

<b>Date of Meeting</b>	24.08.17
<b>Application Number</b>	17/01402/FUL
<b>Site Address</b>	79 Southampton Road Clarendon Salisbury Wiltshire SP5 3DG
<b>Proposal</b>	Replacement of existing structures
<b>Applicant</b>	Mrs Sally Wells
<b>Town/Parish Council</b>	CLARENDON PARK
<b>Electoral Division</b>	WINTERSLOW – Cllr Chris Devine
<b>Grid Ref</b>	417179 128526
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Warren Simmonds

### Reason for the application being considered by Committee

The application has been called-in to Committee by Cllr Devine.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan, local and national planning policy guidance and other material considerations and to consider the recommendation that the application be approved, subject to Conditions as listed at the conclusion of this report.

### 2. Report Summary

- (i) Principle of the proposed development
- (ii) Impact on the surrounding landscape
- (iii) Impact on amenity
- (iv) Highways considerations

The Parish Council: No response received

Neighbourhood responses: One representation in support of the application was received

### 3. Site Description



Aerial photograph 2014

The application site constitutes a parcel of land of approx. 2.6 hectares located off Southampton Road. The site has an access at the north west corner via a consolidated driveway and internal service road which extends into the site and serves the existing assortment of buildings within the site.

Within the site there is a small hardstanding/parking area near to the access, and a larger parking and turning area more centrally towards the north east of the site.

The site is recognised by the Council as a Gypsy and Traveller site and contains a number of single storey buildings and structures, including three static mobile homes.

The site is relatively well screened within the surrounding landscape by existing mature trees and bushes.

#### **4. Planning History**

S/2010/0245	MOBILE HOME (RETROSPECTIVE APPLICATION)
S/2004/0700	CERTIFICATE OF LAWFULNESS FOR SINGLE MOBILE HOME INSTALLED FOR USE BY THE APPLICANTS SON AND FAMILY TO HELP WITH RUNNING THE SMALL HOLDING
S/2004/2194	CERTIFICATE OF LAWFUL DEVELOPMENT FOR STATIONING AND OCCUPATION OF A RESIDENTIAL MOBILE HOME AS A FAMILY DWELLING
15/10530/FUL	Permanent siting and occupation of mobile home (retrospective)

#### **5. The Proposal**

The application proposes the removal of an existing mobile home and the construction of an L-shaped bungalow and associated single storey outbuilding.

## **6. Local Planning Policy**

**Wiltshire Core Strategy** Core Policies CP1, CP2, CP47, CP48, CP51, CP57 & CP64  
**Saved local plan policy C6**

**Planning Policy for Traveller Sites** (March 2012)

**Gypsy and Traveller DPD** (currently under preparation. Consultation was carried out in 2010. Further consultation is planned for 2017. A new Gypsy and Traveller Accommodation Assessment (GTAA) was published in December 2014 which informs the emerging plan).

**NPPF & NPPG**

## **7. Summary of consultation responses**

Spatial Planning – Recommend refusal on planning policy grounds, unless material planning considerations dictate otherwise

WC Highways – No Highway objection

Conservation – No response received

Clarendon Park parish council – No response received

The application was publicised by site notice and neighbour notification letters.

Neighbourhood responses: One representation in support of the application was received

## **8. Planning Considerations**

This site is located within the designated Special Landscape Area of Salisbury (saved local plan policy C6 and adopted Core Policy CP51 refer), but is outside of the defined limits of development. For the purposes of the interpretation of the application site within the context of the local plan, the site is thereby defined as being within the countryside.

The application site is a long established and recognised gypsy site occupied by the applicant's family in mobile homes with associated day room structures.

### Principle of the proposed development

Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Core Policy 2 addresses the issue of development outside of settlement boundaries. Under Core Policy 2, development will not normally be permitted outside the limits of development unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan.

Core Policy 2 states that development proposals outside of defined settlement edges will be strictly limited, and only acceptable in certain circumstances. Under normal circumstances therefore, the provision of a permanently built dwellinghouse within the countryside would be unacceptable in principle unless the exceptions criteria set out under CP48 are met: WCS Core Policy CP48 deals with supporting rural life and explains the approach that will be taken to support rural communities, outside the limits of development of Principal Settlements, Market Towns, Local Service Centres and Large Villages and outside the existing built areas of Small Villages. The policy is based on the following key objectives:

- Protecting the countryside and maintaining its local distinctiveness.
- Supporting the sensitive reuse of built assets to help meet local needs.
- Supporting improved access between places and to services.
- Supporting the community in taking ownership of local services.

CP 48 states, that outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will only be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

From the information submitted in support of the application it would appear that none of the exceptions criteria set out under CP48 apply to the current application. This is confirmed in the previous consultation response of the Spatial Planning Senior Planning Officer:

*“The development plan strictly controls new residential dwellings in the countryside. The proposal is in conflict with Core Policy 2 in the Wiltshire Core Strategy as it does not meet any of the exceptions in paragraph 4.25 of the plan. The first 3 exceptions are not relevant as the proposal is for a new bungalow, which constitutes residential development.*

*The fourth exception via Core Policy 44 is not relevant as the proposal is not for an affordable dwelling on a rural exception site. Core Policy 46, which deals with specialist accommodation for vulnerable or older people, does not apply here either.*

