52 of the agenda pack, and after consideration of a query to further clarify Minute 12 of the minutes of the meeting held on 22 February 2023 in respect of training on the housing land supply, it was,

Resolved:

- 1) **To approve and sign as a true and correct record the minutes of the meeting held on 2 March 2023.**
- 2) **To approve and sign as a true and correct record the minutes of the meeting held on 22 February 2023, subject to amendment of Minute 12, to be delegated to the Head of Development Management after consultation with the Chairman.**

33 **Declarations of Interest**

There were no declarations.

34 **Chairman's Announcements**

It was announced that the meeting scheduled for 19 April 2023 had been moved to 25 April 2023.

The meeting would be followed by a training session in relation to the housing land supply and national planning policy framework.

35 **Public Participation**

The procedure for public participation was noted.

36 **Planning Appeals and Updates**

The planning appeals update was received as set out in the agenda. In response to a query it was stated details had not yet been received from the applicant in respect of costs claims in relation to application 20/6775/WCM, the Northacre Energy From Waste Facility.

It was also confirmed that a Section 106 agreement had not yet been signed in relation to the land south east of Trowbridge site, 15/04736/OUT.

37 **PL/2022/03315 - Land off Melksham Road, Holt**

Public Participation

Kate Learoyd spoke in objection to the application.

Paul Wickes spoke in objection to the application.

Paddy Latimer spoke in objection to the application.

Chris Lee, agent, spoke in support of the application.

Cllr Steve Siddall, Holt Parish Council, spoke in objection to the application.

David Cox, Senior Conservation/Planning Officer, presented a report on the application for outline planning application for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system with vehicular access point. The application was subject to an appeal for non-determination, as it had not been determined within the statutory timescales. A decision would therefore be made by a Planning Inspector

The report recommended the Committee delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for a single technical reason relating to the failure of the application to provide/complete a mechanism to deliver essential infrastructure made necessary by the development. The recommendation was to not present other reasons relating to the principle of the development or matters of planning detail.

Details were provided on late representations including relating to calculation of the current position of the council's five year housing land supply, and updates

to the presentation slides. The history of the site and previous applications was set out, along with key issues including on the principle of development, highway and traffic impacts, impact on the landscape, the views of statutory consultees and the application of the tilted balance and consideration of planning policies as a result of the lack of a demonstrated five year housing land supply.

Members of the Committee then had the opportunity to ask technical questions of officers. Details were sought on current and previous use of the land, and it was stated it had not been used agriculturally for some years. The current status of the Neighbourhood Plan was also queried.

Members of the public then addressed the Committee, as detailed above.

Councillor Trevor Carbin, local Unitary Member, then spoke in objection to the application and the recommendation. He provided detailed comments on the report, planning policy, recent planning appeals, the tilted balance and adverse impacts of the application, and requested the Committee include additional reasons in stating they would have recommended refusal had the council still been the decision making for the application.

The Committee then debated the application. They debated suggested adverse impacts from the application and the response of statutory consultees, the details of Holt village and the location site outside the settlement boundary, and the application of Core Policies and other policies with the current position of the housing land supply. The Committee discussed potential reasons for refusal, including delegation to officers to insert specific references from the Holt Neighbourhood Plan in any reason for refusal.

At the conclusion of debate, and on the motion of Councillors Tony Trotman and Pip Ridout, it was,

Resolved:

To delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for the following reasons:

- 1) The site is located in open countryside outside the limits of development defined for Holt in the Wiltshire Core Strategy. The proposal would therefore conflict with Core Policies 1, 2, and 7 of the Wiltshire Core Strategy (Adopted January 2015) which seeks properly to plan for sustainable development of housing sites in Wiltshire.**
- 2) The proposal conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified Limits of Development, as set out in Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or Neighbourhood Plan. The**

proposal also conflicts with the Holt Neighbourhood Plan Housing objective 3 and policy H3.1(b).

- 3) The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside, and with policy CP51 of the Wiltshire Core Strategy.
- 4) The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development are delivered, these being affordable housing, recreation/open space, education facilities, refuse collection facilities, and highway works / sustainable transport improvements. This is contrary to Policies CP3, CP43, CP45, CP51, and CP52 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009) and paragraphs 8, 34, 56, 64 and 92 of the NPPF.

INFORMATIVE:

This 'reason for refusal' may fall away in the event of a suitable mechanism – such as a S106 planning obligation – being agreed and secured as part of the appeal process.

It was requested that it be recorded that the vote on the resolution was unanimous.

38 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.40 am - 12.15 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

**Wiltshire Council
Strategic Planning Committee
25th April 2023**

Planning Appeals Received between 10/03/2023 and 14/04/2023 relating to Decisions made at Strategic Committee*

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2022/03315	Land off Melksham Road, Holt	Holt	Outline planning application for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access.	SPC	Hearing	Refuse	23/02/2023	No

*Please note that although this doesn't fall within the time period specified, it was not included on the Appeals Report for the previous SPC.

Planning Appeals Decided between 10/03/2023 and 14/04/2023 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
21/21950/FUL	Land At Broadfield Farm, Great Somerford, SN15 5EL	Great Somerford	Proposed development of 21 residential dwellings, vehicular access from Broadfield Farm, ancillary works and associated infrastructure.	SPC	Written Reps	Approve with Conditions	Allowed with Conditions	28/03/2023	None

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	25 th April 2023
Application Number	20/07643/FUL
Site Address	Land at Janes Oaks Farm, Mere, Warminster, Wilts, BA12 6LH
Proposal	Change of use of land to use as a residential caravan site for 4 gypsy families. Laying of hardstanding, access improvements and erection of two amenity buildings.
Applicant	Mr Andrew Taylor
Town/Parish Council	Mere
Electoral Division	Cllr George Jeans
Grid Ref	419371 137033
Type of application	Full Planning
Case Officer	Lynda King

Reason for the application being considered by Committee

This application has been called to Committee by the Local Member, Cllr George Jeans, in view of the scale of the proposed development, its visual impact on the surrounding area, design, environmental or highway impact and the need to make 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 50 individual members of the public, as well as from Mere Town Council and Gillingham Town Council in Dorset.

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 0.4ha in extent, is currently an overgrown parcel of land that was previously used for agriculture.

The site lies approximately 1 km to the south of the small historic town of Mere and approximately 2.2km 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 via a country lane to the immediate northern boundary of the site. The site is 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.

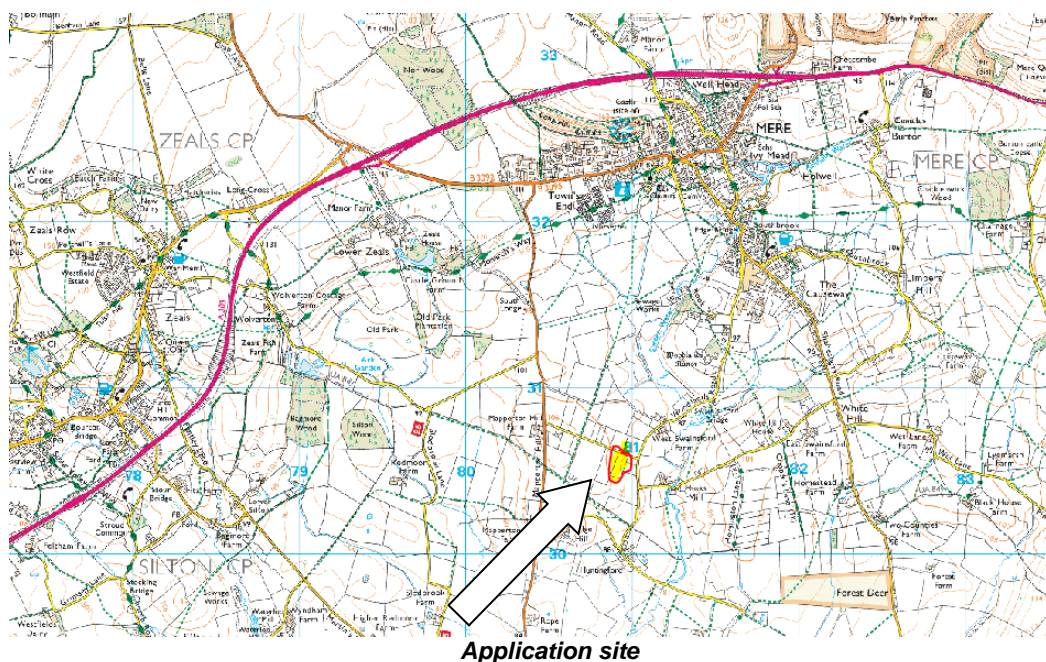
The surrounding landscape context of the site is rural farmland consisting of varying sizes of fields with strong hedgerow field boundaries interspersed with mature trees. Development in this area consists of isolated farmsteads and cottages surrounded by fields. The nearest houses to the proposed development site are West Swainsford Farm and the Grade 2 Listed Hinckes Mill Farm. Both are situated approximately 240m away from the development across fields with intervening hedgerows and trees breaking up the view to these properties. 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 have not been as well managed over the years and therefore the screening value of the hedging has been negated somewhat, especially along the northern boundary by the country lane, where gaps in the hedging have, in the past been infilled with close boarded fencing and metal sheeting in places leading to a reduction in visual amenity to the lane itself.

