

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	21 April 2021
Application Number	20/10267/FUL
Site Address	The Paddock, Hook, Lydiard Trego, Wiltshire SN4 8EA
Proposal	Change of use of land to a gypsy and traveller residential caravan site consisting of 4 pitches, each containing 1 mobile home, 1 touring caravan, 1 semi-detached utility building, car parking, access and children's play area
Applicant	Mr & Mrs C L Richards
Town/Parish Council	LYDIARD TREGOZ
Electoral Division	Royal Wootton Bassett East
Grid Ref	407749 184726
Type of application	Full Planning
Case Officer	Eleanor Slack

Reason for the application being considered by Committee

The application was called into Committee by Councillor Mollie Groom to consider the scale of development, its visual impact upon the surrounding area, the relationship with the adjoining properties, the bulk, height and general appearance of the proposal, the environmental or highway impact and car parking use. Councillor Groom also commented that the land is boggy after heavy rain, and that properties on Hook Street and Windsor Close are Flooded. Cllr Groom also considered that the access to the site was on a dangerous bend where accidents have been recorded.

A previous application (18/11739/FUL) for the same proposal was reported to the Strategic Planning Committee on 11 September 2019. This application was refused by committee due to conflict with Core Policy 47 (vi) and (viii). The applicant subsequently submitted an appeal against this decision and a hearing date was set for 3rd June 2020. However due to the Covid-19 pandemic, this hearing was postponed, and a new hearing date has not yet been set.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of development
- Impact on the context and character of the surrounding area
- Impact on neighbour amenity
- Parking/highways
- Drainage

As a result of the consultation exercise, 23 letters of objection were received. The Parish Council also raised several concerns regarding the application.

3. Site Description

The application relates to land to the rear of The Paddock, a residential dwelling in Hook. Permission was granted on 18th June 2014 (13/05525/FUL) to site two mobile homes, two playrooms, two touring vans and hardstanding on the land to the rear of The Paddock. This development was to be occupied by close family members of the occupants of the property known as The Paddocks. The current application relates to the parcel of land beyond this approved development. This area has been partially surfaced with paving and gravel, with the remainder covered with grass. To the north and west of the site are agricultural fields, and to the east are the residential dwellings known as Elm House and Willow House. Elm House is a detached 2.5 storey dwelling which is separated from The Paddock by a wooden fence and a brick wall, and the dwelling is sited less than a metre from the boundary. To the south of the site are Nos. 5 and 28 Windsor Close which are set at a slightly lower level than the application site.

The site is located adjoining the village of Hook which is situated to the north of the M4 Motorway. The small village is arranged around the C4141 which runs between Royal Wotton Bassett and Purton. The properties are of a wide range of ages, but the majority are fairly contemporary. Surrounding the village is open agricultural land without significant mature vegetation although the site itself features mature boundary planting which screens part of the site from some neighbouring properties to the south. The landform rises in height in a northward direction.

4. Planning History

N/12/00625/FUL	Siting of two mobile homes, two dayrooms and hardstanding (refused and dismissed at appeal)
13/05525/FUL	Siting of 2 mobile homes, 2 dayrooms, two touring caravans and hardstanding (approved)
18/11739/FUL	Change of use of land to a residential caravan site consisting of 4 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no semi-detached utility building, car parking, access and children's play area (refused, appeal submitted not yet determined)

5. The Proposal

Permission is sought to change the use of the land to a gypsy and traveller residential caravan site consisting of 4 no. pitches, each containing 1 no. mobile home, 1 no. touring caravan, 1. No semi-detached utility building, car parking, access and a children's play area. The Agent

has previously confirmed in writing that the occupants of the site are part of the same extended family of Romany Gypsies as the applicant and residents at the property.

6. Local Planning Policy

Wiltshire Core Strategy (2015):

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 19: Royal Wootton Bassett and Cricklade Community Area

Core Policy 47: Meeting the needs of Gypsies and Travellers

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Core Policy 67: Flood Risk

North Wiltshire Local Plan (2011)

H4 – Residential Development in the Open Countryside

NE18 – Noise and Pollution

National Planning Policy Framework (2019):

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (2015)

National Planning Policy Guidance (NPPG)

Gypsy and Traveller Accommodation Assessment (2020)

Emerging Gypsies and Travellers Plan

7. Summary of consultation responses

Wiltshire Council Public Protection

No objection subject to conditions

Wiltshire Council Spatial Planning

The officer noted that the need set out by Core Policy 47 of the Wiltshire Core Strategy had been met. In accordance with paragraph 11 of Planning Policy for Traveller Sites, where there is no identified need, proposal should be assessed against locational criteria. The criteria in Core Policy 47 should therefore be applied.

