

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Bradley Road, Trowbridge
Date: Wednesday 25 August 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@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 Ernie Clark	Cllr Christopher Newbury
Cllr Rod Eaton	Cllr Graham Payne
Cllr Peter Fuller (Chairman)	Cllr Stephen Petty
Cllr Mark Griffiths	Cllr Jonathon Seed
Cllr Malcolm Hewson	Cllr Roy While (Vice Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Francis Morland
Cllr Trevor Carbin	Cllr Jeff Osborn
Cllr Andrew Davis	Cllr Fleur de Rhe-Philippe
Cllr Russell Hawker	Cllr Pip Ridout
Cllr Tom James MBE	

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 16*)

To approve the minutes of the meetings held on 23rd June and 14th July (copies attached).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Planning Applications** (*Pages 17 - 18*)

To consider and determine planning applications in the attached schedule.

6.a **W/10/01716/FUL - The siting of a mobile home, touring caravan and dayroom - Land Adjoining Railway Line Court Lane Bratton Wiltshire** (*Pages 19 - 30*)

6.b **W/10/01506/FUL - Change of use of land for one mobile home, one utility block and one touring caravan - Field No 3757 Lower Westbury Road Bratton Wiltshire** (*Pages 31 - 42*)

6.c **W/10/01753/S73 - Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy traveller occupation only - Land West Of Penn Farm Capps Lane Bratton Wiltshire** (*Pages 43 - 52*)

6.d W/10/01439/FUL - Timber stable building - Land Adjoining 25 Iford Fields Westwood Wiltshire_(Pages 53 - 60)

6.e W/10/01766/FUL - Ground and first floor extension/alterations for managers accommodation - Angel Cottage 34B Upton Scudamore Wiltshire BA12 0AQ_(Pages 61 - 66)

7. Planning Appeals Update Reports

To receive details of appeal decisions and appeals pending.

7.a Planning Appeals Update Report - June 2010 (Pages 67 - 68)

7.b Planning Appeals Update Report - July 2010 (Pages 69 - 72)

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

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 JUNE 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Rosemary Brown (Reserve), Cllr Andrew Davis (Reserve), Cllr Peter Fuller (Chairman),
Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne,
Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Pip Ridout

141 Apologies for Absence

Apologies for absence were received from Councillor Rod Eaton (substituted by Councillor Andrew Davis), Councillor Malcolm Hewson (substituted by Councillor Rosemary Brown) and Councillor Ernie Clark.

142 Minutes of the Previous Meeting

The minutes of the last meeting held on 2nd June 2010 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 2nd June 2010.

143 Declarations of Interest

W/10/01008/FUL and W/10/01209/REG3 - The Chairman clarified that members of the committee did not need to declare a personal or prejudicial interest as members of Wiltshire Council.

W/09/0094/FUL – Councillor Graham Payne declared a personal interest as he had known the applicant as a regular attendee at meetings of the former West Wiltshire District Council. Councillor Payne gave his assurance that he would consider the application on its own merit and with an open mind.

W/10/00947/FUL – Councillor Peter Fuller declared a personal interest as a member of Trowbridge Town Council which had considered the application. Councillor Fuller gave his assurance that he would base his decision on the information now presented to him, would consider the application on its own merit and with an open mind.

As a fellow member of Trowbridge Town Council, Councillor John Knight also declared a personal interest and gave his assurance that he would base his decision on the information now presented to him, would consider the application on its own merit and with an open mind.

W/10/00991/FUL – Councillor Jonathon Seed declared a personal interest as he knew the applicant but was not a close associate. Councillor Seed gave his assurance that he would consider the application on its own merit and with an open mind.

144 **Chairman's Announcements**

There were no Chairman's Announcements.

145 **Public Participation**

The Chairman welcomed all present and explained the rules of public participation.

146 **Planning Applications**

The Committee considered the following applications:

146.a W/09/0094/FUL - Land East of Clivey Barn Farm

1. Mr Frank Brine, the applicant, spoke in support of the application;
2. Mr Tom Killen, agricultural adviser for the applicant, spoke in favour of the application.

Officers presented the report, which recommended refusal. Following a debate, during which supporting the expansion of an existing business was discussed, it was

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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. No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

3. A recessed entrance having a minimum width of 4.5 metres shall be constructed 4.5 metres back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

REASON: In the interests of highway safety.

4. The entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5 metres from the carriageway edge.

REASON: In the interests of highway safety.

5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

6. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

7. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H19

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the visual amenity of this rural area and to enable the Local Planning Authority to consider whether planning permission should be granted for additions, extensions or enlargements to this agricultural workers dwelling.

West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and H19

9. 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;

- indications of all existing trees and hedgerows on the land;
- details of those to be retained, together with measures for their protection in the course of development;
- details of all new planting including species, sizes and planting densities, of all new shrubs, trees and hedgerows within and on the boundary of the site;
- retention and reinforcement of existing hedges with native species;
- hard surfacing materials and details of culverting works to the ditch where alterations will be made to the existing access.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing trees and hedgerows.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32.

10. 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 dwelling 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

146.b W/10/00947/FUL - Trowbridge Retail Park 235 Bradley Road, Trowbridge

1. Mrs Jane Robinson spoke in objection to the application;
2. Ms Helen Tedman spoke in objection to the application.

Officers presented the report, which recommended approval. Following a debate, during which the following key issues were discussed; anti social behaviour, car races, litter, noise pollution and unpleasant smells, it was

Resolved:

That planning permission be REFUSED

For the following reason(s):

1. The proliferation of fast food outlets in this location and the cumulative increase in noise, fumes and nuisance from cooking, increased traffic movements and general disturbance would be harmful to neighbouring amenity, contrary to Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.
2. The proposals would result in the loss of parking provision which would be likely to result in congestion and vehicles parking on the highway to the detriment of the

amenity and convenience of neighbours and other road users, contrary to Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.

3. The proposals would have an adverse impact on the existing town centre function and facilities, harmful to the vitality and viability of the nearby town centre, contrary to Policy SP3 of the West Wiltshire District Plan – 1st Alteration 2004.

146.c W/10/00745/FUL - 70 Victoria Road, Warminster

1. Mr Richard Haes, Warminster Trust, spoke in objection to the application;
2. Mr Tony Jackson spoke in objection to the application;
3. Mr Paul Macdonald spoke in objection to the application;
4. Ms Georgina Tibbs, agent, spoke in support of the application.

Councillor Pip Ridout, Unitary Member for Warminster West, spoke in objection to the application.

Officers introduced the report, which recommended approval, and drew the committee's attention to the late list containing additional comments including additional letters of objection, and changes to the definition of previously developed land made by the new government which had been addressed within the committee report and the recommendation remains unchanged.

Following a debate it was

Resolved:

That planning permission be REFUSED

For the following reason(s):

The proposal would result in a cramped form of development resulting in over development of the site, harmful to the street scene, visual amenity, spatial form and character of the area contrary to Policies H1, H24 and C31A of the West Wiltshire District Plan – 1st Alteration 2004.

146.d W/10/01008/FUL - St Catherines, Wellhead Drove, Westbury

1. Dr Peter Ager spoke in objection to the application;
2. Mrs Rosemary Macdonald spoke in objection to the application;

3. Mrs Georgie Denison-Pender spoke in objection to the application;
4. Mr Chris Chart, applicant, spoke in support of the application.

The officer introduced the report, which recommended refusal, and drew the Committee's attention to the additional comments received and detailed in the late list and to an error on the report as the applicant should state Quarriers (and not Mr Quarriers as per page 37 of the agenda).

Following a debate, during which the key issue of highway safety was discussed, it was

Resolved:

That planning permission be REFUSED.

For the following reason(s):

Vehicles resulting from the proposed development turning out of Wellhead Drove onto the busy Class 1 road A350, at a point where visibility from and of such vehicles would be severely restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety.

146.e W/10/00991/FUL - 207 Norrington Lane, Broughton Gifford

1. Mr Keen, applicant, spoke in support of the application.

Officers introduced the report, which recommended refusal, and talked the Committee through the proposed extension. Following a debate, during which the distance to the nearest neighbouring dwellings and the proximity of a power plant as well as the issues of Visual Impact and Impact on neighbour's amenity were discussed, it was

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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 materials to be used in the construction of the walls and roof of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

West Wiltshire District Plan 1st Alteration 2004 – C31A.

146.f W/10/00914/FUL - R and R Coaches, Bishopstrow Road, Warminster

1. Mr Michael Newberry spoke in objection to the application;
2. Mr Alan Moon, Architect, spoke in support of the application;
3. Mrs Sheila Thomson, Bishopstrow Parish Council, spoke in objection to the application.

Officers introduced the report, which recommended approval, following a debate it was

Resolved:

That planning permission be GRANTED.

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

1 The visibility splays shown on the approved plans shall have been provided with no obstruction to visibility at or above a height of 900mm within 30 days of the date of the granting of this permission. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

2 A plan showing details for the discharge of surface water from the site, incorporating sustainable drainage details and details of measures for the protection of the river from any polluted runoff, shall be submitted to and approved in writing by the Local Planning Authority within 30 days of the date of

this permission. Any mitigating measures required in terms of the plan shall be completed within 90 days of the date of this permission.

REASON: To ensure that the development can be adequately drained.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

Informative(s):

1. The applicant is advised to contact the Environment Agency with regard to updating the Agency on progress on assessing the possible contamination of the Coach Depot site as a whole.
2. The Environment Agency advises that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Wylfe, designated a 'main' river. This may include buildings, fences etc. The need for this consent is over and above the need for planning consent. Notwithstanding the retrospective nature of this application the applicant is advised to contact Daniel Griffin on 01258483351 in this regard.

146.g W/10/01209/REG3 - St Georges Primary School, Pound Lane, Semington

1. Mr Nigel Webster, Chair of Governors, spoke in support of the application;
2. Ms Laura Almond, Headteacher, spoke in support of the application.

Officers introduced the report, which recommended approval, and highlighted the issues of parking and loss of trees. Following a debate during which the issue of parking was discussed, it was

Resolved:

That planning permission be GRANTED.

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

3 The development shall be carried out as specified in the pre development Tree Condition and Arboricultural Impact Assessment, and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32

4 The hall hereby permitted shall only be used between the hours of 8am and 6pm from Mondays to Fridays and between 9am and 6pm on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

Planning Policy Guidance 24: Planning and Noise

Informative(s):

1 The developer/applicant is advised to take into account the contents of the Wessex Water letter dated 30 April 2010.

2. You are advised that construction traffic should not park on the highway but within the school grounds.

Councillors attendance:

W/10/00745/FUL - 70 Victoria Road, Warminster – Councillors Graham Payne and John Knight left the room at the start of the officer presentation and returned before the open forum.

Councillor Christopher Newbury left the meeting during the debate and did not return.

W/10/01008/FUL - St Catherines, Wellhead Drove, Westbury

Councillors Mark Griffiths and Graham Payne left the room at the start of the officer presentation and returned before the open forum.

147 **Planning Appeals Update Report**

Resolved:

To note the Planning Appeals Update Report.

148 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.30 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 JULY 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Malcolm Hewson, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Trevor Carbin

156 Apologies for Absence

Apologies were received from Councillor Graham Payne

157 Minutes of the Previous Meeting

The minutes of the meeting held on 23 June 2010 were presented and members expressed concern that they contained the words 'contrary to officer's recommendation' within the resolution.

It was requested that the minutes be reviewed in the light of the above and presented to the next meeting.

158 Declarations of Interest

W/10/01434/FUL - Sainsbury Store Bath Road Melksham

Councillor Rod Eaton declared a personal interest as a member of Melksham Town Council

Councillor Jonathan Seed declared a personal interest as Chairman of Melksham Area Board.

Councillor Mark Griffiths declared a personal interest as a member of Melksham Town Council

159 **Chairman's Announcements**

There were no Chairman's announcements

160 **Public Participation**

The Chairman welcomed all present and outlined the rules of public participation.

161 **Planning Applications**

W/10/01434/FUL - Sainsbury Store Bath Road Melksham

Public participation:

Mr James Veakins spoke in objection to the application

Mr Rob Machens spoke in objection to the application

Mr Patrick Tarrant spoke in objection to the application

Mr Bruno Moore spoke in support of the application

Mr Andrew Wallis spoke in support of the application

Ms Sarah Cardy, on behalf of Melksham Town Council, spoke in objection to the application.