There is a substantial oak tree adjacent to the existing access, which is the subject of a TPO. There is an area of existing hardstanding on the land adjacent to the site access, along with a dilapidated former farm building and an amount of waste comprising former agricultural equipment and associated detritus which was on the site prior to the submission of the current application. It gives the appearance of not being used for many years.

The land is generally flat, with a slight fall towards the south-east. There are no neighbouring dwellings within the vicinity of the site, with the majority of activity in the locality being agricultural. The site is within an area with no risk of flooding from any source.

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



4. Planning History

The site has no planning history.

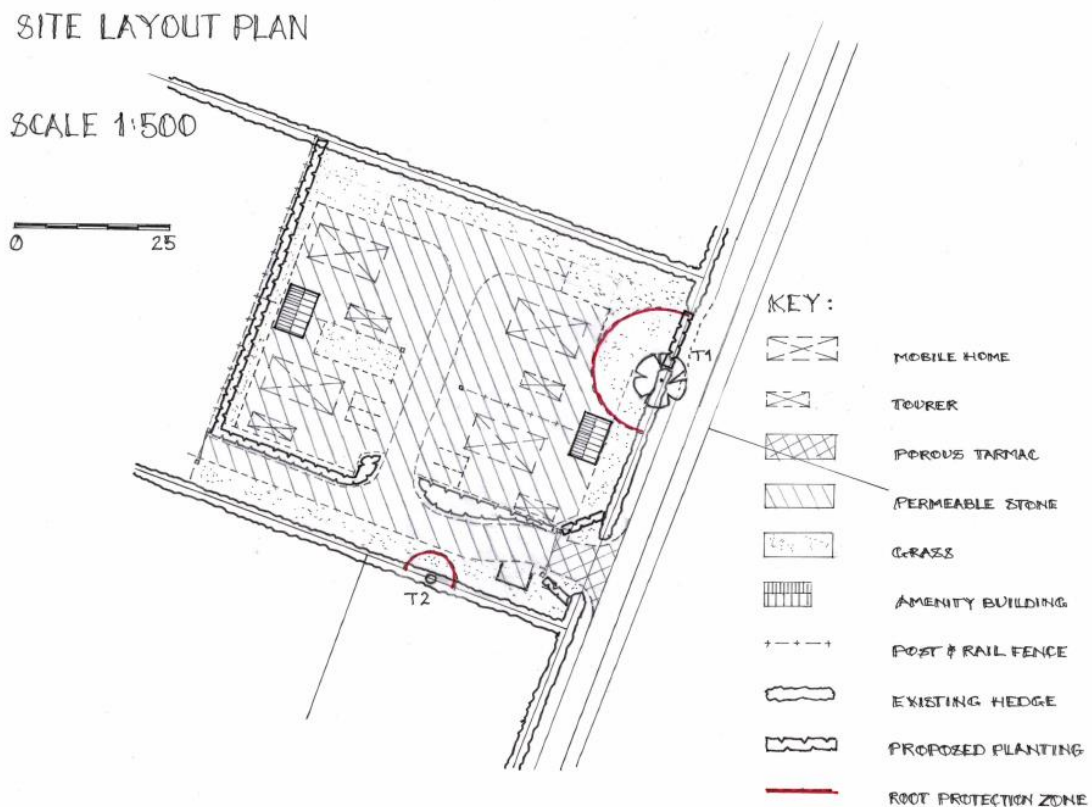
5. The Proposal

This application seeks full planning permission for the change of use of land from agriculture to use as a residential caravan site for four Gypsy families, each with two caravans including no more than one static/mobile home, together with the laying of hardstanding, the erection of two dayroom buildings and the installation of a package sewage treatment plant, along with the alteration of the access to avoid damage to the TPO tree on the boundary. Additional hedging would be planted to further enclose the pitches and to reinforce the existing planting.

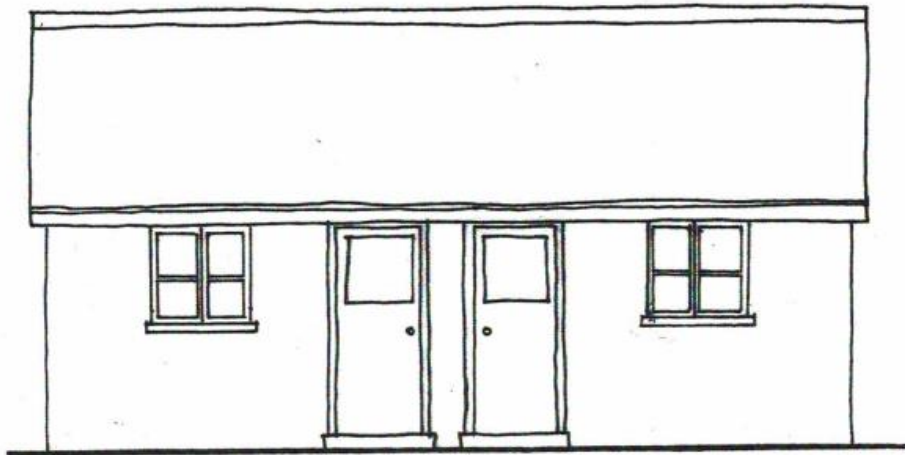
The two proposed amenity buildings measure 7.5m by 5m and would be 4.15m to the ridge. Each comprises a pair of utility rooms and shower rooms to serve the individual family pitches.

The site is proposed to be occupied by the applicant and his immediate family, including parents and adult children who have or who are about to get married.

The site layout plan is set out below:-



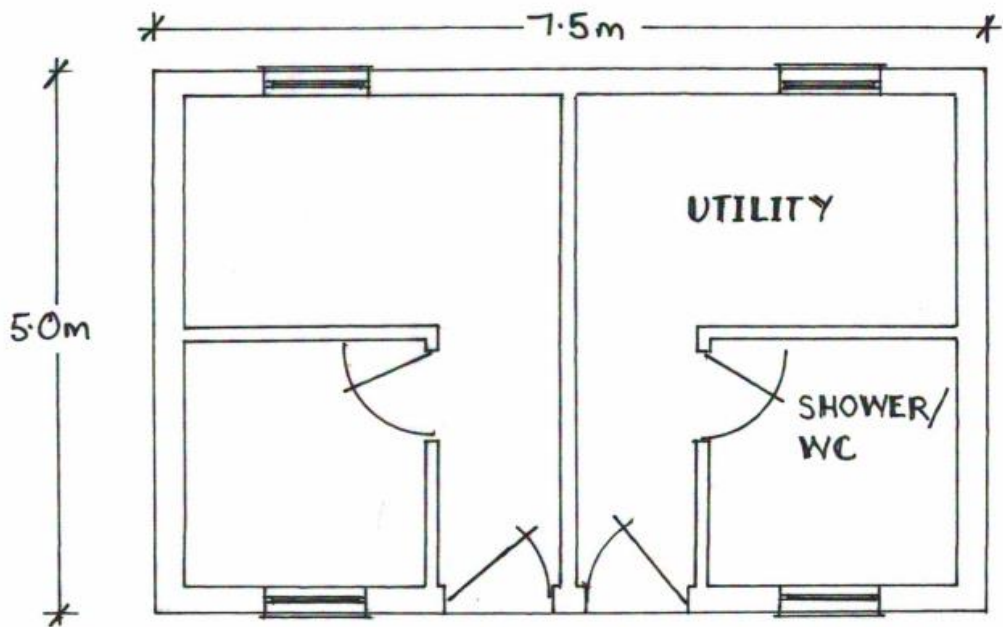
The proposed amenity buildings are as set out below:-



