

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	18 <sup>th</sup> July 2018
<b>Application Number</b>	17/01798/FUL
<b>Site Address</b>	Valley View, Dean Road, East Grimstead, Wiltshire, SP5 3SD
<b>Proposal</b>	Change use of land for the stationing of one mobile home, one touring caravan, and a day/utility room building for residential purposes, together with the formation of hardstanding, and landscaping and erection of maximum 2.8 fence (retrospective)
<b>Applicant</b>	Miss Nicola Terry
<b>Town/Parish Council</b>	East Grimstead
<b>Electoral Division</b>	Grimstead – (Richard Britton)
<b>Grid Ref</b>	423012 127267
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Joe Richardson

### Reason for the application being considered by Committee

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

The application has been called-in by Cllr Britton if officers are minded to approve, with key issues being the strong local concern, scale of development, its visual impact, highway matters and its relationship to adjoining properties.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved for the reason(s) set out below.

### 2. Report Summary

The issues in this case are:

- Principle, policy and planning history issues
- Highway Safety
- Design, Layout and Impact on Landscape Character
- Impact on Neighbour Amenity
- Other Environmental Impacts



### Dillons Farm planning history:

13/00514/FUL - Retrospective application for the addition of 1 extra mobile home and amenity block to be used in conjunction with the existing gypsy site. This was refused by WC.

13/03834/FUL - Retrospective application for the change of use of land to residential occupation and the addition of 1 extra mobile home and amenity block to be used in conjunction with the existing gypsy site. This was refused by WC but was the subject of an Appeal Hearing where the development was allowed and costs granted against Wiltshire Council.

16/10365/APD – Erection of agricultural barn. Refused

Committee members are advised that there is an on-going planning enforcement investigation on this site. Following the appeal hearing in reference to application 13/03834/FUL where the development was allowed (appeal decision is shown as Appendix 1), the only subsequent change is that the applicants started to construct what they believed to be a caravan. The structure is not complete and is currently not occupied. As such the following planning application has been submitted to the Local Planning Authority for consideration:

18/05023/FUL - Amenity/Utility dayroom to be used in conjunction with existing authorised gypsy site. Currently under determination.

### Other site history on land adjacent to Dillons Farm:

16/05642/FUL - Creation of bund to prevent fly tipping, creation of hardstanding and erection of gates (retrospective) A.C 25.08.16

## **5. The Proposal**

This retrospective planning application proposes to change the use of the land for the stationing of one mobile home, one touring caravan and a day/utility room building for residential purposes, together with the formation of hardstanding, landscaping, and the erection of a stable block and fencing 2.8 metres in height. Access to the site is obtained via an existing access shared with that of the Encampment adjacent to this proposed traveller site.

## **6. Planning Policy**

The relevant planning policies are:

### Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 23 Southern Wiltshire Community Area

Core Policy 47 Meeting the needs of Gypsies and Travellers

Core Policy 57 Ensuring high quality design and place shaping

Paragraph 4 of the National Planning Policy Framework (NPPF)

DCLG Planning Policy for Traveller Sites (PPTS), August 2015

## 7. Summary of consultation responses

**Grimstead Parish Council** – Objection received with the following comments:

- Development has already taken place with a large mobile home already on site and occupied.
- The Parish Council have already repeatedly approached Planning Enforcement about this site re the issues of the dumping of waste soil/rubble in a large bund, the presence of a touring caravan and also when the mobile home was taken onto the site. This application is thus clearly retrospective.
- The application is extremely sparse in details: the owner is not shown in the certificate. The arguments for the utility/dayroom are not convincing – modern mobile homes are designed for washing, heating, toilets etc.. The 2.8m high fence is excessive with no clear need for its presence.
- No evidence of gypsy or traveller status is shown. The letters from neighbours clearly question the status of the applicants and will no doubt be noted and considered by the planning authority
- The Council considers this to be basically an application for a new dwelling in the countryside with the recently approved site (Dillons Farm) next door as its example. Recent changes to planning law would significantly have weakened the case for that approval as being permanently unable to pursue a travelling lifestyle due to age/infirmary, the argument used for Dillons Farm, no longer applies.
- Similarly, any argument using the fact that Wiltshire Council have failed to provide sufficient traveller sites requires that such one-off sites as this should relate to a nearby community with appropriate facilities. East Grimstead is not such a community. It has no shop, no pub, no school and a very poor bus service which is about to become worse through recent reductions in frequency. We agree with the Highways objection to this application.
- The number of people living in the original encampment further along the road towards West Dean has grown significantly in recent years. This, along with the those living in Dillons Farm and those suggested for this new application means that the total population of these sites is a significant proportion of the population of East Grimstead. This is at odds with government guidelines re traveller/gypsy sites next to small communities.
- The Council would like to make clear that it accepts the presence of the original encampment on Dean Road. It has been there for many years and families have lived there for several generations with a clear right to do so although the fairly recent increase in numbers has been noted. However this development cannot be considered as an extension to the encampment, as now realised by the amended CPRE response.
- The Council views speculative applications such as this as an abuse of the planning system and requests that the application be refused with enforcement action taken as appropriate.