Officers presented the report, which recommended approval, and drew attention to the late list which contained further information. Following a debate, during which the key issue of flooding was discussed, it was

Resolved

That the application be **REFUSED** – for the following reasons:

- (1) The risk of increased flooding in the vicinity of the proposed development including the extended car park would outweigh the benefits of the proposed development and as such would be contrary to advice in Planning Policy Statement 25 – Development and Flood Risk.
- (2) The relocation of the petrol filling station to the former Bear Yard car park would be detrimental to the amenities of nearby residents by reason of noise, light and fumes contrary to the provisions of policies C35 and C38 of the West Wiltshire District Plan 1st Alteration 2004.
- (3) The proposed development, most notably the petrol Filling Station canopy and the extensions to the store and its car park would by reason of their design, materials, form and location be detrimental to the character and appearance of

the adjoining Conservation Area and harmful to the setting of nearby Listed Buildings contrary to policies C17, C18 and C19 of the West Wiltshire District Plan 1st Alteration 2004

162 **Urgent Items**

There were no urgent items

(Duration of meeting: 18.00 – 19.30)

The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371, e-mail pam.denton@wiltshire.gov.uk

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WESTERN AREA PLANNING COMMITTEE

25 August 2010

Planning Applications for Determination

Item No.	Application No.	Location	Unitary Councillor	Parish
6(a)	W/10/01716/FUL	The siting of a mobile home, touring caravan and dayroom - Land Adjoining Railway Line Court Lane Bratton Wiltshire	Julie Swabey (Ethandune)	Bratton
6(b)	W/10/01506/FUL	Change of use of land for one mobile home, one utility block and one touring caravan - Field No 3757 Lower Westbury Road Bratton Wiltshire	Julie Swabey (Ethandune)	Bratton
6(c)	W/10/01753/S73	Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy traveller occupation only - Land West Of Penn Farm Capps Lane Bratton Wiltshire	Julie Swabey (Ethandune)	Bratton
6(d)	W/10/01439/FUL	Timber stable building - Land Adjoining 25 Iford Fields Westwood Wiltshire	Linda Conley (Winsley and Westwood)	Westwood
6(e)	W/10/01766/FUL	Ground and first floor extension/alterations for managers accommodation - Angel Cottage 34B Upton Scudamore Wiltshire BA12 0AQ	Fleur De Rhe-Philippe (Warminster Without)	Upton Scudamore

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	25.08.2010		
Application Number	W/10/01716/FUL		
Site Address	Land Adjoining Railway Line Court Lane Bratton Wiltshire		
Proposal	The siting of a mobile home, touring caravan and dayroom		
Applicant	Miss Dawn Pople		
Town/Parish Council	Bratton		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	391024 153304		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this item be determined by Committee due to:

- * Does not satisfy the criteria for ending a Nomadic lifestyle. Applicant has lived in residential settled property for many years (Bonnie Park) and has been in full time employment in Westbury.
- * No evidence provided as to what has prompted this application and no evidence of nomadic lifestyle having existed.
- * Over saturation of single site pitches within Bratton.

1. Purpose of Report

To consider the above application and to recommend that a temporary and personal planning permission be granted.

2. Main Issues

The main issues to consider are:

- * Principle of development and progress towards DPD site allocations
- * Visual impact of the scheme/landscaping
- * Highway safety
- * Amenity issues

3. Site Description

The application site is located in open countryside to the north of Bratton, approximately 700 metres from the village policy limits.

The application site is part of a relatively flat field used for grazing of animals. The site has a boundary to the west of a dense hedgerow adjacent to the highway. To the north is a post and rail fence with limited scrub. To the south and east there is no boundary at present.

The access to the site is an existing agricultural entrance with a metal 5-bar gate. The road is a C-classified highway and the access is directly opposite the junction between Capps Lane and Court Lane.

4. Relevant Planning History

W/09/01954/FUL – The siting of a mobile home, touring caravan and dayroom – Withdrawn – 30 July 2009.

5. Proposal

This is a resubmission of a previously withdrawn application as detailed above.

The proposal is for the siting of a mobile home, touring caravan and wooden dayroom structure to be occupied as a single gypsy/traveller site. There are some ancillary works including the provision for a septic tank, hard standing for vehicles, fencing and new solid entrance gates.

The application was submitted with a supporting design and access statement; this was expanded upon in light of the comments of Bratton Parish Council and Edington Parish Council.

6. Planning Policy

Wiltshire Structure Plan 2016
DP1 Priorities for Sustainable Development
DP15 Accommodation for Gypsies and Travellers

West Wiltshire District Plan 1st Alteration (2004)
C1 Countryside Protection
C31a Design
C38 Nuisance
CF12 Gypsy Caravan Sites

National guidance
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

DoE Circular 11/95: The use of condition sin planning permission.
ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites
ODPM The Planning System: General Principles

7. Consultations

Bratton Parish Council
Objection.

1) Local knowledge proves that Miss Pople was born and brought up in the village of Bratton and lived in a residential property until approximately 10 years ago when she moved to Bonnie Park to live with her then partner. Therefore the council would like clarification as to why she requires a mobile home, a site for a travelling caravan and a dayroom on her land on Trowbridge Road Bratton. She holds a permanent position at the Co-Operative supermarket in Westbury and to the council's knowledge has never lived a nomadic lifestyle, which this type of site is usually required for.

2) The council is of the opinion that as there have been two applications of this kind granted in the last month, other land owners are "jumping on the band wagon" and trying to obtain the change of use on there own land.

3) The application falls outside the local structure/development plan and the building lines for Bratton and Edington.

4) Should the application be granted the council requests a clause that the change of use is only for the applicant's lifetime.

Edington Parish Council

Objection. The site is in open countryside way outside the settlements of both Edington and Bratton. No justification appears to have been offered for the proposed development although it noted that the applicant currently resides at Bonnie Park. Further investigation should be made to ascertain the reasons. The applicant is not understood to be a traveller but to be a settled resident having been born in Stradbrook, Bratton and lived all her life in the area. She has had long term employment in Westbury. She would not appear to fit the criteria of a traveller with a nomadic lifestyle and ordinary planning policy should apply to this application as it would to any other resident of Bratton or Edington.

The Parish Council is aware that similar applications have been made in the vicinity and would protest at what it sees as piecemeal development. In any event the application should be deferred until Wiltshire Council has developed a proper strategy in connection with applications by travellers and gypsies which this application would pre-empt.

Highways

Objection.

1) The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

2) The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.

Wiltshire and Swindon Biological Records Centre

Badger Sett records within 200m.

Spatial Plans

Circular 01/06 is clear that Development Plan Documents (DPDs) together with the Regional Spatial Strategy (RSS) form part of the Development Plan, and The Planning & Compulsory Purchase Act 2004 (as amended) states that applications should be determined in accordance with the Development Plan.

The Secretary of State for Communities and Local Government (CLG) revoked Regional Strategies by way of an Order laid before Parliament on 6 July 2010. In a letter from the CLG to all Chief Planning Officers it was confirmed that Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision reflecting local need and historic demand, and for bringing forward land in DPDs. The LPAs should continue to do this in line with current policy.

It is clear from this guidance that LPAs should continue to progress with DPDs and in light of this guidance and current issues in Wiltshire surrounding unauthorised encampments and the lack of alternatives sites, the work started by the Issues and General Approach consultation document should continue in order to meet an existing need for this sector of our community.

The CLG has indicated that further guidance will be made available to assist LPAs in identifying the appropriate level of need. However, at this time it is not clear when this guidance will be made available.

The Wiltshire Gypsy and Traveller Site Allocations DPD is progressing and elements of the recent consultation that relate to a clear, consistent and open methodology for assessing new sites remains relevant. The key issue of pitch provision is being reviewed through the course of the DPD to ensure that there remains a robust evidence base for the number of pitches eventually proposed through the DPD.

Wiltshire Council is continuing to progress with the Gypsy and Traveller Site Allocations DPD and an important element of this is the Site Selection Methodology and proposed scoring matrix contained within the Issues and General Approach (April 2010) consultation document. Although not yet

adopted, the Site Selection Methodology provides a useful assessment tool on which to judge the suitability of this proposal as it reflects national guidance in ODPM Circular 01/06.

Circular 01/06 represents the most relevant policy and I would draw your attention to Paragraphs 58-63 ('Applications'). The key considerations for Gypsy and Traveller Site applications are likely to include:

- * The likely impact on the surrounding area;
- * The existing level of provision and need for sites in the area;
- * The availability (or lack of) alternative accommodation; and,
- * Other personal circumstances.

Other considerations should include, as a minimum:

- * Road access;
- * The availability of services;
- * Potential conflict with statutory undertakers or agricultural interests;
- * Any significant environmental impacts;
- * Flood risk.

Finally, an assessment of the sustainability of the site should also be undertaken and in accordance with Circular 01/06, this should consider (where appropriate);

- * The promotion of peaceful and integrated co-existence between the site and local community;
- * The wider benefits of easier access to GP and other health services;
- * Children attending school on a regular basis;
- * The provision of a settled based that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and,
- * Not locating sites in areas of high flood risk of flooding, including functional floodplains.

Circular 01/06 should form the basis of the assessment and it is accepted that there is a recognised unmet need across Wiltshire and by default a lack of alternative accommodation. However, it is considered that the emerging DPD should be treated as a material consideration in the determination of this planning application and in this respect paragraphs 45 and 46 of Circular 01/06 are relevant.

In such circumstances it is considered that this proposal is premature of the adoption of the Gypsy and Traveller Site Allocations DPD. The appropriateness of prematurity as a consideration is outlined in paragraphs 17 to 19 of 'The Planning System: General Principles.' The Gypsy and Traveller Site Allocations is at an advanced stage and to grant permanent permission is likely to prejudice the final outcome of the DPD process, by predetermining the final site selection methodology and the final allocation of land to meet current and future need.

In such circumstances, when considering your recommendation, I would like to draw your attention to the possibility of granting a temporary permission as an alternative to the granting of a permanent consent.

Paragraph 45 refers to Circular 11/95 "The Use of Conditions in Planning Permission" with paragraph 110 of that circular advising "...that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is an unmet need but no available alternative gypsy and site provision in an area but there is reasonable expectation that new sites are likely to become available at the end of that period in an area which will meet need, local planning authorities should give consideration to the grant of a temporary permission."

Paragraph 46 of Circular 01/06 states that: "Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD.

Conclusion

It is considered that the proposal is premature of the adoption of the Wiltshire Gypsy and Traveller Site Allocations DPD which is expected to be adopted in November 2011.

However, if the site is considered to satisfy the requirements of Circular 01/2006 then it may be appropriate to grant a temporary permission in this case. In such circumstances I would recommend that the temporary period is sufficient to allow for the adoption of the DPD and would suggest a minimum of 2 years.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 1 July 2010

2 items from 1 interested party. Summary of points raised:

- * Concerned about level of consultation and removal of notices.
- * Land is outside of the village policy limits
- * Poor service provision and no sewerage provision
- * Visually unsuitable and out of keeping
- * Sets an undesirable precedent
- * Access onto a busy road (safety issue) in a prominent position (visual issue)
- * Pedestrians using the road would not be safe as no facilities
- * Does the Council have in place effective control of 'one-off' applications.
- * The applicant does not satisfy the criteria appropriate to the application.

9. Planning Considerations

9.1 This proposal has been presented as an application for a single private gypsy site. As such it must be principally considered under Policy DP15 of the Wiltshire Structure Plan 2016 and Policy CF12 of the West Wiltshire District Plan (2004). Further the proposals need to be considered in light of other relevant development plan policy and the regional and national context which includes the ODPM Circular 01/2006 on planning for gypsy and traveller caravan sites.

9.2 Policy DP15 clearly states that proposals for gypsy caravan sites cannot be assessed using policies for settlements and that travellers and gypsies have particular needs which are recognised in central government policy. Further it is clear that suitable sites may be found within and outside settlements.

9.3 Policy CF12 is consistent with the Structure Plan and also sets out criteria by which to assess applications and has a positive phrasing stating that proposals to provide caravan sites for gypsies will be permitted in appropriate locations having regard to issues such as nuisance, encroachment into open countryside, the needs and safety of future occupants and their children, highway safety, availability and adequacy of infrastructure, proximity to services, protecting agricultural land and flood risk.

9.4 National policy on such matters was updated in February 2006 with the production of ODPM Circular 01/2006. This defines gypsies and travellers as '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 dependant's educational or health needs or old age have ceased to travel temporarily or permanently.....', but acknowledges that the community has generally become more settled. Being settled can have benefits in terms of access to health and education facilities, and can contribute to greater integration and social inclusion within local communities as detailed in the circular.

9.5 The Council's spatial planning team continues to work towards the production of a Development Plan Document for Gypsy and Traveller site allocations as part of the new Local Development Framework for Wiltshire. The consultation with Spatial Plans has revealed that this is continuing in spite of the new government's abolition of the Regional Spatial Strategies and therefore the assessment of need that has been relied upon in recent years. This is set out in the detailed report of consultation responses above.

9.6 In short it is considered that the emergence of the DPD site allocations is now looking more likely and that is material to the determination of this application as detailed in paragraphs 45 and 46 of the circular 01/2006. This indeed may be reasonable justification for the imposition of a temporary planning permission in some cases. However it is noted that this should not occur where it would be unreasonable, such as if the development requires a 'significant capital outlay'. Significant capital outlay is hard to define and may be perceived differently from one party to another.

9.7 The applicant has been living on the Bonnie Park site, a registered gypsy and traveller site, for many years. In light of the potential closure of this site next year there is a perception of insecurity of tenure and therefore a more secure option is sort. This is quite a reasonable demonstration of need and is a clear indication that the applicant meets the definition detailed above. The applicant states in their design and access statement that they have been living a nomadic lifestyle for approximately 10 years. They state that they are currently resident on Bonnie Park and have detailed horse fairs that they have visited including Stow on the Wold, Andoversford, Priddy Fair, Stourpaine Steamfair. They state they seek a private pitch for privacy, security and health reasons, including giving an opportunity for the applicant's father to have a settled base and access to health facilities. It is reasonable to give the personal circumstances weight in the determination of the application and the imposition of a personal condition may therefore be justified given a personal need but limited information regarding a wider need.