FRONT ELEVATION
1:50

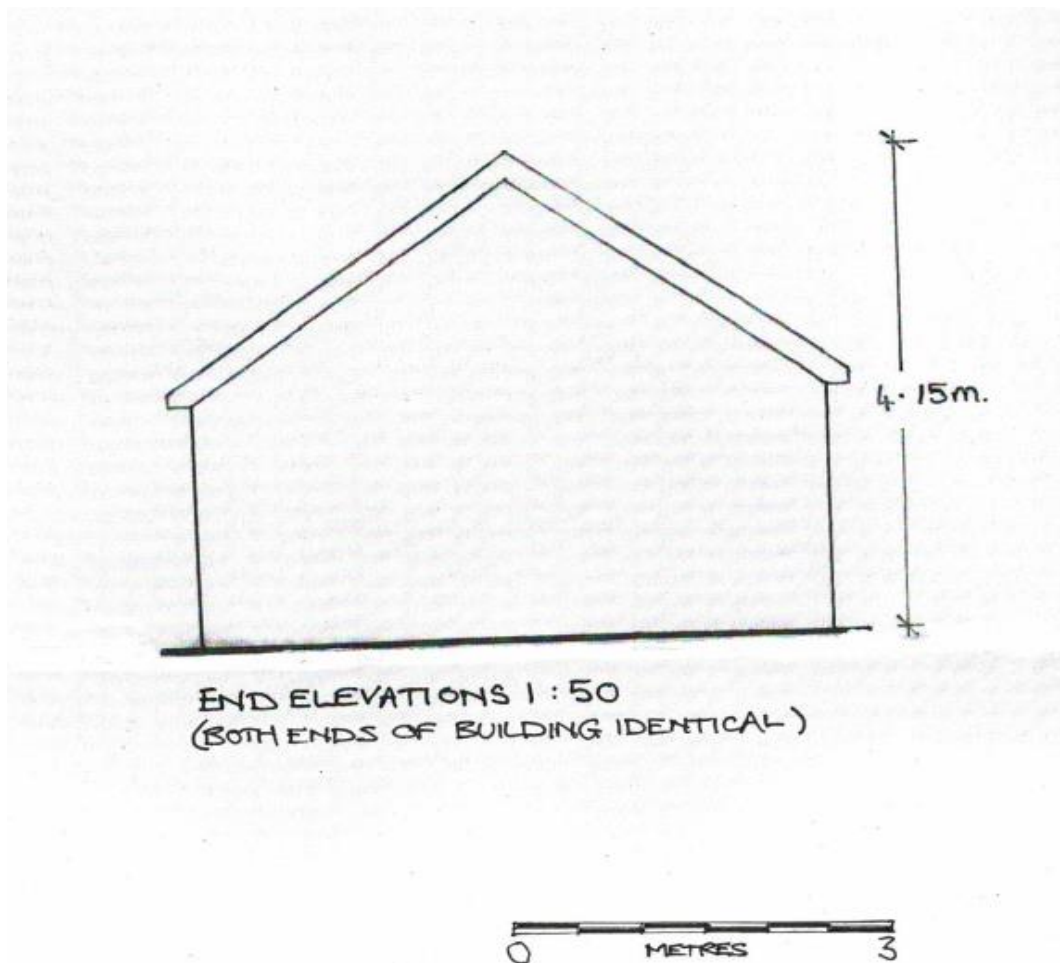


PROPOSED AMENITY BLOCK



FLOOR PLAN
1:50





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 (2015) –

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 :-

On the grounds that, not only would it constitute development in the open countryside, on agricultural land that has not previously been developed nor is it a derelict site in need of renewal but that the site fails to meet a significant number of the 9 points of criteria that are laid out in Core Policy 47 of the Adopted Wiltshire Core Strategy document.

Due to the unfortunate experience noted by nearby residents following the granting of planning permission for a nearby gypsy site, members of the Town Council also felt it necessary to resolve that, should the Planning Authority grant planning consent for this application then this should be conditioned to encompass the criteria in point iii of Core Policy 47 – In other words, that the site should be supplied with essential services, such as water, power, sewerage, drainage and waste disposal prior to any residential occupation and also that hardstanding surfaces and access points should be installed prior to any residential occupation being allowed.

Gillingham Town Council - Object for the following reasons:-

- *The proposed site is in an isolated and unsustainable location in the open countryside;*
- *the application fails to provide an over-riding justification of need;*
- *the site will not enable the provision of suitable accommodation from which the families can access education, health, welfare and employment infrastructure;*
- *the increase in traffic along the narrow country roads will increase the danger to highway users;*
- *the proposed use of land is of a scale that would have an adverse impact on its surroundings and the nearby settlement of Huntingford;*
- *the proposal will result in the loss of a green-field site and the application fails to provide details of the availability of alternative sites in the area;*
- *the proposal will cause harm to the character and appearance of the area;*

- *the proposal will cause light pollution to a rural area, and*
- *the application does not provide evidence to show that the benefits outweigh the harm.*

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

WC Archaeology - No comment

WC Drainage – No objection subject to conditions

WC Ecology – No objections

WC Highways – No objections subject to conditions

WC Landscape – No objection subject to conditions

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

8. Publicity

The application was publicised by way of a site notice and generated over 60 letters of objection, with some individuals writing in on more than one occasion. The objections can be summarised below:

- Inadequate road to take additional traffic
- Junction of access road with the B3092 is hazardous
- Road unsafe for walkers due to narrow width
- Will this site result in an increase in industrial waste in the area?
- There is already an existing gypsy site in the locality and there is therefore no need for an additional site.
- In appropriate development in the open countryside
- The proposal will dominate the nearest settled community due to its size
- It is on agricultural land and the change of use will set a precedent
- 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
- Adverse impact on biodiversity
- Why not change the use of unwanted developed land that are not farmland
- The nearby Shreen Water and its wildlife could be affected by drainage and run off from the site
- Mere already has enough housing
- The proposed amenity buildings are of a considerable height and size and all the associated development will be an unsightly intervention in the rural landscape.
- 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 TPO tree at the access will be under threat from the access.

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) of the Wiltshire Core Strategy (WCS) 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 (including Westbury), 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 referred to under Core Policy 47. Core Policy CP47 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.

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) (at annex 1 to this report) 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 5-year supply of suitable sites. At present there is not a 5-year supply of such sites within Wiltshire; again, this is a material consideration that must be given significant weight.

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) (at Annex 2 to this report). 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

In accordance with Paragraph 11 of Planning Policy for Traveller Sites, where there is identified need, proposals should be assessed against locational criteria. In Wiltshire, Core Policy 47 of the WCS contains the relevant criteria and it states that:

Core Policy 47 is set out in full below.

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 firstly necessary to consider whether the applicant 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Enquires have made as to whether the applicant and his family meet the above definition and the outcome is that they do. In view of this the application 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.

Criteria i - that there are no significant barriers to development

The site is not located within an area of flood risk from any source of flooding, and the Council's Drainage Engineers raise no objection to the proposal, subject to conditions. It is an area of land previously used for agricultural activities and storage and has no physical impediment to development in the manner proposed.

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

The Highways Officer raises no objections, subject to conditions including the hard surfacing of passing places within the existing highway, and that the access arrangements to the site, including its junction with 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 would be licenced by the Environment Agency to ensure no pollution of nearby water courses, and the drainage on the site for the amenity buildings would be the subject to Building Regulations control. There is nothing within the application or the consultee responses that can lead to a conclusion 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 evident that there is adequate parking and manoeuvring space on the site for vehicles, as well as amenity space around the proposed caravans for residents. The Highways Officer has not raised objection to the proposed internal layout of the site.

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

The site is approximately 1km 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, 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 settings 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 at 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 quoted above (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 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 1km 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 dwellings on local farms being over 240m away.

The photographs below show the general state of the land as it was at the time of submission of the application. The land had been in this state for many years.



View of existing access from highway



View into site from existing access



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 Council's Landscape Officer has assessed the application and considered it against the criteria in Policy CP51 (Landscape). He comments that:-

The primary landscape character of this area is country lanes with soft verges, fields and native hedgerows. Provided that the development respects this character and is well screened to protect the visual amenity of neighbouring properties then I cannot find a reason to object on this account. In order to ensure that the landscape character of this area is maintained I would ask that the following items are conditioned. Only native broadleaved deciduous planting is allowed on this site to avoid the imposition of non-native evergreen species in a rural context that doesn't suit them visually. That all paving is soft verged, including the tarmac entrance drive to avoid the feeling of suburbanisation that concrete kerbs and edgings can bring. All fences and gates on site are conditioned to be a maximum of 1.2m high and of an open agricultural style, and permitted development rights are removed for all boundary treatments. A 5m strip of land from the northern boundary is maintained clear of any buildings or storage in order to maintain the visual tranquillity and rural character of the adjacent lane.