**Wiltshire Council Landscape Officer** – Support subject to conditions.

**Wiltshire Council Public Rights of Way**– No objection  
**Wiltshire Council Highways** – No objection subject to conditions  
**Wiltshire Council Spatial Planning** – No objection  
**Wiltshire Council Drainage Officer** – No objection  
**Wiltshire Council Public Protection** – No objection subject to conditions

## **8. Publicity**

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated nine letters of objection for the application with an objection from Grimstead Parish Council given to the development. However it should be noted that seven of these letters of objection have subsequently been withdrawn.

Two letter of objection have been received from the South Wiltshire Campaign to Protect Rural England (CPRE) with comments stating:

### Letter 1:

*The documentation on-line available for this registered application does not appear to have any associated Planning Application Form but simply a Covering letter from a planning consultant. It is therefore extremely difficult to make a sensible comment. However the location identified is adjacent to the relatively discrete collection of residential units that have been home for members of the Gypsy and Traveller community for many years. One has to presume that this is an extension of that existing facility. In the absence of any tangible and sensible provision by Wiltshire Council to fulfil their duty of provision of sites for this group this site would appear to be appropriate.*

### Letter 2:

*In the absence of a proper Planning Application the South Wiltshire CPRE made some assumptions that this was, as implied in the covering letter with the application, an extension of the existing traveller and gypsy community adjacent to the site. However subsequent objections from various members of the Cooper family appear to contradict this assumption. It is very clear that the application is not quite as it appeared to be. Because of this and because there is still no proper application form displayed on-line for this application the South Wiltshire CPRE wishes to withdraw support for this application. Until more evidence is submitted and viewable on-line the South Wiltshire CPRE wishes to object to this application as an apparently inappropriate proposal outside any clear development boundary in open countryside.*

## **9. Planning Considerations**

### **9.1 Principle, policy and planning history**

The NPPF indicates at para 4 that:

*“This Framework should be read in conjunction with the Government’s planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant”*

The NPPF advice above is complimented by the Governments Planning Policy for Traveller Sites document (PPTS). This contains a variety of advice for decision makers on this topic. Below is outlined and summarised some of the more relevant advice:

### **5 Year Housing Land Supply**

The Planning Policy for Traveller Sites (PPTS) Policy H requires the LPA to consider the availability of the 5 year supply of deliverable site when considering an application for granting consent for a traveller application:

*If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space; an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).*

In relation to the 5 year supply, the comments of the Spatial Planning Team on this matter are as follows:

*.....In terms of overall need the council's latest position for the South Housing Market Area (HMA) is that for the period December 2016 - December 2021, an additional 37 pitches are required. This is set out in Wiltshire Core Strategy Core Policy 47. The council's monitoring data shows that as of April 2017, this need has not been met. Since December 2011, 8 pitches<sup>1</sup> were granted permission in the South HMA. This results in an outstanding requirement of 29 pitches for 2011-16 which is unmet, and an additional 19 pitches for 2016-21.*

*....The proposal would make a small contribution to meeting outstanding need.*

*....Under 'other material considerations' please note that the Local Plan will now deal with gypsy and traveller matters and a standalone DPD will now no longer be pursued. This is set out in the Local Development Scheme report based on which members approved the 2017 LDS. See para 10-14 in the attached. The upshot is that there is no development plan document which could direct travellers to allocated sites in the interest of plan-led development.*

*.....Therefore this proposal would in principle aid in meeting outstanding need for additional pitches in the South HMA. Proposals will be considered favourably where they satisfy the general criteria in Wiltshire Core Strategy Core Policy 47.."*

In sum, the South Housing Market Area cannot meet the required 5 year supply of deliverable sites because of the few number of permissions granted. There is no DPD in place which allocates such sites and the Wiltshire Local Plan is not well advanced. The lack of a five year supply weighs in favour of the application.