9.8 National and local planning documents accept that private sites are acceptable in principal, indeed this can be beneficial in that it can reduce conflict between different families, ethnicities and cultural origins of travellers on larger communal sites.

9.9 This application site is located in proximity to a well-established traveller's site located in the open countryside outside of the village policy limits. This site is still well-related to the village of Bratton being within a reasonable walking distance of its services and facilities. Further the site is much closer to the village than recent single, private pitch gypsy sites granted planning permission on Capps Lane. The first of these was granted by a planning inspector who considered the site to be reasonably sustainable for a gypsy site given their nomadic lifestyle.

9.10 The planning policy is explicitly clear that applications should not be considered against the normal policies for housing and village and town settlement boundaries. Applications outside of settlements may be perfectly acceptable.

9.11 It is noted that the highway authority comments object to the principle of allowing the development in open countryside on grounds of sustainability. However in the context of the above then such an approach would be in direct conflict with planning policy and recent decisions on similar proposals in the area. If the site were completely remote from any settlement and had no access to facilities or services then an unsustainable argument could be substantiated, however this is clearly not true in this case.

9.12 The highway authority also raises an objection stating that visibility is substandard. It has to be noted that this is an existing access onto the highway and with appropriately worded conditions this could be enhanced and made more safe, which mitigates against the intensification in its use which would occur. It is noted in Circular 01/2006 at paragraph 66 that 'proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant'. On balance and despite the highway officer comments it is deemed that conditions can be used to mitigate any highway safety issues as additional movements on one pitch are likely to be modest and the affect on the minor roads would not be significant.

9.12 The site is located approximately 700 metres from the village policy limits of Bratton which has all the facilities to be expected of a modest rural village, including a rural bus service which connects to larger local settlements and their facilities. This site, in the context of a traveller application is reasonable with access to local facilities and services to satisfy the needs and safety of future occupants and their children including access to education, health facilities and work and leisure opportunities.

9.13 Turning to wider planning considerations of the site it is noted that this proposal is in open countryside that is subject to no special designations. The site would require a landscaping scheme to

mitigate against any visual intrusion and compensate for the required visibility splays to the access. However subject to this it is not likely that any demonstrable harm would occur in light of the special circumstances of the application.

9.14 The amount of development being proposed is quite typical of a single, private gypsy application including a large caravan, a touring caravan and a dayroom. All of this development is limited to single storey heights and would be suitably sited within the context of the area, viewed against the backdrop of a revised landscaping scheme. In summary the proposal would not have a significant impact on the rural character at this point.

9.15 The proposals detail the provision of sewerage treatment facilities on the site, and the submitted information regarding the proposed manufacturer is acceptable. Since there are no mains facilities in the area then this is an acceptable approach. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern, although a condition would be prudent to protect against possible noise from generators.

9.16 The application site is subject to the lowest level of flood risk and therefore this factor is not of significance. Further the land is not considered to be the best or most versatile agricultural land.

9.17 It has been noted that the proposals have been subject to some public objection following the display of a site notice and neighbour letters being sent out. All the comments and points received in the consultation process have been noted and given consideration prior to reaching any conclusion or recommendation.

9.18 In summary the proposals are considered to be in accordance with the development plan policies for the area and national guidance in circular 01/2006. However work on the Council's DPD for Gypsy and Traveller Site allocations is progressing and has now been through the first phase to identify issues and a general approach. The Regional Spatial Strategy has been abolished and with this the formal need assessment figures are no longer available and are having to be reviewed within the Council's emerging DPD.

9.19 In the context of Circular 01/2006 and the development plan policies it is concluded that on balance this is an acceptable site for a single gypsy application. Its scale and the amount of vehicular movements would be limited by the number of caravans which can be on the site at any time, namely one static and one touring caravan as applied for. The applicant has put forward a reasonable argument for a personal need (this can be given some weight in the determination of the application), although the assessment of broader needs and number of pitches in this area is no longer clear. Progress on this and specific site allocations are being undertaken in the Council's DPD. The Council's spatial planners that are responsible for this work have put forward a reasonable argument for stating that this proposal is premature of the DPD production and applications such as this would cumulatively prejudice the final outcome of the DPD.

9.20 The timetable for the DPD indicates the production of the examination and inspectors report by November 2011. Allowing for some nominal delays in its production, final adoption and some time for the applicant to consider their options and make any necessary planning applications after the DPD production it would seem reasonable to grant a temporary permission for 3 years. Consideration on the expense involved in this has been given, especially as the applicant states that they work part-time hours and set up costs can be high even on a partial implementation. On balance it is deemed appropriate to offer a temporary permission over a refusal given the material considerations raised by this case. This allows a developer to determine if it is financially worthwhile making use of a temporary permission without compromising the reasonable right to appeal against the condition/decision.

Recommendation: Permission

For the following reason(s):

The proposed development confirms to the Development Plan, however it is considered to be an application premature to the Council's adoption of a DPD on Traveller and Gypsy Site

Allocations and a revised assessment of need for the area. As such the application may be recommended for permission but only subject to conditions to make this a personal permission for a temporary time period.

Subject to the following condition(s):

- 1 The siting of a mobile home, touring caravan and dayroom (and any ancillary works or structures except planting) shall be removed and the land restored to its former condition on or before the 25 August 2013; in accordance with a scheme to be submitted to and approved by the Local Planning Authority at least 8 weeks prior to that date.

REASON: Permission would normally be granted in light of the demonstrated need, however in light of the Council's on-going work to the production of its DPD on Gypsy and Traveller Site Allocations this application is deemed to be premature and would, cumulatively with similar type applications, prejudice the results of the DPD.

POLICY: ODPM Circular 01/2006: Planning for gypsy and traveller caravan sites paragraphs 45 and 46.

- 2 The occupation of the site hereby permitted shall be carried on only by Miss Dawn Pople and her resident dependants.

REASON: In light of the applicants personal need and circumstances which justify the granting of this permission.

POLICY: ODPM Circular 01/2006 Planning for gypsy and traveller caravan sites.

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site at any time.

REASON: In the interests of defining the terms of this permission, highway safety and protecting the rural character of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 4 No development shall commence and no caravans shall be brought onto the site until details of a consolidated surface to the first 5 metres of the access, measured from the back edge of the carriageway, have been submitted to and approved in writing by the Local Planning Authority and the works completed in accordance with the approved details. This part of the access shall be maintained in that form thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 5 Any gates shall be set back from the edge of the carriageway by at least 6 metres, such gates shall open inwards only.

REASON: In the interests of highway safety so as to allow vehicles to remain clear of the highway when opening or closing the gates.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 6 Notwithstanding the approved plans, no development shall commence on site until minimum visibility splays have been provided 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 where the north and south boundaries of the site meet the edge of

Trowbridge Road. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 7 Notwithstanding the approved plans no development shall commence and no caravans shall be brought onto the site until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of species, plant sizes, numbers and densities.

REASON: In the interests of protecting the rural character of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the time when the first caravan is brought onto the site; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 9 There shall be no burning of commercial or equestrian waste on the site.

REASON: In the interests of the amenity of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 10 No development shall commence and no caravans shall be brought onto the site until details of the following have been submitted to and approved in writing by the local planning authority:
- i) finished stain for day room and material samples for the roofing material
 - ii) boundary treatments and fencing
 - iii) refuse storage facilities
 - iv) any external lighting
 - v) any electricity generation.

The works shall be carried out in strict accordance with the approved details.

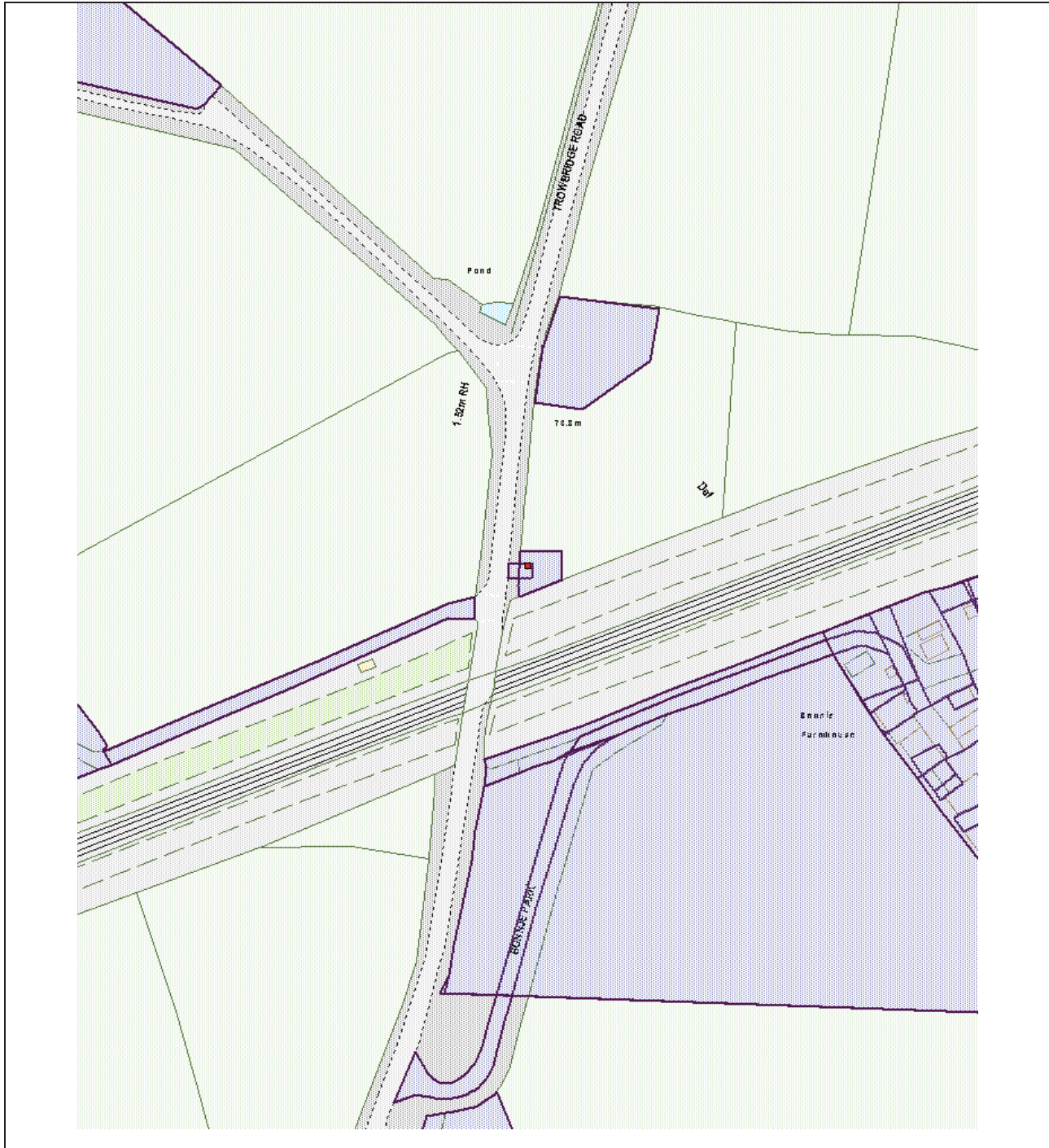
REASON: In the interests of preserving the amenities of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

Informative(s):

- 1 The developer is advised that under paragraph 46 of ODPM Circular 01/2006 that the granting of any temporary planning permission should not be regarded as setting a precedent for the determination of any future applications for full permission. If you have not done so already you are therefore advised as a matter of urgency to contact the Council's spatial planning team responsible for the production of the Council's DPD on Traveller and Gypsy Site Allocations to discuss bringing this site forward for consideration under this planning document. They may be contacted on 01225 713489.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : DP5 received on 28.05.2010
Drawing : DP1 received on 28.05.2010
Drawing : DP2 received on 28.05.2010
Drawing : DP3 received on 28.05.2010
Drawing : DP4 received on 28.05.2010
Drawing : DP6 received on 28.05.2010
Drawing : DP7 received on 28.05.2010

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	25.08.2010		
Application Number	W/10/01506/FUL		
Site Address	Field No 3757 Lower Westbury Road Bratton Wiltshire		
Proposal	Change of use of land for one mobile home, one utility block and one touring caravan		
Applicant	Mrs Hazel Shelbourne		
Town/Parish Council	Bratton		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	390391 152494		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this item be determined by Committee due to:

- * Does not satisfy the criteria for ending a Nomadic lifestyle. Applicant has lived in residential settled property for many years (Bonnie Park) and has been in full time employment in Westbury.
- * No evidence provided as to what has prompted this application and no evidence of nomadic lifestyle having existed.
- * Over saturation of single site pitches within Bratton.

1. Purpose of Report

To consider the above application and to recommend that a temporary and personal planning permission be granted.

2. Main Issues

The main issues to consider are:

The main issues to consider are:

- * Principle of development and progress towards DPD site allocations
- * Visual impact of the scheme/landscaping
- * Highway safety
- * Amenity issues

3. Site Description

The application site is located in open countryside to the east of Bratton, approximately 600 metres from the village policy limits.

The application site slopes from south to north and is currently part of a wider area used to keep horses. The site has a boundary to the south, east and west of a dense hedgerow and is screened by this natural vegetation from the public highway. To the north the edge of the site has no physical boundary present. To the south and east of the site are stables and storage barns in connection with the existing equestrian use of the land.