Whilst the site sits within a Special Landscape Area the site itself currently detracts from the quality of the area due to the out of keeping boundary fencing, gates, and old vehicles and dilapidated structures that are dotted about the site. Provided that the conditions set out below are met this application would improve the local area and help to restore some of the landscape character.

The matters raised above can be addressed by condition and 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, the 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 a dilapidated farm complex that detracts from the pleasant rural character of the area, and its improvement with better hedging and removal of rubbish would enhance the area, which is characterised by small fields, narrow roads, and farm complexes. The site area for the siting of the caravans and amenity buildings is smaller than the overall untidy area of land at present. The applicant proposes to use the remainder of the site for grazing, and so tidy up all the rubbish that is currently in the land. It is, therefore, considered that the proposal meets this criteria, 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 is designated for its wildlife importance. The proposal does not affect any recognised designation, and the Council's Ecologist and Archaeologists raise no objections; nor do they recommend any conditions to be imposed. 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. 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 vacant or derelict sites in need of renewal. Where proposals satisfy the general criteria they will be considered favourably.*' From the information set out above it is considered that the application site and the scale of the development proposed does meet the necessary criteria and that the application should be determined accordingly.

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, the Council's Landscape Officer has given careful consideration to the landscape impacts of the proposal on the nearby and wider landscape setting of the site and has concluded that the scheme is acceptable and would not have an adverse impact on the area, subject to suitable conditions. The buildings proposed are relatively small and 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 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 would not have planning permission.

The comments of local residents and the two local Town Councils are acknowledged, but it is considered that their concerns have been addressed. The proposal is compliant with both national and local planning policy, and there are no sustainable grounds to object to the proposal.

Other material considerations

Five Year Land Supply -

As referred to earlier, the requirement to have a 5-year land supply applies equally to gypsy and traveller sites as it does to normal market housing. At the recent appeal into the provision of a gypsy and traveller site elsewhere in the County (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 March 2023) where the planning application was refused for not being in full compliance with Policy CP47, the Inspector commented on the need and supply of gypsy and traveller sites at paras 26–29 of his decision letter, as follows:-

26. 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.

27. 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.

28. *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.*

29. *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:-

38. *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.*

This very recent appeal decision, issued in March 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 is 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 single family, gypsy site to accommodate 4 mobile homes, and 4 touring caravans (one each per pitch) with two amenity buildings to serve the individual plots, along with access improvements, parking, hardstandings and a bin store 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, a type of development considered acceptable under exceptional circumstances for Policy CP2. The advice from the Landscape Officer confirms that the development is acceptable in that it would not have an adverse impact on the landscape of the locality, and the Highways Officer is satisfied that the use of the site in the manner proposed would not have an adverse impact on highway safety, which is another key criteria for development within the area.

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

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

RECOMMENDATION –

Grant permission, subject to the following conditions:

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

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

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

Location Plan, received on 28th September 2020

Site Layout Plan, received on 30th March 2021

Plans and elevations of Proposed Amenity Buildings, received on 28th September 2020

Post and Rail Fence Plan, received on 28th September 2020

Gillingham Road Passing Places Plan, received on 20th February 2023

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

- 3) No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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, in the interests of visual amenity and the character and appearance of the area.

- 4) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. All gates and fences shall be rural in appearance. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 5) 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.

- 6) 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

- 7) 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. The development shall be carried out strictly in accordance with the approved details.

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.

- 8) 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. The development shall be carried out strictly in accordance with the approved details.

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

- 9) No development shall commence unless the site has been cleared of all current material, structures, non-roadworthy vehicles and waste, including existing close-boarded fencing, and metal gates. All materials shall be suitably disposed of offsite either at a licenced tip or recycling centre.

REASON: In the interests of the amenities of the residents and to protect the landscape character of the area.

- 10) 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.

- 11) No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction -Recommendations". Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

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 enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 12) No development shall commence on site until a full 'No-Dig' specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

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, in order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

- 13) 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.

- 14) 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.

- 15) No more than eight 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 four shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan, received on 30th March 2021.

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.

- 16) 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.

- 17) No development shall commence on site until full technical details of passing/waiting bay/widening (in accordance with submitted drawing) to be formed at Gillingham Road have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied or first brought into use until the passing/waiting bay/widening has been provided in accordance with the approved details or an agreed timetable. The passing/waiting bay/ widening shall be kept clear of obstructions and available for the passing/parking of vehicles at all times thereafter.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 18) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans and has been consolidated and surfaced (not loose stone or gravel). This includes the access to be properly consolidated and surfaced for the first 10m (not loose stone or gravel) and gates open away from highway. If required the ditch shall be piped accordingly. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 19) Notwithstanding the submitted details, the proposed development shall not be occupied until works have been implemented to prevent private water from entering the highway.

REASON: To ensure that the private water does not flow onto the highway.

- 20) No development shall commence on site until details of the stopping up of the existing vehicle access, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details (including verge and hedge reinstatement) within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

1. The application involves creation of a new vehicle access and stopping up of the previous access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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 our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.
2. 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.
3. Consultation with the Environment Agency is likely to be required in relation the purposed package treatment plant.

If discharge to a watercourse is purposed, then: 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.



The Planning Inspectorate

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Your Ref: 19/09079/FUL
Our Ref: APP/Y3940/W/20/3257110

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

16 March 2023

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Rudi Sykes
Site Address: Land at Brewers Pit, Sandy Furlong, Hilmarton , Wiltshire , SN11
8SS

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Benjamin Honeychurch
Benjamin Honeychurch

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Hearing Held on 23 February 2023

Site visit made on 23 February 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2023

Appeal Ref: APP/Y3940/W/20/3257110

Land at Brewers Pit, Bushton Road, Sandy Furlong, Hilmarton, Wiltshire, SN11 8SS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rudi Sykes against the decision of Wiltshire Council.
 - The application Ref. 19/09079/FUL, dated 2 September 2019, was refused by notice dated 3 April 2020.
 - The development proposed is the change of use of the land to 1 no. Gypsy Traveller pitch and associated works including 1 mobile home, 1 touring caravan, and conversion of stable to dayroom and sealed septic system.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the land to 1 no. Gypsy Traveller pitch and associated works including 1 mobile home, 1 touring caravan, and conversion of stable to dayroom and sealed septic system, at Land at Brewers Pit, Bushton Road, Sandy Furlong, Hilmarton, Wiltshire, SN11 8SS, in accordance with the terms of the application, Ref. 19/09079/FUL, dated 2 September 2019, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The parties completed a Statement of Common Ground (SCG) just before the Hearing. This confirms that following the submission of further information the Council has withdrawn the second reason for refusal concerning the provision of services to the site.
3. The Council accepts that the appellant and his family are Romany Gypsies with a mainly itinerant lifestyle and I have no reason to disagree.

Main Issues

4. The main issues are:
 - Whether the proposal accords with the development strategy;
 - Whether the site is at risk of flooding and poses a risk to the occupants;
 - The effect on the character and appearance of the landscape;
 - The need for and supply of gypsy/traveller sites locally; and

- The personal circumstances of the appellant and family and any children.

Reasons

Background

5. The appeal site comprises a broadly rectangular area of land which lies in an area of open countryside to the east of the village of Hilmarton. The land fronts Bushton Road, to which there is a vehicular access, and is bounded on the northern side by a brook before this passes into a culvert underneath the road. At the time of my visit the site contained a day room, campervan, touring caravan and stable as well as vehicles and domestic paraphernalia. The application is therefore partly retrospective. I note that planning permission was granted for equestrian use in 2016 and the erection of a stable building. This is the building that has been converted into a day room.

Policy context

6. The development plan for the area includes saved policies in the North Wiltshire Local Plan 2011 and the Wiltshire Core Strategy 2015 (CS). The Council says that there are no relevant policies in connection with the appeal proposal in the 2011 Local Plan.
7. Of the CS policies, the most relevant is Core Policy 47 concerning provision for Gypsies and Travellers. Core Policy 51 regarding 'Landscape' and Core Policy 57 on 'Design and place shaping' are also pertinent. Dr Ruston for the appellant says that these latter policies should be given less weight as they are not wholly in accordance with the Planning policy for traveller sites 2015 (PPTS). However, the PPTS indicates that sites in open countryside should be very strictly limited and the National Planning Policy Framework (the Framework) also seeks to protect valued landscapes and recognises the character and beauty of the countryside. Although the area around the appeal site has not been shown to be a *valued* landscape I am satisfied that these two policies are not materially inconsistent with national policy and should be given full weight.
8. CS Policy 67 also deals with Floor Risk, which is a main issue, but the policy was not referred to in reason for refusal No.1. However, the Council said that the wording of the policy is more related to the provision and assessment of sites for permanent housing rather than other forms of development.