*In terms of Core Policy 47, a proposal for an additional pitch would theoretically qualify as an exception under Core Policy 2; however the proposal is to erect a bricks and mortar bungalow to be lived in. Bricks and mortar structures can form part of a traveller pitch but only if they are not to be lived in (i.e. dayrooms).*

*Exceptionally, bricks and mortar accommodation on traveller sites in the countryside have been granted in Wiltshire before. One example is the traveller site at Braemar, Coombe Bissett, where permission for replacement of a mobile home with a bricks and mortar bungalow was granted in 2015 (15/08191/FUL). The permission was granted because the evidence relating to the applicant’s poor health was considered to outweigh the provisions in the development plan.*

*However that application was supported with additional (confidential) evidence such as doctor’s notes and other. Other than stating that the elderly resident is in poor health due to her age, no additional information is supplied in this current application, to substantiate that this would require moving into a bricks and mortar bungalow. In addition, the case officer confirmed that the elderly resident would not actually move into the proposed bungalow but continue to live in the authorised mobile home.*

*Therefore on the basis of all the information available at this point, there are no considerations which would outweigh the provisions in the adopted development plan. Again, the situation may be different if there was a clear and demonstrable need for the elderly resident to move into a bricks and mortar property due to health reasons (i.e. in connection with Para. 24c in the PPTS); and exceptional circumstances would have to be qualified with robust evidence.*

*For sake of completion, Core Policy 48 (Supporting Rural Life) may apply as development under that policy could qualify as an exception. However the supporting text at para .6.67 states that “Residential development will not normally be permitted in the countryside unless it meets the requirements of Core Policy 44 (Rural Exceptions Sites). However, additional dwellings may be justified in certain circumstances when they are required in the interests of supporting rural employment, for example in association with equestrian activities when worker accommodation is needed onsite. In view of the exceptional circumstances, applications will be scrutinised thoroughly and opportunities for accommodation within nearby settlements must be considered initially.”*

*The application does not provide that information, nor does it attempt to demonstrate how the policy’s criteria would be met. In any event the proposed bungalow is on an authorised traveller site for persons that meet the definition in PPTS Annex 1, and therefore it would be misleading to apply Core Policy 48 in this instance which has a different purpose altogether.*

*Based on the information available to the Spatial Planning Team at this point the application cannot be supported as it conflicts with Core Policy 2 in the Wiltshire Core Strategy. No evidence has been supplied to demonstrate that other material consideration would outweigh the provisions in the development plan.”*

Since the application was last on the agenda for the Southern Area Committee Meeting (of 29<sup>th</sup> June 2017) the applicant has provided additional, comprehensive information in respect of the personal, medical and family circumstances to explain and justify the proposed development. Additionally, independent medical evidence (in the form of two separate doctor’s letters) has been provided, further validating the personal and medical circumstances of the intended occupiers of the proposed bungalow.

Officers have carefully considered the submitted evidence and consider, on balance, that this does constitute a material planning consideration sufficient to dictate that the normal planning policy considerations in respect of the proposed development (i.e. the provision of a permanent dwelling outside of the defined limits of development) should not apply.

Therefore, on the basis of the intended occupiers’ specific and demonstrated personal medical and family circumstances, it is considered the normal planning policy requirements (which would otherwise lead to a refusal of the proposed development) should not apply in this case, and the proposed development is considered acceptable in principle.

#### Impact on amenity

Being situated within a private gypsy site and adjacent to family members in other existing mobile homes it is considered the proposal would not unduly affect the amenity of other occupiers of the wider site or other residents within the surrounding area.

### Impact on the character of the surrounding landscape

WCS Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character and states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

By reason of the single storey form of the proposed dwelling and adjacent outbuilding, and by reason of substantial natural screening afforded by existing mature trees and hedgerow screening around the application site, it is considered the proposed development would not adversely affect the existing character of the surrounding landscape.

### Highways considerations

The Highways officer has assessed the proposal and raises no Highway objection. The proposed development is therefore considered acceptable in terms of Highway safety.

## **9. Conclusion**

On the basis of the intended occupiers' specific and demonstrated personal medical and family circumstances, it is considered the normal planning policy requirements (which would otherwise lead to a refusal of the proposed development) should not apply in this case, and the proposed development is considered acceptable in principle.

The proposed development is considered acceptable in terms of its scale, design and materials and would not result in undue impacts on the amenity of neighbours or adverse impacts on the existing character of the surrounding landscape. The proposed development is considered acceptable in terms of Highway safety.

## **RECOMMENDATION**

Approval, subject to the following Conditions:

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

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

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

Drawing number DJB/SW/01 (undated), as deposited with the local planning authority on 21.04.17, and

Drawing number 70383297-69608 (dated Jan 2017), as deposited with the local planning authority on 14.03.17, and

Drawing reference 'Proposed bungalow' (floorplans and elevations) (undated), as deposited with the local planning authority on 21.04.17.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E (inclusive) shall take place on the dwellinghouse hereby permitted or within the curtilage.

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

4. The development for which planning consent is hereby granted shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (DCLG, 2012).

REASON: Planning permission has only been granted on the basis of the intended occupiers' specific and demonstrated personal medical and family circumstances. It is considered thereby that the normal planning policy requirements (which would otherwise lead to a refusal of the proposed development) should not apply in this case. Should the approved development (at a future time) be no longer needed for the intended occupier(s), the accommodation should remain available to provide accommodation to meet the need for accommodation for gypsies and travellers to avoid a net loss of such accommodation in the local area.