The Council published a 5-year land supply position in August 2019 which confirmed that there was a 5-year land supply of traveller sites in the North and West HMA against the Core

Strategy requirement. There was also a 5-year land supply against the 2014 Gypsy and Traveller Accommodation Assessment.

However, a more up to date accommodation assessment is now available. The Council has published a Gypsy and Traveller Accommodation Assessment (GTAA) dated June 2020. This now forms the most recent and up to date assessment of need. For the period 2019 -36, the report proposes a requirement of 132 new pitches for travellers who meet the planning definition in PPTS Annex 1; 78 pitches for households who do not meet the definition but may be protected under the Equality Act; and up to 29 pitches for households who could not be determined. The pitch requirements in the GTAA at Figure 10 for gypsies and travellers who meet the planning definition includes accommodation need from 4 adults and two teenagers at this site.

The Council is also preparing a Gypsies and Travellers Plan. A consultation on this plan took place under Regulation 18 of the Town and Country Planning Regulations 2012 between 13th January and 9th March. The Council is currently reviewing the consultation responses received and a consultation report will be prepared and published in due course.

Wiltshire Council Highways – no objection. The proposal would utilise an existing access. The bend in the road to the north is in excess of 100 metres from the site, which is beyond the 90 metres standard visibility splay for major roads, which itself builds in an allowance for vehicles exceeding the speed limit by 10 mph. The access is on a 30 mph road where the normal residential road visibility would be 43 metres.

Wiltshire Council Housing Conditions officer

Support application.

Thames Water

No objection

Wessex Water

Wessex Water can accept the foul flows only via an indirect sewer connection to the public foul sewer. The use of an existing private sewer connection is subject to building control approval.

Wiltshire Council Landscape Officer

No objection

Lydiard Tregoze Parish Council

Objection raised. The application is similar to application 18/11739/FUL which was refused and is still in the appeal process. There has been no indication that the new application is meant to replace the one under appeal.

The plan showing the existing site may be what was approved but it does not reflect what is actually there. The site entrance is only 35 yards from a blind bend at the top of the village, where speeding occurs regularly. Vehicles travelling around the bend will have little time to react if a vehicle is entering or leaving the site. Increased vehicles accessing the site will increase the risk of a serious accident occurring.

The site is outside of the settlement boundary. Any development should be contained within these boundaries to avoid creeping development. The proposal also has a negative impact on neighbouring properties' amenities and it conflicts with Wiltshire Core Strategy policy CP57 (vii).

The application will increase light pollution. Hook has a sewage flooding issue and it experiences low water pressure. The proposal, with a possible increase of 50+ people will exacerbate this. The width of the access is not suitable for multiple vehicles.

Some of the conditions applied to previous consents have not been complied with. The Council does not have faith that any conditions applied will be honoured.

Wiltshire Council Drainage

No objection subject to a compliance condition and an informative.

Public consultation

23 letters were received in objection to the proposal. The main points raised were as follows:

- The site is inaccurately described as an authorised caravan site.
- There are travellers sites in the wider area which could be utilised.
- The need identified by the Core Strategy has been met.
- It is premature to consider or determine the application while the local plan is under consideration
- The proposal breaches all sections of criteria CP47 except ix.
- Lack of services and facilities in Hook.
- The site is outside of the settlement boundary
- The proposal would no longer be for immediate family, in breach of the conditions attached to the 2013 consent.
- Inappropriate to submit a new application when the appeal has not been determined.
- Query if the proposal is in compliance with the neighbourhood plan
- Out of character with the area and detrimental impact on the character and appearance of the landscape
- Proposal would result in the overdevelopment of the site
- Would negatively change the rural environment in this area
- Existing external lighting is causing light pollution and a nuisance.
- Additional light pollution
- Additional noise pollution
- Harm to residential amenity and loss of privacy
- Damage to wildlife in the surrounding area
- Works undertaken thus far may have caused environmental pollution
- Highway safety issues associated with access and egress to the site
- There is no safe pedestrian access to the site.
- Waste bins associated with the development could block the entrance and cause highway safety issues
- There is little space for vehicle circulation on site.
- Increase in traffic
- Would exacerbate highway safety issues and congestion on the adjacent highway
- Concern that the proposal would increase the risk of flooding in the wider area
- The surrounding area already suffers from flooding