Development strategy

9. In essence if the development of a gypsy or traveller site meets the criteria in Core Policy 47 and there are no other policy barriers then it should be permitted. The Council agree that other than criterion (i) (a flooding barrier) and criterion (vi) (unacceptable impact on the landscape) the proposal either meets the other criteria of the policy or these are not relevant to the case. These two aspects will be reviewed within the main issues and concluded afterwards.

Whether site at risk of flooding and users at risk from flooding

10. In assessing this issue I have had regard to the Flood Risk Assessment (FRA) submitted with the application and to the detailed comments and objections of the Environment Agency (EA).
11. The flooding issue also needs to be considered in the context of paragraph 159 of the Framework that inappropriate development in areas of risk of flooding should

- be avoided by directing development away from areas of highest risk. However, where development in such an area is acceptable in principle the development should be safe for its life-time without increasing the risk of flooding elsewhere.
12. The parties agree that the site lies in Flood Zone 3 where there is a high probability of flooding from the unnamed tributary to the Cowage Brook. A residential caravan site intended for permanent residential use is classed as a 'highly vulnerable' use within Annex 3 of the Framework. Further, guidance in Table 2 of paragraph 079¹ of the national Planning Practice Guidance (PPG) indicates that a highly vulnerable use should not be permitted in Flood Zone 3, irrespective of being in Flood Zone A or B.
 13. Notwithstanding this objection in principle, the 'sequential test' should be applied to see if there are other sites available with a lower risk of flooding; and an 'exception test' as per guidance in paragraphs 024 and 027² of the PPG. This test needs to demonstrate that a particular site has wider sustainability benefits to the community that outweigh flood risk and, secondly, that the development will be safe for its users without increasing flood risk elsewhere.
 14. In relation to the sequential test it is clear that the appellant decided to pursue the appeal site because of the lack of any other suitable alternative site for him and his family to resort to as a Gypsy or Traveller. The appellant's team have therefore not been able to carry out any form of sequential assessment to choose a less risky location in flooding terms. Neither can the Council demonstrate that other specific sites are suitable and available for the appellant as a Gypsy or Traveller with less risk of flooding. Nevertheless, I agree with the Council that, in general terms, the physical characteristics and hydrology of the county are such that there is likely to be other comparative land within and around existing settlements that does not have a significant barrier to development and is likely to be less of a flooding risk in sequential terms. Overall on the evidence submitted in this case I am not satisfied that the sequential test has been met.
 15. In respect of the exception test, the appellant's team suggest that the provision of a pitch for a Gypsy or Traveller where there is little or no other provision at the moment is a critical public benefit. I will weight this up in the planning balance as it relates to another main issue.
 16. Concerning whether the site would be safe for the users there is some disagreement between the appellant's civil engineer and the EA about the potential depth of flood water across the site, taking into account the effects of climate change. The EA say that the undulating nature of the site mean that areas close to the brook would have a potential flood depth of 0.5m. This coupled with the projected velocity of flood water would result in a hazard rating of 'Danger to most' and therefore a significant risk to anyone crossing these deeper areas of the site.
 17. The appellant's team accepts that there is some variation in the site levels and acknowledge that the position of the mobile home shown on the proposed site layout plan (drawing 1799/02A) would be where the potential flood water would be deepest. This would affect the pedestrian route to the dayroom and the access to the site. In order to overcome this the appellant proposes to site the

¹ Reference ID: 7-078-20220825

² Reference ID: 7-024-20220825 and Reference ID: 7-027-20220825

mobile home in a different position adjacent to the hedge alongside the highway. This would involve relocating an existing stable. However the potential flood depth on the route to the dayroom and the access would be in the order of 0.1m.

18. Finally on safety the appellant's team acknowledge limitations with the EA flood warning system for this area and suggests that an enhanced flood warning system be installed. Other detailed aspects to make the site safe in a flood event were discussed at the hearing and I asked the parties to agree a set of recommendations after the close of the hearing.
19. The final aspect of the exception test deals with the effect on flooding elsewhere and the parties agree that this risk would not be affected by the development proposed.
20. Overall on this issue I find that the proposal conflicts with the national policy on flooding as it has not been demonstrated that there are no other suitable and alternative sites available at a lower risk of flooding and so the sequential test has not been met. Neither is the exception test met in whole at the moment because the proposed siting of the mobile home would be likely to result in a 'danger to most' users although the proposal could be amended by relocating the proposed position of the mobile home to higher land within the site. As such there is also conflict with part (i) of Core Policy 47.

Effect on landscape

21. The appeal site lies in the open countryside away from any settlement. The local landscape is relatively flat with long distance views to the higher land forming part of the North Wessex Downs Area of Outstanding Natural Beauty to the south-east. The North Wiltshire Landscape Character Assessment says that the local area has an essentially tranquil and pastoral character which is vulnerable to change either through cumulative small scale development over time or through larger scale development with a more obvious immediate effect.
22. The change to the landscape caused by the proposal must be considered in the context of the site prior to the retrospective application. The photographs appended to Mr Goodwin's statement show the site as at 2018 before the erection of the stable building permitted in 2015. It is apparent that the road side hedge has been allowed to grow to a height of about 3m. Consequently, although the development on the site has been screened, the open nature of the field enclosed by hedges and isolated mature trees, which is characteristic of the landscape, has been lost.
23. Notwithstanding this change to the character of the land, the retention, thickening and increase in height of the roadside hedge effectively screens the residential use that has been started. Only the top of the roof of the original stable building (now converted to the day room) is visible to the public realm outside of the site. Views of the trappings of residential use, like vehicles, childrens' play equipment and a large pile of logs, are limited to being seen through the small gap in the hedge formed by the access.
24. At the hearing there was some discussion that the appellant's plans for electrical supply may need the erection of solar panels on the south-east facing roof slope which runs alongside the roadside hedge and I paid special attention to this at the site visit. In my view the hedge could be retained up to a height just above the eaves of the building to ensure that it did not overshadow the panels. Most

of the present height of the hedge could remain. I also considered the potential repositioning of the site of the mobile home and concluded that it would be about similar to the height of the existing stable building already in this location and would be well screened and not prominent outside of the site.

25. I realise that the height and screening effect of the hedge cannot be relied on in perpetuity but considered at the moment I find that in visual terms the proposal only has a very limited adverse effect on the character and appearance of the local landscape. As such I am satisfied that it does not cause an 'unacceptable impact' in the context of criterion (vi) of Core Policy 47. Neither would it have a materially harmful impact with reference to Core Policy 51 as the negative impacts are capable of being addressed by conditions on landscape screening and design measures. Likewise there is no conflict with the general provisions of Core Policy 57.

Need and supply of gypsy and traveller sites

26. 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.
27. 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 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.
28. 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.
29. 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.

Personal circumstances

30. The main personal circumstances put forward are set out in the *pro forma* issued by the Council and completed by the appellant in respect of claims that may be made under Human Rights legislation. The *pro forma* was completed in 2019 and so some details, like the ages of the three children, need to be increased by about three years.
31. The appellant and his partner explain that they had difficulty in finding any site in the county that met their needs. For a short period they had lived in a house but

the appellant could not settle there as he has a cultural aversion to bricks and mortar. The appellant is a Romany Gypsy with a nomadic habit of life but he and his partner wanted to have a settled base for their family and enable the children to go to school. The appellant said that the children attend the local school at Hillmarton where the appellant's partner also helps out. Having close and permanent access to a school is clearly in the best interest of these children for their educational and social development.

32. If the appeal is dismissed the appellant said that there were no other gypsy or traveller sites available that he could turn to and the family would likely be faced with a roadside existence. This would be likely to deprive the children of permanent and consistent education. The Council also confirms that it could not identify an alternative site for the appellant and family to move to. These are factors to which significant weight must be given.