The access to the site is an existing entrance with a timber 5-bar gate. The road is an Un-classified highway with no through route to the west. The site is located outside of but directly opposite a special landscape area of county-wide significance to the south.

4. Relevant Planning History

None

5. Proposal

This is a resubmission of a previously withdrawn application as detailed above.

The proposal is for the siting of a mobile home, touring caravan and wooden dayroom structure to be occupied as a single gypsy/traveller site. There are some ancillary works including the provision for a septic tank, hard standing for vehicles, fencing and new solid entrance gates.

The application was submitted with a supporting design and access statement; this was expanded upon in light of the comments of Bratton Parish Council and Edington Parish Council.

6. Planning Policy

Wiltshire Structure Plan 2016
DP1 Priorities for Sustainable Development
DP15 Accommodation for Gypsies and Travellers
C9 Special Landscape Areas

West Wiltshire District Plan 1st Alteration (2004)
C1 Countryside Protection
C3 Special Landscape Areas
C31a Design
C38 Nuisance
CF12 Gypsy Caravan Sites

National guidance
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

DoE Circular 11/95: The use of condition sin planning permission.
ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites
ODPM The Planning System: General Principles

7. Consultations

Bratton Parish Council

The council raised objections to the application as follows:

1. The council is not satisfied that the applicant has a nomadic/Romany gypsy background.
2. The application states the applicant is resident in Frogmore Road in Westbury, how long has she lived there?
3. When did she last live an active nomadic lifestyle for more than 2 weeks a year?

4. Local knowledge proves that the land has only ever been used for stabling horses and no one has ever lived on it.
5. The council feel that Bratton has been over saturated with single site pitches already.
6. The council is of the opinion that as there have been two applications of this kind granted in the last month, other land owners are "jumping on the band wagon" and trying to obtain the change of use on their own land.
7. The application falls outside the local structure/development plan and the building lines for Bratton and Edington.
8. Should the application be granted the council requests a clause that the change of use is only for the applicant's lifetime.

Highways

Revised comment:

I expected that this could be the case and I would be happy to cover this issue by condition. Due to the nature of the lane, vehicle speeds would seem to be in the area of 15mph and I would therefore expect splays in both directions of only 17m. This seems achievable with the trimming of the hedgerow adjacent to the carriageway and it does not seem as though 3rd party land would be involved, as the area needing trimming is seemingly highway owned. I would therefore recommend that no Highway objection is raised subject to the following condition being attached to any permission granted:

(WD17) No development shall commence on site until visibility splays have been provided 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 edge of the carriageway 17 metres to the East and 17 metres to the West from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.
REASON: In the interests of highway safety.

Original response:

Whilst I note sufficient parking and turning space is accommodated within the site, the construction of/ siting of a mobile home, utility block and touring caravan is contrary to Planning Policy Guidance Note 13, as the site is located outside of the Housing Policy Boundary. The existing access has insufficient visibility to cope with an intensification of this site and would thus need improvement, of which no information has been submitted. I therefore recommend that this application be refused on Highway grounds for the following reason:

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

The visibility at the access point is considered to be inadequate for the safety and convenience of the traffic associated with the proposed development.

Spatial Plans

Circular 01/06 is clear that Development Plan Documents (DPDs) together with the Regional Spatial Strategy (RSS) form part of the Development Plan, and The Planning & Compulsory Purchase Act 2004 (as amended) states that applications should be determined in accordance with the Development Plan.

The Secretary of State for Communities and Local Government (CLG) revoked Regional Strategies by way of an Order laid before Parliament on 6 July 2010. In a letter from the CLG to all Chief Planning Officers it was confirmed that Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision reflecting local need and historic demand, and for bringing forward land in DPDs. The [LPAs] should continue to do this in line with current policy.

It is clear from this guidance that LPAs should continue to progress with DPDs and in light of this guidance and current issues in Wiltshire surrounding unauthorised encampments and the lack of

alternatives sites, the work started by the Issues and General Approach consultation document should continue in order to meet an existing need for this sector of our community.

The CLG has indicated that further guidance will be made available to assist LPAs in identifying the appropriate level of need. However, at this time it is not clear when this guidance will be made available.

The Wiltshire Gypsy and Traveller Site Allocations DPD is progressing and elements of the recent consultation that relate to a clear, consistent and open methodology for assessing new sites remains relevant. The key issue of pitch provision is being reviewed to ensure that there remains a robust evidence base for the number of pitches eventually proposed through the DPD.

While it is accepted that the RSS has been abolished, and in the absence of more up-to-date assessment, part of the DPD preparation includes a review of the issue of need and will identify appropriate indicators to inform the final level of provision to be allocated through the DPD.

Wiltshire Council is continuing to progress with the Gypsy and Traveller Site Allocations DPD and an important element of this is the Site Selection Methodology and proposed scoring matrix contained within the Issues and General Approach (April 2010) consultation document. Although not yet adopted, the Site Selection Methodology provides a useful assessment tool on which to judge the suitability of this proposals as it reflects national guidance in ODPM Circular 01/06.

Circular 01/06 represents the most relevant policy and I would draw your attention to Paragraphs 58-63 ('Applications'). The key considerations for Gypsy and Traveller Site applications are likely to include:

- * The likely impact on the surrounding area;
- * The existing level of provision and need for sites in the area;
- * The availability (or lack of) alternative accommodation; and,
- * Other personal circumstances.

Other considerations should include, as a minimum:

- * Road access;
- * The availability of services;
- * Potential conflict with statutory undertakers or agricultural interests;
- * Any significant environmental impacts;
- * Flood risk.

Finally, an assessment of the sustainability of the site should also be undertaken and in accordance with Circular 01/06, this should consider;

- * The promotion of peaceful and integrated co-existence between the site and local community;
- * The wider benefits of easier access to GP and other health services;
- * Children attending school on a regular basis;
- * The provision of a settled based that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and,
- * Not locating sites in areas of high flood risk of flooding, including functional floodplains.

Circular 01/06 should form the basis of the assessment and it is accepted that there is a recognised unmet need across Wiltshire and by default a lack of alternative accommodation. However, it is considered that the emerging DPD should be treated as a material consideration in the determination of this planning application and in this respect paragraphs 45 and 46 of Circular 01/06 are relevant.

In such circumstances it is considered that this proposal is premature of the adoption of the Gypsy and Traveller Site Allocations DPD.

The appropriateness of prematurity as a consideration is outlined in paragraphs 17 to 19 of 'The Planning System: General Principles.' The Gypsy and Traveller Site Allocations is at an advanced stage and to grant permanent permission is likely to prejudice the final outcome of the DPD process, by predetermining the final site selection methodology and the final allocation of land to meet current and future need.

In such circumstances, when considering your recommendation, I would like to draw your attention to the possibility of granting a temporary permission as an alternative to the granting of a permanent consent.

Paragraph 45 refers to Circular 11/95 "The Use of Conditions in Planning Permission" with paragraph 110 of that circular advising "...that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is an unmet need but no available alternative gypsy and site provision in an area but there is reasonable expectation that new sites are likely to become available at the end of that period in an area which will meet need, local planning authorities should give consideration to the grant of a temporary permission."

Paragraph 46 of Circular 01/06 states that: "Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD.

Conclusion

It is considered that the proposal is premature of the adoption of the Wiltshire Gypsy and Traveller Site Allocations DPD which is expected to be adopted in November 2011. However, if the site is considered to satisfy the requirements of Circular 01/2006 then it may be appropriate to grant a temporary permission in this case. In such circumstances I would recommend that the temporary period is sufficient to allow for the adoption of the DPD and would suggest a minimum of 2 years.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 22 June 2010

5 letters from 4 individuals have been received, of which three are objecting to the proposals.

Summary of points raised:

- * Fails to comply with planning policy for dwellings in rural areas
- * Another traveller approval on the land has never been occupied and was probably just a means to increase the land value.
- * Their own application for dwelling was justified under PPS7, this is not and no precedent has been set.
- * Applicant has accommodation in Westbury, so there is no need.
- * Would adversely affect the green belt.
- * Advertisements have been removed from the site to conceal the application from local people.
- * This is an attempt to fill Lower Westbury Road with individual gypsy encampments and must be stopped as an abuse of planning regulations.
- * Ludicrous.
- * Shame to see agricultural land not being used for such purposes
- * There is a park in Bratton already dedicated for this type of application.
- * Harmful to the countryside and wildlife.
- * Would like to know when the application is going to committee

9. Planning Considerations

9.1 This proposal has been presented as an application for a single private gypsy site. As such it must be principally considered under Policy DP15 of the Wiltshire Structure Plan 2016 and Policy CF12 of the West Wiltshire District Plan (2004). Further the proposals need to be considered in light of other relevant development plan policy and the regional and national context which includes the ODPM Circular 01/2006 on planning for gypsy and traveller caravan sites.

9.2 Policy DP15 clearly states that proposals for gypsy caravan sites cannot be assessed using policies for settlements and that travellers and gypsies have particular needs which are recognised in

central government policy. Further it is clear that suitable sites may be found within and outside settlements.

9.3 Policy CF12 is consistent with the Structure Plan and also sets out criteria by which to assess applications and has a positive phrasing stating that proposals to provide caravan sites for gypsies will be permitted in appropriate locations having regard to issues such as nuisance, encroachment into open countryside, the needs and safety of future occupants and their children, highway safety, availability and adequacy of infrastructure, proximity to services, protecting agricultural land and flood risk.

9.4 National policy on such matters was updated in February 2006 with the production of ODPM Circular 01/2006. This defines gypsies and travellers as '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 dependant's educational or health needs or old age have ceased to travel temporarily or permanently.....', but acknowledges that the community has generally become more settled. Being settled can have benefits in terms of access to health and education facilities, and can contribute to greater integration and social inclusion within local communities as detailed in the circular.

9.5 The Council's spatial planning team continues to work towards the production of a Development Plan Document for Gypsy and Traveller site allocations as part of the new Local Development Framework for Wiltshire. The consultation with Spatial Plans has revealed that this is continuing in spite of the new government's abolition of the Regional Spatial Strategies and therefore the assessment of need that has been relied upon in recent years. This is set out in the detailed report of consultation responses above.

9.6 In short it is considered that the emergence of the DPD site allocations is now looking more likely and that is material to the determination of this application as detailed in paragraphs 45 and 46 of the circular 01/2006. This indeed may be reasonable justification for the imposition of a temporary planning permission in some cases. However it is noted that this should not occur where it would be unreasonable, such as if the development requires a 'significant capital outlay'. Significant capital outlay is hard to define and may be perceived differently from one party to another.

9.7 The applicant states that they have been living in Westbury since getting married and has lived in 'bricks and mortar' contrary to her cultural background. Ethnicity is not material to the consideration of this application though. What is material is whether a nomadic lifestyle is being lived or has previously been lived and then ceased temporarily or permanently for education or health reasons or old age reasons. In light of this further information has been sought from the applicant by the case officer. They have stated that they married in 1982 but even though based in Westbury they have continued to visit Romany fairs to sell crystal glasswares and flowers. For health reasons they want to move to this site and return to their nomadic roots having terminated their marriage in 2000.

9.8 The applicant upon request has provided a third letter to detail their nomadic lifestyle and highlights that they attended fairs at Stow-on-the-Wold, Appleby & Brough, Baildon Green, Brigg horse fair, Priddy fair, Dorset Steam fair and many other local events. She states that her speciality is herbs & flowers, porcelain and glassware. The applicant states that their daughter lives with them.

9.9 On balance it is considered that the applicant has reasonably demonstrated a nomadic lifestyle consistent with the definition of a traveller in Circular 01/2006. Further their personal circumstances illustrate a need and although they are currently 'housed' this is contrary to the nomadic lifestyle they cultural wish to live. It is reasonable to give the personal circumstances weight in the determination of the application and the imposition of a personal condition may therefore be justified given a personal need but limited information regarding a wider need.

9.10 National and local planning documents accept that private sites are acceptable in principal, indeed this can be beneficial in that it can reduce conflict between different families, ethnicities and cultural origins of travellers on larger communal sites.

9.11 This site is well-related to the village of Bratton being within a reasonable walking distance of its services and facilities. Further the site is much closer to the village than recent single, private pitch gypsy sites granted planning permission on Capps Lane. The first of these was granted by a planning

inspector who considered the site to be reasonably sustainable for a gypsy site given their nomadic lifestyle.

9.12 The planning policy is explicitly clear that applications should not be considered against the normal policies for housing and village and town settlement boundaries. Applications outside of settlements may be perfectly acceptable.

9.13 It is noted that the highway authority comments were initially to object to the principle of allowing the development in open countryside on grounds of sustainability. However this objection has subsequently been removed in acknowledgement that such an approach would be in direct conflict with planning policy. If the site were completely remote from any settlement and had no access to facilities or services then an unsustainable argument could be substantiated, however this is clearly not true in this case.

9.14 The highway authority also raised an objection stating that visibility is substandard. However this objection has subsequently been removed in acknowledgement that conditions could overcome this issue. It has to be noted that this is an existing access onto a rural and lightly trafficked highway and with appropriately worded conditions this could be enhanced and made more safe. Further the applicant has stated that the site is visited everyday and if they were to live on the site then movements would actually be likely to be reduced. Further it is noted in Circular 01/2006 at paragraph 66 that 'proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant'. Therefore given that movements are not likely to increase on this junction and the access is onto a very minor rural road then no concern exists subject to conditions.