- Existing water pressure and sewage cannot cope with additional use.
- A site notice has not been displayed
- Discrepancy between the development description as advertised and that on the application form.
- All representations submitted under the previous application are still valid and should be considered
- All comments and information submitted to the Planning Inspectorate as part of the active appeal should be considered.
- The drawings do not reflect the current circumstances on site – landscaping has not been implemented, day rooms have not been constructed, existing mobile home removed from The Paddock, ground levels have been built up, permeable gravel has been replaced by block paving.
- The site boundary along the south side is incorrect as the hedgerow belongs to No. 5 Windsor Close
- Distance between the proposed MH & DABs and hedgerow is not shown for mitigation of fire risk.
- The proposal could add over 50 people to the parish
- Lack of enforcement action taken by the Council
- Adjacent properties have devalued. *Officer note: this is not a material planning consideration and it cannot therefore be taken into account in the determination of the application.*
- Activity being carried out on site without planning permission.
- The conditions applied to any consent would be ignored and existing conditions have not been complied with
- Complaint about the short timeframe for comments.

8. Publicity

In accordance with Covid-19 arrangements, the publicity of the application was by way of neighbour notification letters.

9. Planning Considerations

9.1 Planning History

In 2012 an application (N/12/00625/FUL) for the siting of two mobile homes, two dayrooms and hardstanding on the site was refused for the following reasons:

“The proposed development by reason of its scale, siting and location would result in an unacceptable loss of privacy and amenity to both existing occupants of Slough House, Elm House and no. 28 Windsor Close by reason of noise and nuisance from comings and goings to the pitches, but also in terms of loss of privacy and overbearing impact. Further the development would not provide an acceptable level of privacy and amenity of the proposed occupants who would be overlooked by Elm House. The proposed development thus fails to accord with Policies C3 and H9 of the adopted North Wiltshire Local Plan 2011 as well as Core Policy 47 of the emerging Wiltshire Core Strategy Pre-submission document 2012.”

This decision was the subject of an appeal which was dismissed. The Inspector dismissed the appeal due to the harm caused by the proposal to the living conditions of the occupiers of Elm House and Willow House. The Inspector noted that:

“The appellants have the opportunity of submitting a revised application which seeks to address the harm and there appears to be a willingness to do so having regard to the concerns of the Council and local residents. I have taken account of the other considerations of need and personal circumstances but find that they do not justify permitting the development in the form that is before me. I have considered whether the harm found could be addressed by the imposition of conditions but find that this would require a fundamental re-design of the scheme which goes beyond the scope of what could reasonably be achieved by condition, altering the nature of the development.

I am conscious of the human rights of the appellant family and the best interests of the children. This is not an enforcement case so they are not threatened with having to vacate the land at present or in the near future. There is also a desire of all affected parties to reach a solution which could lead to planning permission for an alternative scheme. In these circumstances I consider that the dismissal of this appeal is a proportionate course of action in terms of the rights engaged and that no violation of these rights would occur in doing so. I will therefore dismiss the appeal.”

An application for the construction of two mobile homes, two day rooms, two touring caravans and hardstanding was subsequently approved in 2013 (13/05525/FUL). The mobile homes approved by this consent were to be occupied by the Applicant’s son and daughter, and the consent was restricted via conditions to occupation by close family. The land to which the current application relates was shown as a meadow on the site location plan accompanying the 2013 consent.

More recently, an application (18/11739/FUL) to change the use of land to a residential caravan site consisting of 4 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no. semi-detached utility building, car parking, access and children’s play area was refused by committee. The application was refused on 11th September 2019 for the following reason:

“Proposals for new gypsy and traveller pitches are assessed against the criteria set out for such sites in policy CP47 of the Wiltshire Core Strategy. In this case, the proposal does not satisfy the following criteria in CP47:

vi) The proposed development of the site for the four pitches would have an unacceptable impact on the character and appearance of the landscape, harming the appearance of the countryside by the introduction of this urbanising development extending into the rural landscape. The development would also have an unacceptable impact on the amenity of neighbouring properties, due to the increased level of disturbance through the use of the access and the proximity of the development to nearby residential properties.

viii) The development of the site for gypsy and traveller pitches is inappropriate in this location to the character of its surroundings, where the village is characterised by traditionally built permanent housing.