Planning balance

33. At the start of the planning balance I have borne in mind the requirements of the Public Sector Equality Duty and placed no other single aspect above the best interest of any child.
34. On the main issues I have found that the site lies in Flood Zone 3 and the proposal involves a highly vulnerable use therefore it should not normally be permitted in such an area. Neither does the proposal meet the 'sequential test' as it not been demonstrated in flooding terms that there are no other sites available with a lesser risk of flooding. However in terms of the 'exception test' it is clear to me that locally there is currently a lack of provision for sites for Gypsies and Travellers and I agree with the appellant that a contribution towards this provision is in the public interest and this factor is a significant community benefit to meet part (a) of the test.
35. While the proposal does not meet part (b) of the test regarding the safety of the site for its users, I am satisfied that the proposal can be revised, particularly on the siting of the mobile home, to ensure that the users would be subject to a very low hazard of flood water within the site. Other conditions can be imposed to ensure that occupiers of the site have reasonable warning of a flood event and that the residential use of the site would not increase the risk of flooding elsewhere. On this basis the details of the exception test can be met.
36. In terms of the local impact of the proposal on the countryside landscape and character I have found that any adverse visual effect would be limited and can be maintained in this manner by landscaping conditions. There is no conflict with part (vi) of Core Policy 47 or Policy 57.
37. In development plan terms when read as a whole I conclude that the proposal conflicts with Core Policy 47 but only in respect of criterion (i) as flooding is a barrier to development. This position has to be balanced with other considerations.
38. 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 though 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. Further, I have no doubt that the appellant would have difficulty in finding a suitable and available alternative site

and would be faced with a life on the roadside. This would not be in the best interests of the children.

39. Given the limited visual and physical harm that the proposal causes, and the changes that can be made to meet the exception test and make the development safe for its lifetime, I find that these other considerations outweigh the conflict with the development plan and the strategic national policy on flooding grounds to justify a permanent permission.

Conditions

40. The Council recommends 11 conditions on any permission on which I will consider under the same numbering. Where necessary I will modify these to better meet the tests set out in the Framework. No.1 on specifying the approved plans is reasonable and necessary in the interests of certainty and I will impose this but modify it to refer to where other plans are agreed pursuant to other conditions. No.2 on limiting the occupation of the site by Gypsies and Travellers is necessary as that is what has been considered as an exceptional case although I will modify the standard condition in the light of the decision of the Court of Appeal in *Lisa Smith*³. Condition No.3 is not necessary as only one pitch is put forward in this proposal but I shall impose a variation of Condition No.4 to be specific about the number of static and touring caravans on the pitch in the interests of amenity.
41. Condition No.5 as worded would be difficult to monitor and enforce and is not necessary but I shall impose the standard condition on limiting the maximum size of vehicle on site to 3.5 tonnes. Condition No.6 as drafted is excessive and not necessary but I shall impose a similar condition requiring the submission of a Site Development Scheme and include within this Scheme items where further details need to be agreed with the Council and implemented and retained. This condition can be enforced though a Breach of Condition Notice rather than the complete cessation of the use approved. Coupled with this, Condition No.7 on the implementation of the landscaping scheme is necessary to maintain the limited impact of the development in the landscape.
42. Condition No.8 can be included within the Site Development Scheme and conditions No's 8, 9 and 10 are superseded by the conditions agreed with the EA post Hearing and I will impose these to minimise the effect of flooding on the users of this site. Finally I will not impose condition No.11 as a temporary permission has not been shown to be necessary or appropriate.

Conclusion

43. For the reasons give above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

³ *Smith v SSHCLG & Others [2022] EWCA Civ 1391*

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:- • Site Location Plan; • Site Survey 1799/01A; • Proposed Site Layout 1799/02A, all received by LPA 1st October 2019; unless superseded by other plans pursuant to a following condition.
- 2) Within six months of the date of this decision a Site Development Scheme shall be submitted to the Council. The Scheme shall include:
 - (a) The landscaping of the site including the retention of existing trees and hedgerows;
 - (b) The disposal of foul drainage and flood proofing measures for this system;
 - (c) The supply of electricity including the installation of solar power and back up generator;
 - (d) The layout of the site including the re-siting of the mobile home to higher land;
 - (e) A method to anchor the mobile home caravan in times of flood to prevent it from being washed away.

The approved details of the Scheme as agreed by the Council shall be implemented within six months of their agreement and retained thereafter for as long as the residential use remains.

- 3) Within 3 months of the date of this decision a Flood Evacuation Plan shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
- 4) The development shall be carried out in accordance with the submitted flood risk assessment (Land at Brewers Pit, Hilmarton, Flood Risk Assessment, dated February 2018, ref: 407.07455.00001 - Issue 1) and will include the following mitigation measures:
 - a minimum finished floor level of 86mAOD will be provided for the mobile home
 - the mobile home (and any walkway structures) will be securely anchored to ensure these are not mobilised during a flood event.

These mitigation measures shall be fully implemented and maintained thereafter throughout the lifetime of the development.

- 5) 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.

- 6) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than one shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan (1799/02A), received 1st October 2019.
- 7) 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.
- 8) All new planting required as part of the landscaping scheme shall be carried out by the end of the next available planting scheme. 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, including extant planting shown on the proposed landscaping scheme to be retained, 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.

APPEARANCES

FOR THE APPELLANT:

Dr S Ruston MRTPI	Planning Consultant
Mr I Walton BSc (Hons) MSc, MICE Eng	Consulting Civil Engineer
Mr R Sykes	Appellant
Ms L Noyes	Appellant's partner
Mr L Sykes	Appellant's father

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Smith, BA (Hons)MTP, MRTPI	Mr Team Leader, Wiltshire Council.
Mr M Goodwin, BA (Hons) BLA, CMCI	Landscape Officer, Wiltshire Council
Mr H Totz (by video link)	Senior Planning Officer (Dev Plans), Wiltshire Council.
Mr M Holm	Flood Risk Advisor, Environment Agency.
Mr M Pearce	Planning Advisor, Environment Agency.

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

- 1 Signed Statement of Common Ground (SCG).
- 2 Conditions on flooding agreed by the main parties.



The Planning Inspectorate

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Your Ref: 20/1449/FUL
Our Ref: APP/Y3940/W/20/3253486

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

08 September 2022

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr M G Powell
Site Address: Land to the south of Bridge Paddocks, Braydon Road, Swindon,
Wiltshire, SN6 6RQ

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Jenni Ball

Jenni Ball

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Hearing Held on 26 August 2022

Site visit made on 26 August 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2022

Appeal Ref: APP/Y3940/W/20/3253486

Land To The South of Bridge Paddocks, Braydon Road, Leigh, Wiltshire SN6 6RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Powell against Wiltshire Council.
 - The application Ref 20/01449/FUL, is dated 20 February 2020.
 - The development proposed is creation of a 4 pitch Gypsy/Traveller site comprising the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms.
-

Decision

1. The appeal is allowed and planning permission is granted for creation of a 4 pitch Gypsy/Traveller site comprising the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms all to be used for residential purposes at Land To The South of Bridge Paddocks, Braydon Road, Leigh, Wiltshire SN6 6RQ in accordance with the terms of the application, Ref 20/01449/FUL, dated 20 February 2020, subject to the conditions in the Schedule at the end of this decision.

Preliminary Matters

2. The site address in the heading and decision above is different to that on the application and appeal forms as it refers to Leigh and includes a post code. It more accurately describes the location of the site and was agreed to by the main parties at the hearing.
3. The description of the proposed development in my decision includes a reference to the scheme being used for residential purposes. This addition clarifies the proposed use of land and was agreed to by the appellant's representatives at the hearing. The Council officers raised no objection to the revision and so I am satisfied it would cause no prejudice to any party.
4. At the hearing, I heard evidence in respect of this appeal and appeal reference number APP/Y3940/W/21/3267711 (hereafter referred to as Mr Buckley's appeal). This other appeal also relates to a proposed Gypsy and Traveller site but on a different part of the field in which this appeal site lies. Both sites include the same access. While each proposal has been considered as a separate entity, they raise very similar issues and I have taken account that I have allowed Mr Buckley's appeal in my assessment.

5. There was a discussion at the hearing on whether this appeal scheme or Mr Buckley's appeal development had started. Notwithstanding the comments made at the hearing, on my site visit I saw the appeal site was largely overgrown and the touring caravans it contained were in a poor condition and not obviously used as residential accommodation. As such, my assessment is made on the basis that the appeal development has not yet started.
6. A drawing showing how the proposed development could be landscaped was submitted at the hearing. The appellant's representatives explained that the drawing is for indicative purposes only and on that basis the Council officers raised no objection to it being taken into account. I am satisfied no injustice would be caused by having regard to the submitted plan.