9.15 The site is located approximately 600 metres from the village policy limits of Bratton which has all the facilities to be expected of a modest rural village, including a rural bus service which connects to larger local settlements and their facilities. This site, in the context of a traveller application is reasonable with access to local facilities and services to satisfy the needs and safety of future occupants and their children including access to education, health facilities and work and leisure opportunities.

9.16 Turning to wider planning considerations of the site it is noted that this proposal is in open countryside that is subject to no special designations; it is not designated as green belt as stated in the public consultation responses. The site is opposite a special landscape area, however it is well screened and no visual intrusion would occur. The amount of development being proposed is quite typical of a single, private gypsy application including a large caravan, a touring caravan and a dayroom. All of this development is limited to single storey heights and would be suitably sited within the context of the area. In summary the proposal would not have a significant impact on the rural character at this point.

9.17 The proposals detail the provision of sewerage treatment facilities on the site and details can be secured via conditions. Since there are no mains facilities in the area then this is an acceptable approach. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern, although a condition would be prudent to protect against possible noise from generators.

9.18 The application site is subject to the lowest level of flood risk and therefore this factor is not of significance. Further the land is not considered to be the best or most versatile agricultural land.

9.19 It has been noted that the proposals have been subject to some public objection following the display of a site notice and neighbour letters being sent out. All the comments and points received in the consultation process have been noted and given consideration prior to reaching any conclusion or recommendation. It is stressed that this is not green belt land and this is not an application under PPS7. It needs to be assessed under the relevant local and national policy for traveller and gypsy sites.

9.20 In summary the proposals are considered to be in accordance with the development plan policies for the area and national guidance in circular 01/2006. However work on the Council's DPD for Gypsy and Traveller Site allocations is progressing and has now been through the first phase to

identify issues and a general approach. The Regional Spatial Strategy has been abolished and with this the formal need assessment figures are no longer available and are having to be reviewed within the Council's emerging DPD.

9.21 In the context of Circular 01/2006 and the development plan policies it is concluded that on balance this is an acceptable site for a single gypsy application. Its scale and the amount of vehicular movements would be limited by the number of caravans which can be on the site at any time, namely one static and one touring caravan as applied for. The applicant has put forward a reasonable argument for a personal need and demonstration of a nomadic lifestyle (this can be given some weight in the determination of the application), although the assessment of broader needs and number of pitches in this area is no longer clear. Progress on this and specific site allocations are being undertaken in the Council's DPD. The Council's spatial planners that are responsible for this work have put forward a reasonable argument for stating that this proposal is premature of the DPD production and applications such as this would cumulatively prejudice the final outcome of the DPD.

9.22 The timetable for the DPD indicates the production of the examination and inspectors report by November 2011. Allowing for some nominal delays in its production, final adoption and some time for the applicant to consider their options and make any necessary planning applications after the DPD production it would seem reasonable to grant a temporary permission for 3 years. Consideration on the expense involved in this has been given. On balance it is deemed appropriate to offer a temporary permission over a refusal given the material considerations raised by this case. This allows a developer to determine if it is financially worthwhile making use of a temporary permission without compromising the reasonable right to appeal against the condition/decision.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan, however it is considered to be an application premature to the Council's adoption of a DPD on Traveller and Gypsy Site Allocations and a revised assessment of need for the area. As such the application may be recommended for permission but only subject to conditions to make this a personal permission for a temporary time period.

Subject to the following condition(s):

- 1 The siting of a mobile home, touring caravan and dayroom (and any ancillary works or structures except planting) shall be removed and the land restored to its former condition on or before the 25 August 2013; in accordance with a scheme to be submitted to and approved by the Local Planning Authority at least 8 weeks prior to that date.

REASON: Permission would normally be granted in light of the demonstrated need, however in light of the Council's on-going work to the production of its DPD on Gypsy and Traveller Site Allocations this application is deemed to be premature and would, cumulatively with similar type applications, prejudice the results of the DPD.

POLICY: ODPM Circular 01/2006: Planning for gypsy and traveller caravan sites paragraphs 45 and 46.

- 2 The occupation of the site hereby permitted shall be carried on only by Mrs Hazel Shelbourne and her resident dependants.

REASON: In light of the applicant's personal need and circumstances which justify the granting of this permission.

POLICY: ODPM Circular 01/2006 Planning for gypsy and traveller caravan sites.

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site at any time.

REASON: In the interests of defining the terms of this permission, highway safety and protecting the rural character of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 4 No development shall commence and no caravans shall be brought onto the site until details of a consolidated surface to the first 5 metres of the access, measured from the back edge of the carriageway, have been submitted to and approved in writing by the Local Planning Authority and the works completed in accordance with the approved details. This part of the access shall be maintained in that form thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 5 Any gates shall be set back from the edge of the carriageway by at least 6 metres, such gates shall open inwards only.

REASON: In the interests of highway safety so as to allow vehicles to remain clear of the highway when opening or closing the gates.

- 6 No development shall commence on site until visibility splays have been provided 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 edge of the carriageway 17 metres to the East and 17 metres to the West from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the time when the first caravan is brought onto the site; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

REASON: In the interests of protecting the rural character of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 8 There shall be no burning of commercial or equestrian waste on the site.

REASON: In the interests of the amenity of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 9 No development shall commence and no caravans shall be brought onto the site until details of the following have been submitted to and approved in writing by the local planning authority:
- i) material samples and elevations for the dayroom
 - ii) boundary treatments and fencing
 - iii) refuse storage facilities
 - iv) any external lighting

- v) any electricity generation.
- vi) existing and proposed levels of the site
- vii) manufacturer's details of the sewerage treatment disposal

The works shall be carried out in strict accordance with the approved details.

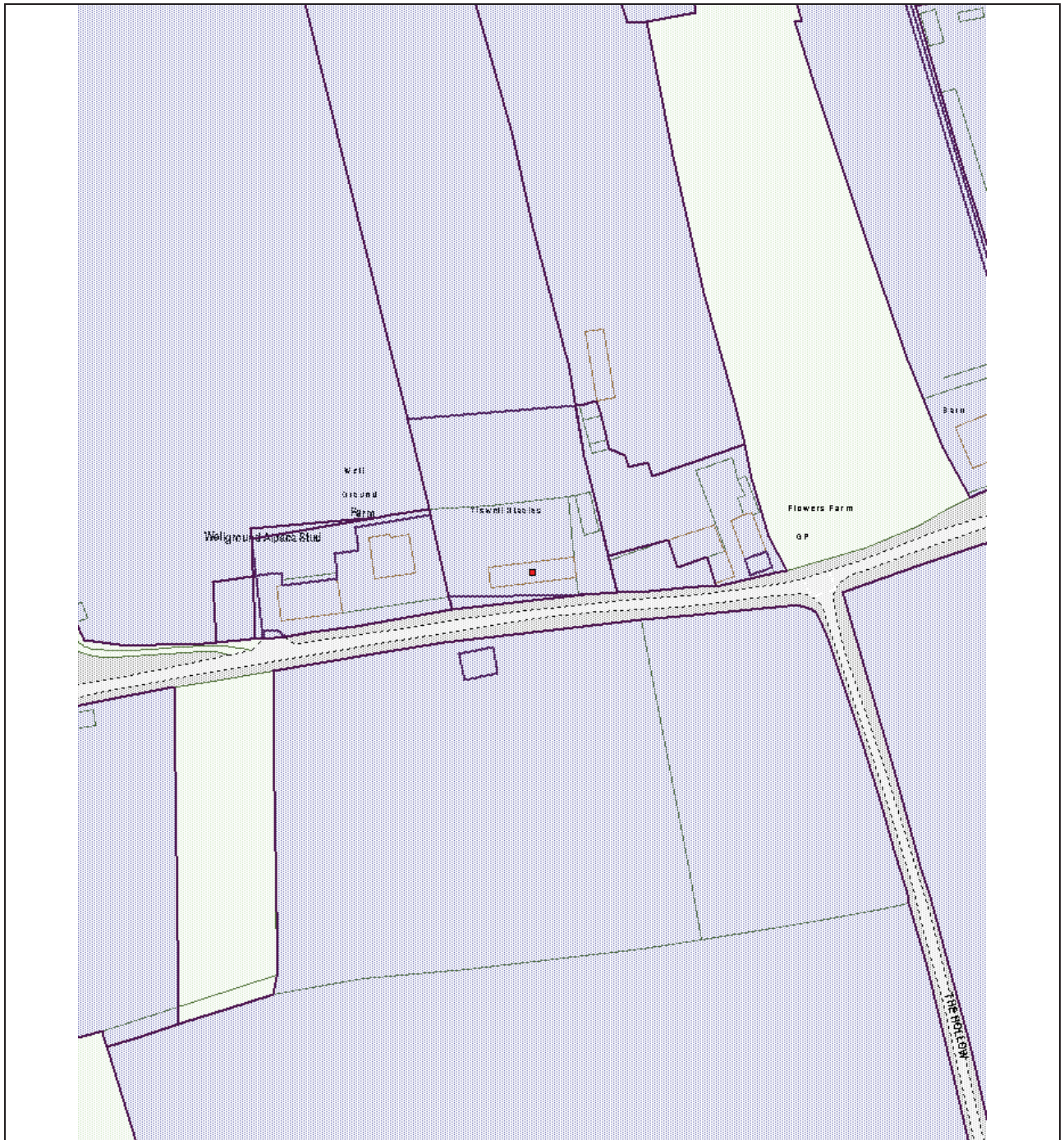
REASON: In the interests of preserving the amenities of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

Informative(s):

- 1 The developer is advised that under paragraph 46 of ODPM Circular 01/2006 that the granting of any temporary planning permission should not be regarded as setting a precedent for the determination of any future applications for full permission. If you have not done so already you are therefore advised as a matter of urgency to contact the Council's spatial planning team responsible for the production of the Council's DPD on Traveller and Gypsy Site Allocations to discuss bringing this site forward for consideration under this planning document. They may be contacted on 01225 713489.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : LWR.1.A received on 11.05.2010

Drawing : LOCATION PLAN received on 11.05.2010

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	25.08.2010		
Application Number	W/10/01753/S73		
Site Address	Land West Of Penn Farm Capps Lane Bratton Wiltshire		
Proposal	Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy traveller occupation only		
Applicant	Mr W Sherred		
Town/Parish Council	Bratton		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	390130 153531		
Type of application	Variation of Condition		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this item be determined by Committee due to: The conditions as laid down in the original permission were clear that this site is for the use of Mr Sherred only and that should he leave the site it is to be returned to agricultural land. There will be no management of the site should the conditions be removed and would make way for further development of an already over saturated area with single site pitches.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to revised conditions to reflect the personal circumstances of the applicant, but continue to restrict occupation so as not to prejudice the Council's Gypsy and Traveller Site Allocation Development Plan Document production

2. Main Issues

The main issues to consider are:

- * Principle of development and progress towards DPD site allocations
- * Planning history

3. Site Description

The application site is located in open countryside off of Capps Lane, nr Bratton. It is relatively flat with a dense hedge to the northern boundary adjacent to the highway.

The site is currently being occupied by Mr Sherred, his son Mr Mathews and Mr Mathews' wife and child. The site has 2 caravans (1 twin-unit and 1 mobile) and an area laid to hard standing with an established access created to highway specifications.

The site also has consent for a dayroom, however upon the most recent site visits this had not been erected.

4. Relevant Planning History

07/03063/FUL - Site for one gypsy family - twin mobile unit and day room – Permission on 19.11.2007

5. Proposal

This is a planning application under section 73 of the planning acts. The applicant is seeking the deletion of conditions 2 and 3 which were imposed under planning permission reference 07/03063/FUL as follows:

2. The development hereby permitted shall be occupied only by William Sherred and his family.
REASON: In order to define the terms of the permission and because the personal circumstances of the applicant are material to the granting of this permission.

3. When the development hereby permitted ceases to be occupied by William Sherred, no further occupation of the mobile home and day room shall take place and anything brought onto the land in connection with its occupation shall be removed from the land within one month. REASON: Because the personal circumstances of the applicant are material to the granting of this permission.

The applicant seeks that the Council imposes an alternative condition so that the site may only be occupied by person or persons who meet the definition of a traveller or gypsy under paragraph 15 of ODPM Circular 01/2006 i.e. make this a permanent traveller site as opposed to a site for Mr Sherred. Currently under the terms of condition 3, family members may only be on site if Mr Sherred is also occupying the site.

6. Planning Policy

Wiltshire Structure Plan 2016
DP1 Priorities for Sustainable Development
DP15 Accommodation for Gypsies and Travellers

West Wiltshire District Plan 1st Alteration (2004)
C1 Countryside Protection
C31a Design
C38 Nuisance
CF12 Gypsy Caravan Sites

National guidance
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

DoE Circular 11/95: The use of conditions in planning permission.
ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites
ODPM The Planning System: General Principles

7. Consultations

Bratton Parish Council

Mr Sherred had agreed to clause 2 and clause 3 when the original application was granted permission in 2007. Therefore the council can see no reason why they should be omitted now.

The council did however agree to forward a note to the planning officer regarding the information presented at tonight's meeting on the possible solution proposed by those who addressed the council at the open forum (see paragraph below). The hope is that this compromise may help to resolve the matter when heard by the Wiltshire Council planning committee.

This was presented to the council (Bratton Parish) in the open forum.