For the reasons set out in relation to vi) above, the development is also considered to conflict with Wiltshire Core Strategy policy CP57 (vii), due to the adverse impact on the amenities of neighbouring properties.”

This decision was appealed by the applicant to the Planning Inspectorate. However, that appeal has not yet been determined, and no date for an appeal hearing has been set.

9.2 Changed circumstances

The current application is identical to the recently refused application (18/11739/FUL) in terms of the type, form, intensity and layout of development proposed. However, the application has been submitted as the planning policy context has changed since the previous application was determined. The Council has now published a Gypsy and Traveller Accommodation Assessment (GTAA) dated June 2020 which forms the most recent and up to date assessment of need and informs the approach toward Gypsy and Traveller Site provision set out in the emerging DPD. For the period 2019-36, the report proposes a requirement of 132 new pitches for travellers who meet the planning definition in PPTS Annex 1. This includes accommodation need from 4 adults and two teenagers at this site specifically.

The need identified in the GTAA will inform the emerging Gypsies and Travellers Plan which is currently being prepared by the Council. The Council has recently conducted a consultation on this emerging plan under Regulation 18 of the Town and Country Planning Regulations 2012 and a consultation report will be published in due course. This emerging plan will allocate sufficient pitches on existing and new sites in order to achieve a rolling five-year land supply in accordance with the needs identified in the GTAA from those persons resident in Wiltshire. As such the proposal accords with this strategy in meeting an identified need from persons at this specific location already within Wiltshire – effectively the needs arising from population growth.

Comments received during the public consultation period suggest that it is inappropriate to determine this application as the previous appeal has not been determined and because the Wiltshire Local Plan is currently under consideration/review. While these comments are understood, the Council has a duty to determine the applications which have been submitted to it. No date has been set for the appeal hearing and the emerging local plan is still at an early stage. Given these circumstances it would not be reasonable for the Council to delay determination of the application and if the Council did delay the determination of the application the Applicant could appeal against non-determination to the Secretary of State.

9.3 Principle of development

Hook is defined in the Wiltshire Core Strategy as a small village which does not have a settlement boundary. In planning terms, the site is therefore located in the open countryside. It is noted that when a previous application on the site was refused (13/05525/FUL) Hook had

a settlement boundary. Although this settlement boundary has now been deleted, it is noted that the application site falls outside of the former settlement boundary.

As the proposal seeks permission to provide accommodation for specified individuals who are travellers, Core Policy 47 is relevant. It states that for the North and West Housing Market Area, in which the site is located, for the period December 2016 to December 2021, an additional 22 pitches are required. As highlighted by their consultation response summarised above, the Council's Spatial Planning team consider that this need has been met.

However as is made clear in the Inspector's report accompanying the Core Strategy examination, the Council agreed that immediately following the adoption of the Core Strategy, a new Gypsy and Travellers Needs Assessment (GTAA) would be undertaken to inform a review of Core Policy 47 as part of a Gypsy and Traveller DPD. The Inspector stated that '*until such time as the intended DPD is complete and to ensure flexibility, the pitch requirements are best considered as minimums*'.

As outlined above, since the previous application on this site was refused, the Council has published a GTAA which confirms that there is additional need for pitches in Wiltshire. It states that for the period 2019-36 there is a requirement for 132 new pitches for travellers who meet the planning definition in PPTS Annex 1. Whilst it is acknowledged that there are traveller sites in the wider area, the Council's Spatial Planning team have confirmed that the GTAA figures include a need from 4 adults and two teenagers at this site specifically. The GTAA will be used to inform the emerging Gypsy and Travellers Plan, which will allocate pitches on both new and existing sites. As the emerging plan is at an early stage in the plan-making process it can only be afforded very limited weight.

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

Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. 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 area*

- 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.*

In assessing sites for Travelling Showpeople or where mixed-uses are proposed, the site and its surrounding context are suitable for mixed residential and business uses, including storage required and/or land required for exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.

Criteria i – Barriers to Development

With regard to criterion i. it is noted that several comments received during the public consultation highlighted drainage and flooding issues in the locality. Whilst these concerns are noted, the Drainage Engineer is satisfied with the submitted drainage strategy. The drainage strategy indicates that surface water would be disposed of by discharging to the existing ditch and through the installation of a sub-base storage sustainable urban drainage system. Moreover, it indicates that foul water would be discharged to the on-site private foul drain which connects to the foul sewer in Hook Road, which Wessex Water have confirmed has capacity to accommodate the proposed flows. It also confirms that the connection to the existing on-site foul drain would not require access to third party land. It is therefore considered that an appropriate drainage strategy is achievable on site and it would not be reasonable to recommend the refusal of the application on this basis. The proposal is also considered to be in accordance with Core Policy 67. It is noted that there are no other significant barriers to development in terms of poor ground stability or proximity to other hazardous land.