Main Issue

7. The Council has issued no decision in response to the planning application leading to this appeal. However, in light of the submissions, the main issue is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site forms part of a larger field that is unkempt and which is not obviously used for any agricultural purpose. The plot lies between the southern field boundary which adjoins a railway and a roughly laid track that runs from the access off Braydon Road across the centre of the field. A public right of way runs alongside the railway and through the southernmost part of the site. At the time of my visit the public right of way was overgrown and impassable.
9. The surrounding area is generally characterised by fields with hedgerows and trees as well as sporadic buildings and development. The Bridge Paddocks Gypsy and Traveller site adjoins the northern boundary of the field and would be visible from the development. The nature of the area is also influenced by traffic on Braydon Road and associated noise. While it is countryside, the locality has no special or recognised landscape value and the influence of existing development diminishes its rural qualities. The appeal site is vacant of buildings but it makes no meaningful positive contribution to the appearance of the area because of its unmanaged and untidy condition.
10. The proposed caravans, dayrooms, hardstanding and associated parking and paraphernalia would plainly give the site a more developed and domestic appearance. Also, such features would reduce the site's openness. However, in the context of the Bridge Paddocks site, the development would not be peculiar to the area. Also, the proposed access drive would not appear unusual as there are several others nearby leading off Braydon Road.
11. Moreover, the development would be largely screened from the road by trees and hedges, although it would be seen through the access gap and it may be more visible at times of leaf-fall. Even so, there is no pavement to the side of Braydon Road and so it is likely the proposal would only be seen from the highway by people passing at speed in vehicles. As such, and given its set back position, the development would not appear prominent from the road.
12. If it was to be cleared and made passable, the public right of way would provide a potential vantage point for the proposal. However, views would be restricted to a short stretch of the footpath closest to the appeal site and road. Vegetation along the western edge of the field would prevent sight of the

- development from the wider area. The proposal would also be seen from the rest of the field and from the Bridge Paddocks site. Even so, the scheme would have only a localised visual effect due to the flat topography and the screening effect of vegetation.
13. Where it is visible, the development would evidently reduce the openness of part of the field. This effect would be emphasised by the linear form of the site, particularly when seen from the east or west. However, views from such directions would be restricted given the screening effect of existing vegetation on the eastern and western edges of the field.
 14. Also, the caravans and dayrooms would be low in height and in many views they would be seen against a backdrop of trees and hedges rather than against the skyline. Moreover, new planting and the use of sympathetic boundary features such as post and rail fencing would help soften the visual impact of the scheme. The drawing submitted at the hearing demonstrates how sensitive landscaping could be provided to avoid an unduly stark interface with the adjoining field. This could be reasonably secured by a planning condition.
 15. The linear form of the proposal would be similar to the Bridge Paddocks layout pattern, albeit the existing site runs parallel to a driveway off Braydon Road rather than the public highway itself. Also, the proposal would be a similar size in terms of ground coverage to Bridge Paddocks. As such, the form and scale of the development would not be unusual to the area.
 16. The scheme's set back position away from the road and more towards the centre of the field would be at odds with Bridge Paddocks which is adjacent to the driveway. Also, the development would introduce a new sub-division within the centre of the field. However, there is no obvious pattern to the layout of local fields and lines of vegetation and so the proposal would not be at odds with any distinctive regularity in these regards.
 17. Concern is raised that the appeal scheme along with the Bridge Paddocks site and the development proposed under Mr Buckley's appeal would have a cumulative harmful effect on the rural qualities of the area. The 3 sites would be close to each other but there would be little potential to see all the existing and proposed pitches at the same time due to the limited viewpoints. Also, there is scope to provide planting as part of the proposed schemes so as to visually separate the pitches. In addition, the layout plan indicates spaces between the caravans and buildings which would help avoid the development appearing unduly cramped.
 18. Therefore, even when considered alongside other existing and proposed Gypsy and Traveller sites, the proposal would not lead to a visually dominant concentration of development. Moreover, this scheme along with Mr Buckley's appeal proposal would represent only a minor intensification of residential use to the area. The majority of the field would remain open and the rural nature would remain as the predominant characteristic of the locality, albeit slightly diminished by the proposed developments.
 19. I am referred to appeal decisions reference numbers APP/Y3940/C/20/3245770 and APP/Y3940/C/20/3245890, which both relate to land to the south of Bridge Paddocks. Both of these appeals were dismissed and an enforcement notice upheld which requires the removal of fencing, hard-surfacing and mounds of earth. The Inspector for these appeals found that such features would not

- respect the rural agricultural character of the area and so would cause a small degree of harm to local character and appearance.
20. There are limited details before me on the extent or design of the fencing, hard-surfacing or earth mounds that this Inspector was previously considering. The Inspector makes reference to high close-boarded fencing measuring well over 100m and no such feature is shown on the landscape proposals drawing provided at the hearing. Also, it is clear these previous decisions did not consider the creation of a new Gypsy and Traveller site or any other use of land. As such, the development now before me is materially different to that assessed by the previous Inspector and so I am not bound to reach the same views on the issue of character and appearance.
 21. In summary, the proposal would change the appearance of the appeal site and reduce its openness. However, it does not follow that this change would be detrimental to the character and appearance of the area. As it exists, the site makes no meaningful contribution to the visual qualities of the locality. The scheme would not be widely visible and even when seen it would not be unduly prominent nor obstruct important views. It would be in keeping with the area, particularly in light of the existing Bridge Paddocks site.
 22. Furthermore, there would be scope to mitigate any visual impact through the provision of new planting and sensitive boundary treatment. The scheme would not undermine any distinctive field pattern. Even when this appeal proposal is considered with the Bridge Paddocks site and Mr Buckley's appeal scheme, the rural nature of the area would prevail.
 23. For these reasons, I conclude the development would not be harmful to the character and appearance of the area. In these respects, it would accord with Core Policies 47, 51 and 57 of the Wiltshire Core Strategy 2015 (WCS). Amongst other things, these seek to ensure development has no harmful impact upon landscape character.

Other Matters

24. Having regard to a Gypsy and Traveller Accommodation Assessment dated March 2022 (GTAA) the Council accepts that there is an unmet general need for additional Gypsy and Traveller sites within the area. However, the Council contends that the proposal could not be legitimately counted towards helping to address the identified need as the intended occupants' accommodation requirements did not inform the survey upon which the GTAA is based.
25. The appellant has provided information on the intended occupiers of the proposed pitches and submitted a personal circumstances case for allowing the development. However, it was explained at the hearing that this case is a secondary point in support of the scheme. In the first instance, the appellant seeks planning permission without any occupancy restriction other than to persons that meet the definition of Gypsies and Travellers as set out in the government's Planning Policy For Traveller Sites (PPTS). There is no dispute that the intended occupiers would comply with this definition.
26. As I have found the proposal would be acceptable in terms of the main issue, there is no need to consider further the personal circumstances case or to impose a personal planning condition. Consequently, I find the proposal would contribute towards addressing the unmet general need for Gypsy and Traveller

sites as it could be occupied by anyone that meets the PPTS definition. This factor adds support for the proposed development.

27. The Council contend that a planning permission for the proposal would set an undesirable precedent that would make it difficult to resist similar development elsewhere, particularly on other parts of the field in which the site lies. However, apart from Mr Buckley's appeal development, there is no information before me that suggests any other part of the field is likely to come forward for a Gypsy and Traveller site. I understand that the Bridge Paddocks site has developed incrementally in order to address the occupiers' changing accommodation requirements. However, there is no evidence to indicate a prospect of similar incremental growth should planning permission be granted for the appeal scheme. In any event, there can be no certainty that the cumulative effect of further Gypsy and Traveller site developments would be harmful. As such, the precedent concern fails to influence my assessment of the appeal.
28. Other concerns have been raised by interested parties. There is no evidence to suggest that the development would affect a gas pipeline. Also, there is little information that shows the development would put inappropriate pressure on local services or adversely impact on local tourist destinations.
29. Limited information on drainage systems to serve the development has been provided but the Council accepts that this matter could be appropriately dealt with through a planning condition. There is no substantive evidence to show the living conditions of occupiers of the development would be unacceptable due to noise from the nearby railway line.
30. Traffic along Braydon Road travels quickly but a planning condition could be used to secure sufficient visibility splays in both directions from the access. As such, the proposal would not prejudice highway safety. The site is away from any settlement but the local highway network would provide reasonably convenient access by car for occupiers to health, education and employment facilities. The site would be in a suitable location in terms of accessibility to services when having regard to the provisions of WCS Core Policy 47 and the PPTS.
31. In the absence of firm reasons to dismiss the appeal on any of the above grounds, the concerns raised do not affect my overall conclusion.