### **Status of the Applicant**

Annexe 1 of the PPTS states 'gypsies and travellers' mean:

*Persons of nomadic habit of life whatever their race or origin including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old*

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*age have ceased to travel temporarily but excluding members of an organised group of travelling show people or circus people travelling together as such.*

As such, the agent on behalf of the applicant has submitted a statement confirming the status and background of the applicant as a member of the traveller community. This has been confirmed by information obtained from the Hampshire County Council Gypsy Liaison Officer claiming that he has had dealings with the applicant and is aware of her travelling background and family heritage. Therefore on balance, it is considered that the information supplied within this application form is acceptable to allow the LPA to conclude that the application beyond any reasonable doubt is associated with the purposes of a gypsy or traveller.

Moreover, planning permission, unless expressly made personal, runs with the land and not the applicant. A condition can be imposed on any planning permission to ensure that the Council retains reasonable control so that any future occupiers satisfy the definition of a traveller as set out in national policy. The PPTS specifies that local planning authorities should determine applications for sites from any travellers and not just those with local connections (para 22).

### ***Availability (or lack) of alternative accommodation for the Applicant***

The Planning Policy for Traveller Sites (PPTS) Policy H requires the LPA to assess applications for travellers against set national criteria. The following paragraphs b) and c) are considered below:

- b) The availability (or lack) of alternative accommodation for the applicants;
- c) Other personal circumstances of the applicants.

This application has not presented any information to justify the application site against the above criteria. No evidence has been submitted to stipulate the accommodation needs of the applicant or how the applicants has tried to meet those needs without the occupation of this application site.

### ***Policy CP 47***

Notwithstanding the above national guidance, and in the absence of a specific DPD, the Council's own planning policy CP47 deals with these issues. Wiltshire Core Strategy Core Policy 47 (criterion i-ix) lists the locational requirements traveller sites have to meet. This states that:

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

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable*
- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users*
- iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.*

*iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas*

*v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.*

*vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*

*vii. Adequate levels of privacy should be provided for occupiers*

*viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements, and*

*ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.*

The following parts of the report assesses the application against the above criteria and planning impacts.

## **9.2 Flooding and drainage issues**

Criterion i) of CP47 indicates that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable. Similarly, criterion iii) of CP47 indicates that the site should be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

Comments from the WC Spatial Planning state: *The site falls within Flood Zone 2. This part of Dean Road lies to the north of the Salisbury-Southampton rail line which provides regular train services. No significant barriers have been identified linked with i) but it needs to be considered from a drainage perspective if the ground conditions would support a drainage solution. No details have been submitted by the applicant in this regard so this should be clarified further.*

Comments received from the Drainage Team reference the fact that it will be possible to locate the accommodation in a low flood risk area and discharge any foul drainage to a septic tank for regular collection. The agent has confirmed that there is an existing septic tank already in situ on the site.

As there is no known problems with regards ground stability or proximity to other hazardous land or installation around the site, it is considered that the proposal complies with policy criterion i) & iii) of CP47.

## **9.3 Highways issues**

Criterion ii) of CP47 states that the proposal should be served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users. Similarly criterion iv) of CP47 states that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.



The application site consists of a parcel of land approximately 0.30 hectares in size adjacent to Dillons Farm, East Grimstead. Running adjacent to the entrance of the site is the bridleway known as GRIM22. Properties in close proximity to the application site are known as No's 4-7 Dean Road referred to as the Encampment. Access to and from the site is obtained from the existing access from Dean Road which serves No's 4-7 Dean Road.