Criteria ii – Road Safety and Access

Several objections were received during the public consultation period which relate to criterion ii. It was felt that the proposal would increase traffic and exacerbate existing highways safety issues and that the access was unsuitable for the additional traffic which would be created by the proposal. It was also highlighted that there is no safe pedestrian access to the site. The Highways Officer considered that the information provided by the Agent which indicated that the daily vehicular movements from the site would likely be less than 20 per day. The Highway Officer advised that this number of vehicular movements would not produce a severe highways impact, and that the visibility from the access in addition to the proposed parking arrangement were adequate. It is therefore considered that the proposal would not have a severe detrimental impact upon the surrounding highway network. Whilst it is noted that occupants would be required to cross the road in order to access the pavement, this is the existing situation for the existing residential units on the western side of road and given this

existing arrangement it would not be reasonable to recommend the refusal of the application on this basis.

Criteria iii – Essential services

Criterion iii. requires that the site is properly serviced and is supplied with essential services. As outlined above, the Drainage Engineer considers that the proposed drainage/sewage arrangement is acceptable. Comments received during the public consultation period highlighted that Hook experiences low water pressure and concern was raised that this would be worsened by the proposal. However, Thames Water reviewed the proposal and raised no objection. On balance, there is no evidence that water supply services would be significantly or severely undermined by the development proposal. As such, there is no sound and defensible basis for a refusal of the application on these grounds. No details of the proposed waste disposal arrangement have been provided and concern was raised during the public consultation period that waste bins could block the entrance to the site and cause highway safety issues. Further details of the proposed waste storage arrangement could be required by way of condition. The proposal therefore complies with criterion iii.

Criteria iv – Vehicle Parking and Residential Amenity

With regard to criterion iv. the Highways Officer was satisfied with the proposed access and parking arrangement and they raised no objection to the vehicle circulation areas shown. The submitted plans indicate that each of the plots would contain a mobile home, a touring van, two parking spaces and a semi-detached amenity block. The proposed units would have adequate private amenity space, and it is noted that a play area is also proposed on the site. The proposal is therefore considered to comply with criterion iv.

Criteria v – Proximity to Services and Facilities

Concern was raised during the public consultation period regarding the lack of services and facilities in Hook. However, in the appeal against application N/12/00625/FUL, the Inspector addressed the issues relevant to criterion v. With regard to services, they stated that:

'Hook only has a modest range (pub, restaurant, hotel – no shops) but the town of Wootton Bassett, containing a wide range of shops, services, surgeries and schools, is only a short distance away (about 2km to the centre). There are some bus services to this town and Swindon during the day (excluding Sundays). The Council do not dispute that the appeal site is in a sustainable location and given the relatively close access to services I tend to agree.'

Although the site is now located in the open countryside in planning terms, given the above it would not be reasonable to refuse the proposal on this basis. The factors relevant to this criterion have not materially altered since the appeal and it is considered that the proposal complies with criterion v.

Criteria vi – Impact on Landscape and Residential Amenity

The most recent application was refused as the committee considered it would not comply with criterion vi. They considered that the proposal would have an unacceptable impact on the character and appearance of the landscape, harming the appearance of the countryside by introducing urbanising development which would extend into the rural landscape.

It is accepted that the previously approved landscaping scheme has not been implemented. However, this is a matter for the Council's Planning Enforcement Team and does not provide a sound basis on which to refuse the current proposal. The Landscape Officer has raised no objection to the proposal. They considered that the proposal would not undermine the integrity of the existing local landscape or local area, nor would it contribute to settlement coalescence. They concluded that the proposed development would not generate unacceptable harm to landscape character, nor would it result in any adverse effects to public visual amenity. They advised that if the submitted landscaping scheme were successfully implemented, the soft landscape proposals would help to screen and soften views of the proposal from local countryside receptors. Compliance with the submitted landscaping scheme can be secured by condition and on balance it is not considered that the proposal would cause such harm to the rural character of the area or the landscape that the proposal could reasonably be refused and defended at appeal on this basis.