Conditions

32. I have had regard to the Council's suggested planning conditions as well as those discussed at the hearing. Where appropriate, I have amended the wording for precision reasons and to avoid unnecessary pre-commencement requirements.
33. In the interests of clarity, I attach a condition that requires the development to accord with the approved drawings. This condition only lists the plans that show the proposed development and does not refer to the landscape proposals plan which was submitted at the hearing for indicative purposes.
34. However, to ensure the satisfactory appearance of the development, conditions are required regarding hard and soft landscape details as well as external lighting. There is no need for a separate condition in respect of gates as this matter would be covered by the landscape condition. A condition is also needed

to ensure appropriate surface and foul water drainage systems are provided. This would remove the need for the suggested condition on the discharge of contaminated water. I have worded these conditions so as to allow commencement on the construction of the dayrooms before details are approved so as to avoid pre-commencement requirements.

35. In the interests of highway safety, a condition is imposed that requires visibility splays to be provided and for the vehicular access to be properly surfaced. To ensure satisfactory living conditions for occupiers and sufficient space for parking and turning of vehicles, a condition is needed that limits the number of pitches and the number of caravans allowed on each pitch.
36. The proposal has been advanced on the basis that the site would accommodate people who meet the PPTS definition of Gypsies and Travellers. It is fundamental to the acceptability of the scheme to impose a restriction on occupation to this extent as I have no evidence that a residential caravan site without limitations would comply with development plan policies. However, as I have found the scheme would be acceptable in terms of the main issue, there is no grounds to impose a temporary planning permission condition or one that limits occupancy to specific named persons.
37. The description of the development includes no reference to any commercial activities and so there is no need for a condition to prevent such uses as planning permission would be required in any event. As only a residential use is permitted, a condition preventing the parking of vehicles over 7.5 tonnes is unnecessary.

Conclusion

38. I have found the proposed development would be acceptable in terms of its effect on the character and appearance of the area. Therefore it would comply with the policies of the development plan when read as a whole. As such, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters of Counsel, instructed
by

Brian Woods BA (TP) MRTPI Planning Consultant

Tom Buckley

Michael Powell

FOR THE LOCAL PLANNING AUTHORITY:

Jean Brunning Planning Contractor

Henning Totz Senior Planning Officer

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Drawing number 962-L-01, Landscape Proposals relating to appeal reference number APP/Y3940/W/20/3253486
2. Drawing number 962-L-02, Landscape Proposals relating to appeal reference number APP/Y3940/W/21/3267711
3. Email dated 27 March 2020 including plan showing part of the public footpath PURT126.
4. Plan showing public footpath PURT126 and bridleway LEIG15

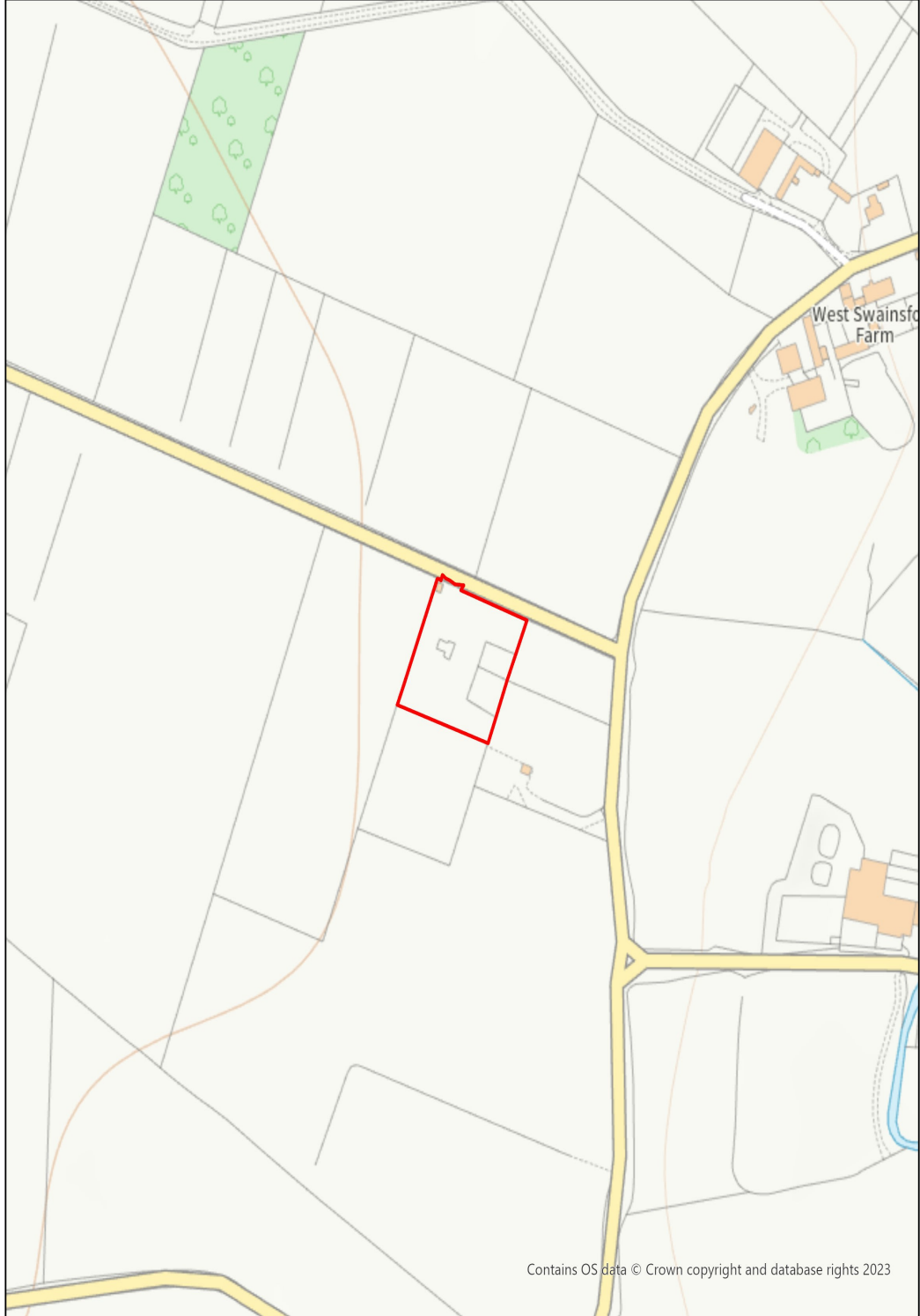
SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J003517/DD01B, J003517/DD03B and J003517/DD04.
- 3) Notwithstanding the details as shown on the approved plans, no development hereby permitted shall commence (apart from the excavation of foundation trenches for the approved dayrooms) until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:-
 - the location and canopy spread of all existing trees and hedgerows on the site as well as details of any to be retained and measures for their protection in the course of the development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - any proposed earthworks;
 - all means of enclosure including gates;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units);
 - an implementation timetable for the provision of the proposed features and works.

Hard and soft landscaping works shall be carried out fully in accordance with the approved details and implementation timetable. 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.

- 4) No development hereby permitted shall commence (apart from the excavation of foundation trenches for the approved dayrooms) until details of external lighting to be provided as part of the development have been submitted to and approved in writing by the local planning authority. No external lighting other than that as approved by the local planning authority shall be provided on the development site.

- 5) No development hereby permitted shall commence (apart from the excavation of foundation trenches for the approved dayrooms) until details of surface and foul water drainage systems to serve the approved development have been submitted to and approved in writing by the local planning authority. The details shall include an implementation timetable. Drainage systems shall be provided in accordance with the approved details and implementation timetable and shall be maintained and retained thereafter.
- 6) No part of the development hereby permitted shall be first brought into use or occupied until means/works have been implemented to maintain visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the near-side carriageway edge 125 metres to the right and 215 metres to the left of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision in excess of a height of 900mm above the level of the adjacent carriageway.
- 7) No part of the development hereby permitted shall be first brought into use or occupied until the first 5 metres of the vehicular access to the site, measured from the edge of the public highway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
- 8) There shall be no more than 4 pitches on the site hereby permitted and on each pitch there shall be no more than 2 caravans stationed at any time, of which only 1 caravan shall be a mobile home/static caravan.
- 9) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 to "Planning Policy for Traveller Sites" published by the Department for Communities and Local Government in August 2015 (or its equivalent in replacement national policy).



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