Mr and Mrs Barthram and Mr Venn (the residents of Capps Lane local to the address of planning application W/10/01753/S73) and Ms Sherred (the applicants agent) and Mr W Sherred (the Applicant) attended the meeting and all spoke on the subject of the planning application and the proposed amendment to the original permission granted in 2007 (07/03063/FUL). The original permission stated 2 clauses as follows: clause 2 stated that the development hereby permitted shall be occupied only by William Sherred and his family. Clause 3 stated that when the development hereby permitted ceases to be occupied by William Sherred, no further occupation of the mobile home and day room shall take place and anything brought onto the land in connection with its occupation shall be removed from the land within one month. The recent application made by Mr Sherred has asked for the removal of clauses 2 and 3 and the replacement with a condition to allow for gypsy or traveller occupation only. Although the Barthrams and Mr Venn have raised objections to the amendment to the application as it stands to remove clauses 2 and 3, they did present the Parish Council with an amendment which all were in favour of including Mr Sherred and his agent. This amendment would allow Mr Sherred's family to remain in residence if anything happened to Mr W Sherred but not allow any gypsy or traveller occupation.

I was not clerk at this meeting due to illness but have had clarification from my councillors as to the correct wording of the conversation in the open forum and the council formal objection to the application as presented at that meeting. I understand the situation with any further amendments seems to be changing almost daily so until we have any firm amendments the council will refrain from making further comment.

Spatial Plans

Each application for a Gypsy site should be considered on its individual merits and reflect the guidance outlined in Circular 01/2006. However, the removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replace with a condition to allow for gypsy traveller occupation only, could prejudice the outcome of the Wiltshire Gypsy and Traveller Site Allocations DPD.

The DPD should be the mechanism by which identified need is delivered, through a plan-led and holistic approach to ensure the most suitable and sustainable locations are identified.

Background / Context

Circular 01/06 Planning for Gypsy and Traveller Caravan Sites' contains the Governments' most recent advice on identifying new sustainable sites for Gypsy and Traveller accommodation. ODPM Circular 01/06 supersedes advices contained in Circular 02/94 Gypsy Sites and Planning.

One of the key intentions of Circular 01/06 is to create and support sustainable, respectful, and inclusive communities where Gypsies and Travellers have fair access to suitable accommodation, education, health, and welfare provision. The Circular states, "local planning authorities should first consider locations in or near existing settlements with access to local services." Circular 01/06 also requires that all candidate sites must have their social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisals, as outlined in Planning Policy Statement 12: Local Development Frameworks (PPS12).

Circular 01/06 is clear that Development Plan Documents (DPDS) together with the Regional Spatial Strategy (RSS) form part of the Development Plan, and The Planning and Compulsory Purchase Act

2004 (as amended) states that applications should be determined in accordance with the Development Plan.

The Secretary of State for Communities and Local Government (CLG) revoked Regional Strategies by way of an Order laid before Parliament on 6 July 2010. In a letter from the CLG to all Chief Planning Officers it was confirmed that Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision reflecting local need and historic demand, and for bring forward land in DPDs. The [LPAs] should continue to do this in line with current policy.

It is clear from this guidance that LPAs should continue to progress with DPDs. In light of this guidance and current issues in Wiltshire surrounding unauthorised encampments and the lack of alternatives sites, the work started by the Issues and General Approach consultation document should continue in order to meet an existing need for this sector of our community.

The CLG has indicated that further guidance will be made available to assist LPAs in identifying the appropriate level of need. However, at this time it is not clear when this guidance will be made available.

The Wiltshire Gypsy and Traveller Site Allocations DPD is progressing and elements of the recent consultation that relate to a clear, consistent and open methodology for assessing new sites remains relevant. The key issue of pitch provision is being reviewed through the course of the DPD to ensure that there remains a robust evidence base for the number of pitches eventually proposed through the DPD.

Wiltshire Council is continuing to progress with the Gypsy and Traveller Site Allocations DPD and an important element of this is the Site Selection Methodology and proposed scoring matrix contained within the Issues and General Approach (April 2010) consultation document. Although not yet adopted the Site Selection Methodology provides a useful assessment tool on which to judge the suitability of this proposals as it reflects national guidance in ODPM Circular 01/06.

Circular 01/06 represents the most relevant policy and I would draw your attention to Paragraphs 58-63 ('Applications'). The key considerations for Gypsy and Traveller Site applications are likely to include:

- * The likely impact on the surrounding area;
- * The existing level of provision and need for sites in the area;
- * The availability (or lack of) alternative accommodation; and,
- * Other personal circumstances.

Other considerations should include, as a minimum:

- * Road access;
- * The availability of services;
- * Potential conflict with statutory undertakers or agricultural interests;
- * Any significant environmental impacts;
- * Flood risk.

Finally, an assessment of the sustainability of the site should also be undertaken and in accordance with Circular 01/06, this should consider;

- * The promotion of peaceful and integrated co-existence between the site and local community;
- * The wider benefits of easier access to GP and other health services;
- * Children attending school on a regular basis;
- * The provision of a settled based that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and,
- * Not locating sites in areas of high flood risk of flooding, including functional floodplains.

Circular 01/06 should form the basis of the assessment and it is accepted that there is a recognised unmet need across Wiltshire and by default a lack of alternative accommodation. However, it is considered that the emerging DPD should be treated as a material consideration in the determination of this planning application and in this respect paragraphs 45 and 46 of Circular 01/06 are relevant.

The appropriateness of prematurity as a consideration is outlined in paragraphs 17 to 19 of 'The Planning System: General Principles.' The Gypsy and Traveller Site Allocations is at an advanced stage and to grant permanent permission is likely to prejudice the final outcome of the DPD process, by predetermining the final site selection methodology and the final allocation of land to meet current and future need.

It is understood that the permission granted for application 07.03063.FUL was intended to respond to the specific personal circumstances of the applicant. To allow the removal of conditions 2 and 3 attached to planning permission 07.03063.FUL will pre-empt the conclusions of the Wiltshire Gypsy and Traveller Site Allocations DPD.

If it is considered that the site satisfies the requirements of Circular 01/06, in such circumstances, when considering your recommendation, I would like to draw your attention to the possibility of granting a temporary permission as an alternative to the granting of a permanent consent.

Paragraph 45 refers to Circular 11/95 "The Use of Conditions in Planning Permission" with paragraph 110 of that circular advising "...that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is an unmet need but no available alternative gypsy and site provision in an area but there is reasonable expectation that new sites are likely to become available at the end of that period in an area which will meet need, local planning authorities should give consideration to the grant of a temporary permission."

Paragraph 46 of Circular 01/06 states that: "Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD.

Conclusions:

To allow the removal of conditions 2 and 3 attached to planning permission 07.03063.FUL will pre-empt the conclusions of the Wiltshire Gypsy and Traveller Site Allocations DPD. The DPD should be the mechanism by which existing and future need is satisfied to ensure the most suitable and sustainable locations are identified.

However, if the site is considered to satisfy the requirements of Circular 01/2006 then it may be appropriate to grant a temporary permission in this case. In such circumstances I would recommend that the temporary period is sufficient to allow for the adoption of the DPD and would suggest a minimum of 2 years

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 13 July 2010

5 parties have commented on the proposals. 2 parties objecting to the application raising the following points:

- * Mr Sherred must want to move away and has in the past obtained permission and then moved on.
- * If Mr Sherred does not intend to leave the site there is no need for the restrictions to be lifted.
- * Permission was only granted based on his personal circumstances
- * Mr Sherred is a good neighbour
- * Officer support for this seems to have already been obtained
- * Do not understand why the circumstances should allow for any traveller or gypsy to be allowed on the site.

3 of the parties were writing in support of the application with the following points:

- * Where are Mr Sherred's family to go if they are not allowed to be on the site.
- * Planning should not destroy lives.
- * Support this application as part of the settled community

- * Waste of time and money dealing with this matter that could be focused on meeting the other traveller community needs.
- * Conditions imposed are in conflict with each other
- * We need to protect permanent sites for traveller use.
- * This will help address the need for sites
- * Applicants have been responsible rather than making this as a retrospective application.

9. Planning Considerations

9.1 An application under section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. Indeed in this case the permission has been implemented and many of the conditions attached to the original permission reference 07/03063/FUL have been satisfied. The Council can reasonably apply conditions to this application as it would under any regular planning application as long as they meet the 6 tests of conditions detailed in Circular 11/95. Indeed planning permission should not be refused if planning conditions could reasonably address the potential grounds for refusal.

9.2 This proposal has been presented in effect as an application for a single private gypsy site. As such it must be principally considered under Policy DP15 of the Wiltshire Structure Plan 2016 and Policy CF12 of the West Wiltshire District Plan (2004). Further the proposals need to be considered in light of other relevant development plan policy and the regional and national context which includes the ODPM Circular 01/2006 on planning for gypsy and traveller caravan sites.

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9.5 National policy on such matters was updated in February 2006 with the production of ODPM Circular 01/2006. This defines gypsies and travellers as '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 dependant's educational or health needs or old age have ceased to travel temporarily or permanently.....', but acknowledges that the community has generally become more settled. Being settled can have benefits in terms of access to health and education facilities, and can contribute to greater integration and social inclusion within local communities as detailed in the circular.

9.6 The Council's spatial planning team continues to work towards the production of a Development Plan Document for Gypsy and Traveller site allocations as part of the new Local Development Framework for Wiltshire. The consultation with Spatial Plans has revealed that this is continuing in spite of the new government's abolition of the Regional Spatial Strategies and therefore the assessment of need that has been relied upon in recent years. This is set out in the detailed report of consultation responses above.

9.7 In short it is considered that the emergence of the DPD site allocations is now looking more likely and that is material to the determination of this application as detailed in paragraphs 45 and 46 of the circular 01/2006. This indeed may be reasonable justification for the imposition of a temporary planning permission in some cases. However it is noted that this should not occur where it would be unreasonable, such as if the development requires a 'significant capital outlay'. Significant capital outlay is not likely to be an issue here since the site has already been set up. However a temporary permission is considered to be unreasonable in this case given that there is an existing 'permanent'/'life-time' permission for Mr Sherrard to live on this site. To erode this by making the

tenure on this site temporary would be unreasonable and fail the tests of a condition. Therefore this application is materially different to other pending traveller applications.

9.8 The set is an established traveller site, albeit on a personal permission and considered to be perfectly in keeping with the development plan policies for the area and national guidance in circular 01/2006. However work on the Council's DPD for Gypsy and Traveller Site allocations is progressing and has now been through the first phase to identify issues and a general approach. The Regional Spatial Strategy has been abolished and with this the formal need assessment figures are no longer available and are having to be reviewed within the Council's emerging DPD.

9.9 The Council's spatial planners are responsible for this work and have put forward a reasonable argument for stating that this proposal is premature of the DPD production and applications such as this would cumulatively prejudice the final outcome of the DPD. In such cases normally a temporary permission may be reasonable, but in this specific case that would be unreasonable.

9.10 It is considered though that the material circumstances of this case, even in light of the DPD issues necessitates a pragmatic approach. The existing conditions would stop Mr Sherred's family from living on the site if he were not there and this is a very harsh situation, especially given that his son Mr Mathews is now living on the site with his father, wife and son. Indeed it is noted that Mr Mathews' son is due to be starting at Bratton school in September. In light of this there is clearly a need for Mr Sherred's immediate family to have an authorised site; so varying the conditions so that Mr Sherred is free to live a nomadic life while his son, wife and daughter are settled for the education of their child are reasonable and justified. It is acknowledged that this is not specifically what has been applied for but the planning regulations do allow for this kind of approach to be taken by a planning authority. In addition further private and confidential information has been submitted regarding health and care matters which contribute to a justification for a more flexible approach to the occupation of the site allowing Mr Sherred to be away for periods while his dependents remain.

9.11 Changing the wording of condition 3 so that the site is for 'Mr Sherred and family' would overcome this matter and is justified. This was briefly a point of compromise during the processing of the application, however the applicants sought the wording 'Mr Sherred, family and dependents'; but it is understood that the use of 'dependents' was objectionable to local residents.

9.12 In the interests of good practice it is necessary for the Council to show a consistent approach to the determination of applications. It is noted that members imposed an additional personal condition on a nearby application in May for the applicant and dependents (ref: X). Further it is noted that in permission W/09/02386/FUL the planning inspectorate imposed a personal condition in May 2010 on Mr Edington's site in Bratton for the applicant and dependents. It is also noted that the planning inspectorate's model condition, where personal permissions on traveller sites is warranted, is for the applicant and dependents. Therefore such wording is considered to be good practice.

9.13 On the basis of the above deliberations it is concluded that a permanent permission for any traveller or gypsy would be unacceptable as it may cumulatively, with other applications in the area, prejudice the Council's DPD Traveller and Gypsy Site Allocations work. However in light of the personal circumstances detailed in this application a more flexible wording to the original conditions would be perfectly acceptable to the Council and would be likely to address the applicant's issues without compromising their right to appeal the decision. Therefore it is recommended that permission be granted but with variations to conditions 2 and 3, as stated in 07/03063/FUL, for 'Mr Sherred and dependents' to accord with good practice and recent decisions in the area.

9.14 Finally the outstanding and relevant conditions imposed under permission 07/03063/FUL have been re-imposed. This is only three items namely the number of caravans on site, pollution control and limiting fires. Other conditions have already been discharged and/or complied with.