The Council's Highways Team initially had visibility concerns regarding the proposal, but in response to additional information from the applicant, they have stated: *I am satisfied that the attached addresses my concerns with regards to visibility, however, I must highlight an incorrect statement within the attached, that it is the Highway Authority's responsibility to maintain visibility splays for this private access. This is not the case, as owners of all private accesses must maintain their own visibility splays and any cutting must be complete in consultation with the HA.*

*Assuming you do not consider an objection on sustainability grounds to be appropriate, I would recommend that no Highway objection is raised, subject to a set of conditions and an informative being attached to the consent;*

The Council's Rights of Way comments state: *The proposed driveway to the property would be accessed by a bridleway (GRIM22). This is not recorded as a public vehicular highway, the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take private legal advice.*

Following the submission of additional information in respect of a visibility splay assessment by the agent, the Council's Highways Officer is now satisfied that with the submission of this additional information, any concerns over highway safety from the access have now been overcome. Therefore, in the opinion of the case officer, the proposed site is acceptable in respect of highway safety and highway users. It therefore is considered that this development complies with criteria ii) of CP47. The part of the policy criteria referring to play areas is considered to be irrelevant in this instance as this is application relates to a singular pitch provision, not a larger gypsy site. Consequently, it is also considered that criterion iv) of CP47 is also met.

#### **9.4 Sustainability**

It is recognised that the PPTS advises that "*local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*" (par 23).

However, criterion v) of Core Policy 47 does not require new Gypsy and Traveller development to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities.

The Council's Spatial Planning Officer comments that: *The site lies approximately 1.2km distance to East Grimstead which has a primary school. As children's needs are cited in the application the Council's education team may have further comments as to the availability of*

*school places unless the children are already registered. The nearest surgery is located in Whiteparish, approximately 5.5 km away.*

*A bus stop is situated in the centre of East Grimstead. A regular bus service to Salisbury can be accessed here. Salisbury lies approximately 8 km away and provides for a wide range of services and facilities including shops, supermarkets, schools, a hospital, libraries, and employment. Other traveller sites have been permitted in South Wiltshire by the Council or at appeal which are situated in a similar location or further away from services and facilities. The 2014 appeal decision for the Dillon's Farm traveller site which lies to the west of the application site refers. Overall it is considered that the site lies near existing settlements within reasonable distance of a range of local services and community facilities, although the distance to the next surgery is more than 5 km.*

The previous appeal Inspectors comments related to the sustainability of the Dillons Farm site is attached. In particular, para 16 to 24 of the report, and paragraph 33 outline why the site is considered to be acceptable in locational terms.

The comments from the Spatial Planning Officer and the Inspectors comments are sufficient to demonstrate that the scheme is reasonably related to an existing settlement and that the proposal complies with criteria v) of CP47. Accordingly, a refusal of permission based on this issue would be difficult to justify.

### **9.5 Amenity impacts**

Criterion vii) of CP47 indicates that adequate levels of privacy should be provided for occupiers. Policy CP57 has a similar stipulation.

The site is surrounded by 2.8 metre wooden fencing and is bound by established trees along the northern boundary with Dean Road running along this boundary. To the west of the application site is the neighbouring dwelling (known as Dillons Farm). To the east of the site is a collection of properties situated within an area called the Encampment which is approximately 250 metres from the stationed mobile home. There are no other neighbouring dwellings within close proximity to the application site.

As a result, the proposal has no significant adverse impact on surrounding amenities and is in compliance with CP47 (vii) and CP57.

### **9.6 Landscape Impact**

CP47 vi) requires that it will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. and CP47 viii) states that development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

CP51 relates to landscape matters, and the site is located in a Special Landscape Area.

Members should note para 28 of the attached appeal decision related to the adjacent site relates to the Inspectors comments on the impact of that site on the countryside. He concludes that there would be no harm.

Comments received from the Landscape Team state:

- *This is a Greenfield site in open countryside. The landscape character is locally enclosed by woodland and copses and is sparsely settled and highly rural.*
- *The Introduction of any uncharacteristic local buildings such as a mobile home or a caravan (which do not support or strengthen typical local building character /vernacular) must be screened from countryside visual receptors/viewpoints where there is potential inter-visibility with this type of new development in order to protect and safeguard high quality valued local landscape character.*
- *The submitted information does not illustrate how development of this nature could or would support or strengthen appropriate local character. The rural character of Dean Road and Bridleway (GRIM 22) should be conserved, strengthened and enhanced in line with Core policy 51, and NPPF (As some clear opportunities exist to improve the character of the area and the environmental credentials of the scheme at this location).*