9.15 It has been noted that the proposals have been subject to some public objection and support following the display of a site notice and neighbour letters being sent out. All the comments and points received in the consultation process have been noted and given consideration prior to reaching any conclusion or recommendation. Further it is appreciated that the word dependents may have been a source of concern for those parties objecting, however for the above reasons it is considered to be an acceptable compromise that would accord with planning policy and guidance.

Recommendation: Permission

Subject to the following condition(s):

- 1 The occupation of the site hereby permitted shall be carried on only by Mr W Sherred, the applicant and his resident dependants.

REASON: Planning permission has only been granted on the basis of the personal circumstances and status of the applicant.

- 2 When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use including the amenity block hereby approved, shall be removed. Within 1 month of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON: Planning permission has only been granted on the basis of the personal circumstances and status of the applicant.

- 3 No caravan, other than the twin unit hereby permitted, and one touring caravan shall be placed on the land.

REASON: In order to define the terms of this permission and avoid proliferation of caravans at the site.

- 4 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution to the water environment.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy U4.

- 5 No controlled waste shall be burnt on site.

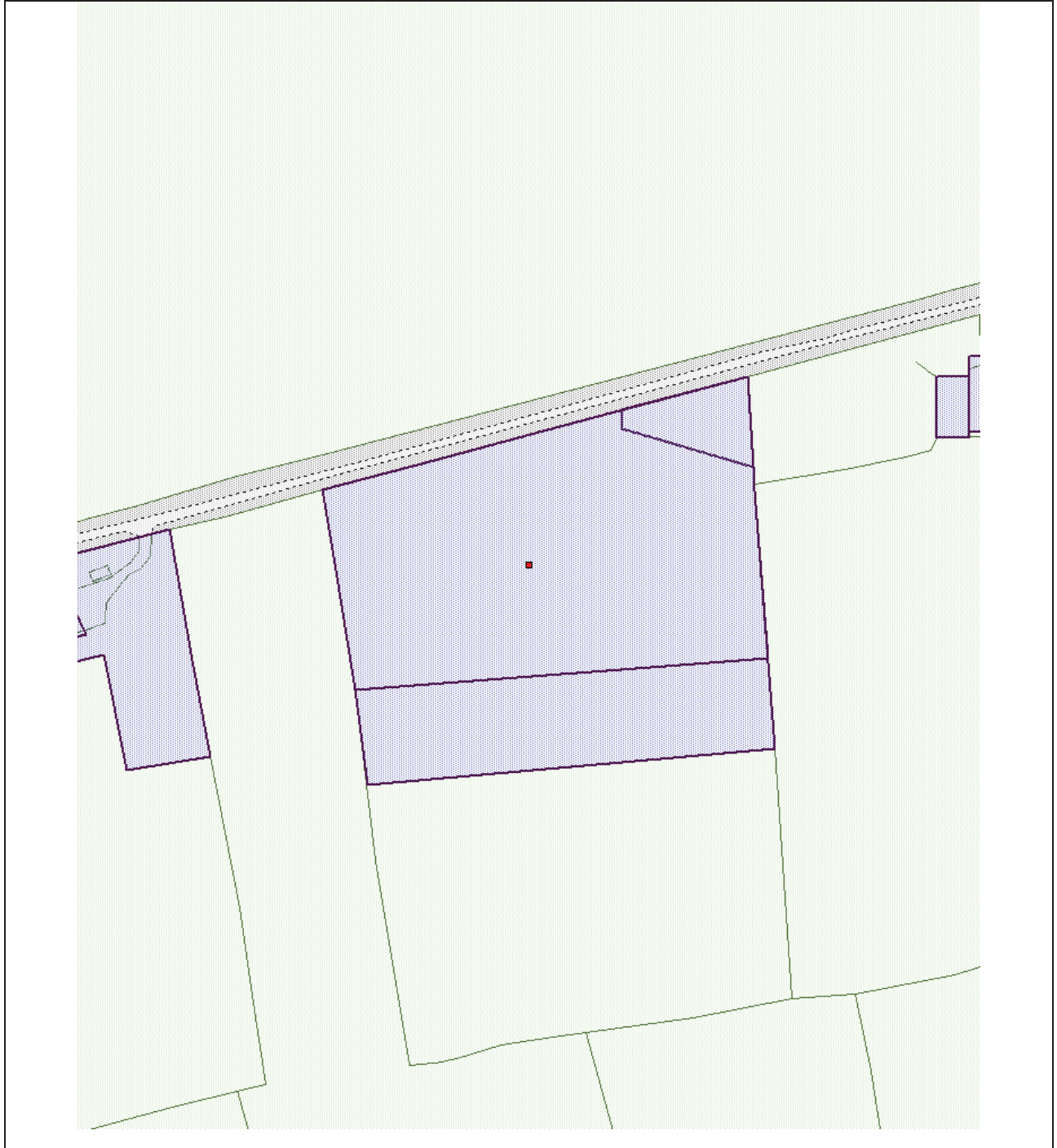
REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy C38.

Informative(s):

- 1 The developer is advised that under paragraph 46 of ODPM Circular 01/2006 that the granting of any temporary planning permission should not be regarded as setting a precedent for the determination of any future applications for full permission. If you have not done so already you are therefore advised as a matter of urgency to contact the Council's spatial planning team responsible for the production of the Council's DPD on Traveller and Gypsy Site Allocations to discuss bringing this site forward for consideration under this planning document. They may be contacted on 01225 713489.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN received on 08.06.2010

Drawing : SEPTIC TANK LOCATION PLAN received on 08.06.2010

Drawing : DAY ROOM ELEVATIONS received on 08.06.2010

Drawing : DAY ROOM PLANS received on 08.06.2010

Drawing : PHOTOS received on 08.06.2010

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	25.08.2010		
Application Number	W/10/01439/FUL		
Site Address	Land Adjoining 25 Iford Fields Westwood Wiltshire		
Proposal	Timber stable building		
Applicant	Ms Richard Crozier		
Town/Parish Council	Westwood		
Electoral Division	Winsley And Westwood	Unitary Member:	Linda Conley
Grid Ref	380442 158749		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 5297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Conley has requested that this item be determined by Committee due to:

- * Contravenes development planning regulations in the green belt
- * Access
- * Relationship to adjoining properties

1. Purpose of Report

To consider the above application and to recommend that planning permission should be granted subject to conditions.

2. Main Issues

The main issues to consider are:

- Impact on Green Belt
- Impact on Area of Outstanding Natural Beauty
- Impact on residential amenity
- Impact on street scene

3. Site Description

The application site is a small area of overgrown land located on the west side of the lane leading to a sewage treatment works. The site is located in the Western Wiltshire Green Belt and Area of Outstanding Natural Beauty. The site is roughly rectangular in shape next to the boundary of a residential property. There are a further six properties to the north of the site. The surrounding area is predominately agricultural fields.

4. Relevant Planning History

07/02470/FUL – Replacement garage – PERMISSION 17.09.2007

07/01261/FUL – Replacement garage – REFUSED 31.05.2007

5. Proposal

The application seeks permission for the erection of a stable building. The stables would provide two horse boxes and a tack and hay store. The application would provide a hard standing for the stables. The stables would be set back by 2 metres from the highway and would be parallel to the road.

The proposed stables would be 3.65 metres by 11.5 metres with a height of 2.9 metres to the ridge.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004

C1 Countryside Protection

C2 Area of Outstanding Natural Beauty

C31A Design

C38 Nuisance

E10 Horse Related Development

U5 Sewage Treatment Works

PPG2 Green Belts

7. Consultations

Westwood Parish council

No objections.

Revised comments – Object.

Highways

No objection in principal subject to revised location of the stables and condition restricting to non commercial use.

Additional comments – No highway objection subject to conditions. Comments received 13 July 2010

Environment Agency

No objection subject to informatives.

Wessex Water

No objection.

Environmental Health (PROTECTION)

Request condition to be attached to decision notice.

Drainage Engineer (Tech Services)

No comment.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 6 July 2010

Summary of points raised:

6 letters of objection received. Comments relate to:

- Increase traffic
- Access
- Wear and tear of the lane
- Distance to bridal path
- Poor visibility
- Narrow lane
- Increase in noise at unsociable hours
- Stables not linked to paddock next door
- Not blend in with surrounding area
- Paddock owned by neighbour not applicant
- Lane is a public footpath with access to the sewage works
- Loss of amenities and use of garden
- Water hangs at the top of field soak away will increase this
- Ownership of Paddock
- Land is agricultural not leisure
- Field part of the Cotswold National Park
- Wire fence not adequate
- Loss of privacy
- Other facilities available for housing horses
- Erosion of village amenities
- Lane not a bridleway
- Farm building was removed 10 years ago

9. Planning Considerations

9.1 Green Belt

Under the provisions of Planning Policy Guidance 2 Green Belts there is a general presumption against inappropriate forms of development within the green belt which, by definition, are harmful to its character and setting. Such inappropriate development should only be approved in very special circumstances.

PPG2 states that stables within the Green Belt are considered to be acceptable providing they are small stables for outdoor sport and outdoor recreation. The proposal would provide a small stable block providing facilities which will support outdoor recreational activities which under Green Belt policy is considered to be acceptable.

The size of the proposed stable block would not be detrimental to the openness of the greenbelt but would preserve the character of the area. Considering the guidance contained in PPG2 the proposed stable block would provide essential recreational facilities in support of outdoor recreational activities which would not harm the openness of the green belt or the open countryside and is therefore considered to be acceptable.

9.2 Area of Outstanding Natural Beauty

The proposed stable block due to its size, design and position would not harm the character of the Area of Outstanding Natural Beauty as the design would be sympathetic to the surrounding area.

9.3 Highways

The stables would be located down a lane. It is considered by the highway authority that the introduction of this small stable block would not harm this un-adopted lane. The set back position of the building allows for suitable visibility slays from the access point to be maintain. Having regards to the increase in traffic the highway authority raised no objection to the proposal as the proposal would not result in a significant increase in traffic. To ensure this a condition has been attached to this recommendation restricting the use of the stables to private use and not commercial as this would be unacceptable in this location.

9.4 Residential Amenity

The proposed development would have minimal affect on the amenities of the surrounding neighbours. The proposed building would cause some additional overshadowing to the amenities of number 25 Iford Fields. However due to the position of the proposed building the overshadowing would occur over an area used for storage and parking and not the residential garden or the main dwelling. It is therefore considered that the overshadowing would not cause any detrimental harm to the amenities of number 25 Iford Fields.

The noise and smell which would emanate from the site, due to the type of development, is considered to not cause adverse harm the amenities of 25 Iford Fields. The site is located in an agricultural area and the catchment area of a sewage treatment works the addition of this small scale development would not be detrimental the residential amenity due to the existing nature of the site and the surrounding area.

The manure produced on site would not be kept on site and would be removed to be used on the farm owned by the applicant this will reduce the impact the stable would have on the neighbours in terms of smell and is therefore considered to be acceptable. A condition has been attached to this recommendation to ensure that full details of how the manure is to be stored are submitted and approved in writing by the Local Planning Authority and that no materials are burnt on site to preserve the amenities of the surrounding neighbours.

9.5 Street Scene

The proposed building would be single storey located in an agricultural area. The proposal would not harm the character of the area due to its size, design, position and due to the proposed materials being timber the proposal would be sympathetic to the area and preserve the open countryside.

9.6 Design

The proposed single storey building with its pitched roof would represent a small agricultural building in the open countryside. The building would be sympathetic to the area and is therefore considered to be acceptable.

9.7 The proposal complies with policy and planning permission should be granted subject to conditions.

Recommendation: Permission

For the following reason(s):

The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.

Subject to the following condition(s):

- 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 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

- 4 No materials shall be burnt on site.

REASON: In order to minimise nuisance and safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan First Alteration 2004 policy C38 and E10

- 5 There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

- 6 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

- 7 No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

Informative(s):

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

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

- 2 Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse of water source by the release of contaminated run-off.
- 3 The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.
- 4 There must be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
- 5 The developer/applicant is advised to take into account the contents of the Wessex Water letter dated 26 May 2010

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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 738.0 A received on 21.07.2010
Drawing : 738.03 C received on 21.07.2010
Drawing : 738.02 A received on 25.05.2010
Drawing : 738.01 A received on 25.05.2010

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	25.08.2010		
Application Number	W/10/01766/FUL		
Site Address	Angel Cottage 34B Upton Scudamore Wiltshire BA12 0AQ		
Proposal	Ground and first floor extension/alterations for managers accommodation		
Applicant	Mr Anthony Coates		
Town/Parish Council	Upton Scudamore		
Electoral Division	Warminster Without	Unitary Member:	Fleur De Rhe-Philippe
Grid Ref	386534 147876		
Type of application	Full Plan		
Case Officer	Miss Carla Rose	01225 770344 Ext 5283 carla.rose@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Fleur de Rhe-Philippe has requested that this item be determined by Committee due to the scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties and the design

1. Purpose of Report

To consider the above application and to recommend that the application is refused.

2. Main Issues

The main issues to consider are:

- Planning history
- Character of the area and street scene
- Neighbour amenity

3. Site Description

The Angel Inn is a detached residential property. A car park is located to the east of the site. A detached bungalow is located to the west of the site.

The general area is characterised by detached and semi-detached residential properties. The Angel Inn is located to the east of the site. 33 Upton Scudamore is a grade II listed building and is located to the south east of the site. A semi-detached residential property is located to the south of the site.

4. Relevant Planning History

98/00219/FUL - Raise existing garage roof to existing roof line creating additional living area - Permission 16.03.1998

10/01000/FUL – Ground and first floor extensions for manager's accommodation – Withdrawn 25.05.2010

5. Proposal

An existing single storey gable is proposed to be extended and a first floor extension is proposed over the new footprint.

6. Planning Policy

C38 – Nuisance

C31A – Design

West Wiltshire District Plan 1st Alteration 2004

Supplementary Planning Guidance on house alterations and extensions - Adopted July 2004

7. Consultations

Upton Scudamore Parish Council

The Parish Council would like to support the application if it is 'normally acceptable for the roof to be one level when an extension is added to a building' and for matching materials to be used.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 03.08.2010

Summary of points raised:

One letter/email of objection was received from the occupiers of 1 Manor Farm Cottages.

Concerns were raised regarding overlooking of their property as a result of the proposed first floor window in the southern elevation and because Angel Cottage is set at a lower level than 1 Manor Farm Cottages.

9. Planning Considerations

9.1 Planning history

Planning permission was granted in 1998 to 'raise the existing garage roof to the existing roof line creating additional living area' at Angel Cottage. This permission was not implemented and is no longer extant. Although that permission was for a two storey extension to ridge height it would have resulted in a smaller footprint that would not have extended as far forward as the current application.

The current proposal is considered to be more harmful to neighbouring amenity than the earlier plans and this will be addressed later in the report.

The neighbouring dwelling is located to the south of Angel Cottage. This dwelling is referred to as 1 The Orchard in the Design and Access statement but is actually 1 Manor Farm Cottages. This property is a large two storey dwelling which has been extended to the rear and has only a small rear

garden. Permission for this rear extension was granted in 2008 after the 1998 permission for an extension to the application property had expired.

9.2 Character of the area and street scene

The area is characterised by groups of dwellings in close proximity to each other of which many are in backland locations without street frontages. The application site is typical of the immediate area and does not have its own street frontage but is accessed from the carpark of the Angel Inn.

As such the proposed two storey front extension is set back from the street frontage where it would have limited impact on the street scene and can only be viewed from a small number of vantage points within the public realm.

Although Supplementary Planning Guidance states that extensions should be a subservient element to the host dwelling and a relatively large front gable is proposed it is considered to be consistent with the original design and would not appear unduly prominent.

9.3 Neighbour amenity

The extended neighbouring dwelling 1 Manor Farm Cottages has only a small triangular area of private rear garden which is already partially enclosed by the application site on one side, its own rear elevation on the other and the boundary of the neighbour to the east on the third side.

The orientation of the proposed extension, to the north of the neighbouring dwelling, is such that it would not result in any loss of direct sunlight. However, any increase in the height and length of the side elevation as currently proposed, extending almost the full length of the neighbour's garden and within only one metre (approximately) of the boundary would have an overbearing, overly dominant and visually intrusive impact on the neighbouring dwelling. This would be exacerbated by the orientation and close physical relationship of the two properties.

The form, height, scale and mass of the extension would be such that the already small area of rear garden their only private amenity space would appear even more cramped than at the present time. As such it would be particularly harmful to the amenities currently enjoyed by the occupiers of the neighbouring property.

A window at first floor level is proposed within the southern elevation and would have the potential to overlook the neighbouring garden. Although an objection has been received, this window would be unlikely to cause any harm because it is shown as obscure glazed and is proposed to serve an en-suite bathroom, which is not a habitable room. However, the neighbours' perception that this might result in loss of amenity cannot be ignored. It is not an ideal situation in such close proximity to their limited area of amenity space but is not sufficient in itself to warrant refusal of the application.

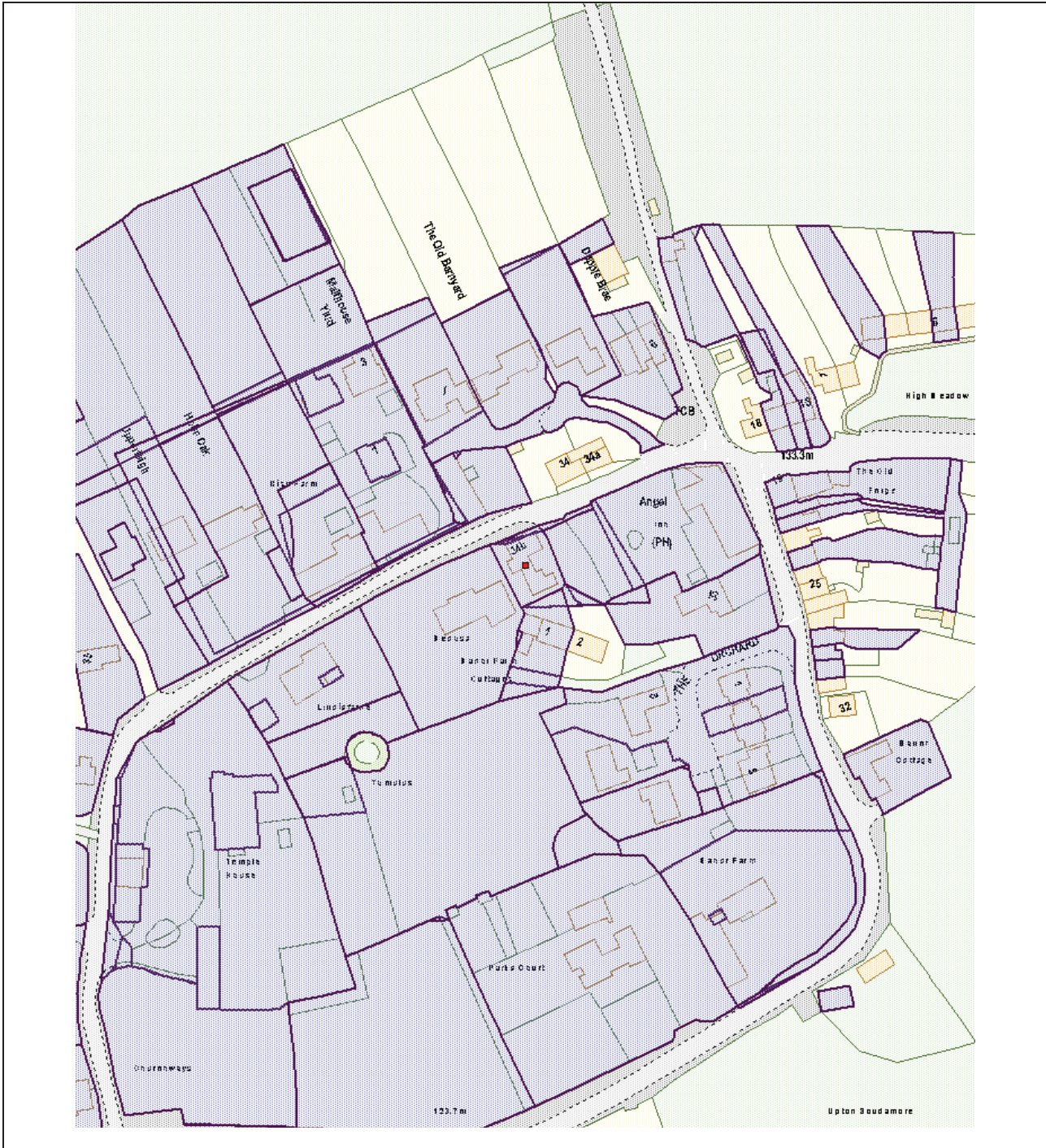
Two further windows are proposed in the rear elevation adjoining a property to the west and overlooking a garage. These windows are proposed to serve a bath room and a landing and similarly would be unlikely to cause such harm to neighbouring amenity as to warrant refusal.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed two storey extension by reason of its form, height, mass and location in close proximity to the boundary with the neighbouring dwelling to the south would be visually intrusive, overbearing and overly dominant. This would be exacerbated by the orientation and relationship between the two properties. The proposals as such would be detrimental to the reasonable amenities currently enjoyed by the occupiers of that dwelling, contrary to Policies C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004.

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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 10.18.1 received on 03.06.2010

Drawing : 10-18-2 received on 03.06.2010

Drawing : 10-18-3 received on 03.06.2010

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**Wiltshire Council – Area West
Planning Committee**

**PLANNING APPEALS UPDATE REPORT
June 2010**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/10/00328/FUL	Land Adjacent 3 East End Avenue Warminster	Warminster	Proposed detached house	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
W/09/03782/FUL	7 Tangmere Close Bowerhill	Melksham Without	Erection of hobby workshop/classic car storage garage	DEL	REF	WR	ALLOW

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

❖ Points of interest arising from decisions

W/09/03782/FUL - 7 Tangmere Close Bowerhill Melksham

The Inspector in allowing this appeal, whilst appreciating the Council's concern to protect against piecemeal development on this attractive residential estate, took the view that since the building would be built from timber which is a common material for domestic outbuildings it would not harm the character of the area. She did not consider it necessary to impose a condition restricting its use to domestic as any commercial use would require a separate planning permission.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/09/00150/FUL	Land North Of Junction With Dakota Close And Hornchurch Road Bowerhill	Bowerhill	Proposed erection of 27 residential dwellings and their associated roads, sewers and parking	HRG	CC	HELD ON 06.07.10
W/09/00690/FUL	Sainsbury Store Bath Road Melksham	Melksham	Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station from the river Avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre; and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west	INQ	CC	01.09.10 02.09.10 03.09.10 06.09.10
W/09/03538/FUL AND W/09/03539/LBC	7 New Road Bradford On Avon	Bradford on Avon	Provision of 2 car parking spaces at rear of property	HRG	CR1	21.09.10
W/09/02552/CLE	Greenacres 3 Hoopers Pool Southwick	Southwick	Certificate of lawfulness for occupation of dwelling without compliance with agricultural occupancy condition	INQ	CC	13.10.10

**Wiltshire Council – Area West
Planning Committee**

**PLANNING APPEALS UPDATE REPORT
July 2010**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/10/01011/FUL	Land Fronting 2 Sandridge Road Melksham	Melksham	Erection of two dwelling houses	DEL	REF	WR
W/10/00933/FUL	Adjacent To 81 Whiterow Park Trowbridge	Trowbridge	Erection of detached dwelling	DEL	REF	WR
W/10/01434/FUL	Sainsbury Store Bath Road Melksham	Melksham	Extensions to existing foodstore, including a mezzanine floor, cafe, construction of a new pedestrian link to bank street, relocation of the petrol filling station and new kiosk, extensions and alterations to the car park and associated landscape, flooding and ecological works	COM	PER	INQ

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Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
W/09/01142/FUL	Kingsdown Farm Lords Hill Longbridge Deverill	Sutton Veny	Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings	DEL	REF	INQ	DISMISSED
W/09/01979/FUL	Land Adjacent Caravan Lower Woodrow Melksham	Melksham Without	Permanent agricultural dwelling to replace existing mobile home	DEL	REF	HRG	DISMISSED

* additional notes on decision below

- I = Inquiry H = Hearing
- Del = Delegated decision

WR = Written Representations

Comm = Committee decision

Agenda Item 7b

❖ Points of interest arising from decisions

W/09/01142/FUL - Kingsdown Farm Lords Hill Longbridge Deverill

The Inspector identified the key issue as being the finely balanced judgement between the impact of the scheme on the character and appearance of the Area of Outstanding Natural Beauty and the agricultural justification for the proposals. On balance he determined to dismiss the appeal on the basis of the submitted plans due to the harm to the landscape. However, he did not accept that the appeal proposal was the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape.

W/09/01979/FUL - Land Adjacent Caravan Lower Woodrow Melksham

The Inspector highlighted the need to ensure that new dwellings in the countryside are scrutinised thoroughly to detect any attempt at abuse of the concession that exists for agricultural workers dwellings. Whilst he took the view that the functional and financial tests had been met, the size of the proposed dwelling was contrary to the advice contained within PPS7 which states that the size of an agricultural dwelling should be of a size commensurate with the established functional need. In this instance a 'generous' 4 bedroom detached dwelling was proposed which was unusually large and as such would have implications for the appearance of the countryside and might result in its being unaffordable for future agricultural workers.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/09/00690/FUL	Sainsbury Store Bath Road Melksham	Melksham	Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station from the river Avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre; and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west	INQ	CC	01.09.10 02.09.10 03.09.10 06.09.10 This appeal has since been withdrawn on 2 August 2010
W/10/01434/FUL	Sainsbury Store Bath Road Melksham	Melksham	Extensions to existing foodstore, including a mezzanine floor, cafe, construction of a new pedestrian link to bank street, relocation of the petrol filling station and new kiosk, extensions and alterations to the car park and associated landscape, flooding and ecological works	INQ	CC	01.09.10 02.09.10 03.09.10 06.09.10
W/09/03538/FUL AND W/09/03539/LBC	7 New Road Bradford On Avon	Bradford on Avon	Provision of 2 car parking spaces at rear of property	HRG	CR1	21.09.10
W/09/02552/CLE	Greenacres 3 Hoopers Pool Southwick	Southwick	Certificate of lawfulness for occupation of dwelling without compliance with agricultural occupancy condition	INQ	CC	13.10.10

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