#### Visual effects

- *The site is likely to share only limited opportunities for inter-visibility with public visual receptors.*
- *The site may be visually exposed from the higher more distant areas to the south but this has not been evaluated within the submission or verified by myself.*
- *The railway and its associated vegetation help to screen the site from the south (except potentially for more distant southern elevated receptors as previously identified).*
- *The rolling landform of the applicant's (blue line) field helps to screen the main fenced compound area from the bridleway (GRIM 22) from the east, north of the railway line. There is potential for the site and development to register as an uncharacteristic visual change from elevated vantage points located further south along this bridleway closer to West Dean Farm.*
- *Views from restricted Byway (GRIM 13) are unlikely of the development, restricted by topography and intervening railway and field boundary vegetation.*

*Views from Dean Lane are heavily restricted by an established mature line of intervening wooded vegetation and the roadside hedgerow lining this section of Dean Road.*

It is considered that the works that have been undertaken are modest in scale. Whilst visible at close quarters, from the wider landscape, the works are not readily visible. Furthermore, other sites and structures elsewhere in the area are similarly visible. Consequently, a refusal based on the detrimental impact of the proposal on the landscape would be difficult to justify, particularly given the Council's ability to impose a condition to secure a planting scheme.

#### **9.7 Ecology issues**

CP47 criterion ix) indicates that the site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology. CP51 relates to ecology and biodiversity matters.

There are no national or international environmental designations in this sector and officers are not aware that any protected species have been recorded in the area, and the site itself is considered to be of low ecological value.

## 10. Conclusion

The applicant meets the definition of a traveller as set out in the national guidance. The adopted WCS outlines that there is a requirement for additional pitches within the South HMA.

Given the lack of the required land supply, which weighs heavily in favour of the proposal, the principle of the development within the countryside is considered acceptable. When assessed against the criteria of the development plan, and particularly policy CP47, it is not considered that there are any significant and demonstrable adverse impacts that would justify a refusal of this proposal.

Accordingly permission is recommended.

### RECOMMENDATION:

#### Approve with conditions

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

DWG No: 16\_823\_001 Site Location Plan Date Received 10.03.17

DWG No: 16\_823\_003 Proposed Site Plan Date Received 31.03.17

DWG No: 16\_823\_004 Rev A Proposed Elevations, Floor Plan of the Utility/Day Room Date Received 10.03.17

DWG No: 16\_823\_005 Fence Panel Detail Date Received 10.03.17

DWG No: 16\_823\_005 Proposed Stable Block, Elevations, Section, Floor Plan and Roof Plan Date Received 31.03.17

DWG No: 0200.308.001 Proposed Visibility Splays Date Received 24.04.18

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

2. The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG, 2015).

REASON: Planning permission has been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and has been assessed against the policies in the Development Plan relating to such sites. Occupation by persons not complying with this definition would conflict with the policies of the Development Plan.

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

REASON: To preserve the character of the area.

4. No commercial activities shall take place on the land, including the storage of materials.

REASON: To preserve the character of the area.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

REASON: To preserve the character of the area.

6. Within three months of the date of the decision notice, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- Full details of any proposed boundary enclosure/s along new private vehicular access track along with full details of any gates or other means to control access between the new track at its junction with Bridleway GRIM 22 and ongoing maintenance or future replacement of these boundary enclosures on a like for like basis;
- Full details of the plant material to screen the 2.8m high timber fencing around the perimeter of the compound development with a locally native hedgerow/woody shrubs specified as a mix of Whips and feathered stock and planted in a triple staggered row and shall include adequate protection from grazing animals until established.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of the landscaping scheme referred to in condition 6 above. 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.

8. Within two months of the date of this decision, the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. Within two months of the date of this decision, the visibility splays shown on the approved plan (DWG No: 020.0308.001 Proposed Visibility Splays Date Received

24.04.18) shall be provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

10. Within two months of the date of this decision, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing beforehand by the Local Planning Authority.

REASON: In the interests of highway safety.

#### INFORMATIVES:

The proposed driveway to the property would be accessed by a bridleway (GRIM22). This is not recorded as a public vehicular highway, the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take private legal advice.

No construction / demolition vehicle access may be taken along GRIM22 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

Reason: To ensure the public right of way remains available and convenient for public use.

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority has the power to take enforcement action as necessary.