Criterion vi. also requires that the proposal will not have an unacceptable impact upon the amenity of neighbouring properties. It is noted that the most recent application was refused as the committee considered the proposal would have an unacceptable impact on the amenity of neighbouring properties '*due to the increased level of disturbance through the use of the access and the proximity of the development to nearby residential properties*'. Several concerns were raised during the public consultation period regarding the impact of the proposal upon the amenity enjoyed by neighbouring properties. It was felt that the proposal would increase noise and would result in loss of privacy for neighbouring properties.

Whilst it is accepted that the proposed development would be visible from the neighbouring properties known as Elm House, Willow House and Nos. 5 and 28 Windsor Close, it is not considered that the proposal would cause such harm to the amenity enjoyed by these properties that the proposal could reasonably be refused and defended at appeal on this basis.

With regard to the impact upon Elm House and Willow House, only the side elevation of the mobile home in Plot 4, which would not contain any windows, would face towards Elm House. The amenity block serving plots 3 and 4 would be positioned beyond this mobile home and the primary windows contained within it would be orientated away from Elm House and Willow House. Although the proposed mobile homes sited within Plots 2 and 3 would be orientated towards Elm House and Willow House, the proposed block plan indicates that the front elevation of these mobile homes would be over 36 metres from the boundary line with Elm House. There are some established trees along the rear boundary line of Elm House and the proposed landscaping scheme indicates that 3 additional silver birch would be planted along this boundary. Given this very significant distance, combined with the fact that the mobile homes would only be of a single storey, it is not considered that they would erode the privacy enjoyed by these occupiers.

The proposed amenity block serving plots 1 and 2 would be a single storey structure and the block plan indicates that it would be located approximately 27 metres from the boundary line

with Elm House. The principal windows serving this building would be in the northern elevation, and they would not therefore face directly towards Elm House or Willow House. Given the scale and orientation of this building along with the position of the proposed windows, it is considered that it would not give rise to any significant loss of privacy for Elm House or Willow House such that the proposal could reasonably be refused on this basis. Finally, the proposed mobile home within plot 1 would be approximately 10 metres from the boundary line with Elm House. However due to its position in relation to Elm House, and the scale of the proposed mobile home, it is considered that no significant loss of privacy would occur.

It is considered that the relationship between the proposed development and both Elm House and Willow House as described above, would not be of an overbearing nature. Similarly, the proposed development would not give rise to any overshadowing or loss of light.

The most recent application was refused due to the increased level of disturbance caused to neighbours from the use of the access. However, it is important to note that the supporting information indicates that the proposal would be occupied by the applicant's extended family, and this would be controlled by condition. As such, the proposal would not give rise to a significant number of additional vehicle movements along the boundary line with Elm House. In their report on the 2013 appeal, the Inspector specifically addressed this matter. They commented as follows:

'There is also the matter of noise from vehicles using the driveway between The Paddock and Elm House. The latter contains no windows to habitable rooms on the side and neither the occupiers of this house nor Willow House have objected on this basis. For the appellants it was argued that the surfaced drive is already in use by the family and that this has been the case since they took up occupation of the house with their son with their daughter and children returning some time ago. The vehicles that come and go on a regular basis are 2 transit vans, 2 4WD vehicles and a car. The development will not increase this number although I accept that the establishment of the residential use at the rear could lead to more comings and goings. Nevertheless, I consider that in the prevailing circumstances this is unlikely to add significantly to the levels of noise experienced by neighbours.'

It is considered that the same conclusions would apply in this case. The site would be occupied by one family, and the agent has provided information to indicate that vehicle movements associated with the proposal would be low, the Council's Highways Officers did not dispute this assessment. The side elevation of Elm House contains no windows to habitable rooms and the additional vehicle movements associated with the proposal would not add significantly to the levels of noise experienced by neighbours. Therefore, it would not be reasonable to refuse the application on this basis.

It is considered that the proposal would not have an unacceptable impact upon the amenity enjoyed by Nos. 5 and 28 Windsor Close. The Inspector considered this issue in the 2013 appeal and concluded that *'due to the dense screening vegetation and fences on the boundary... no harm to the living conditions of the occupants' of these dwellings would arise'*. The same is considered to apply in the case of the current proposal.

It is considered that the proposal would also have an acceptable impact upon the amenity enjoyed by The Paddocks and the adjacent approved mobile homes. The western most existing mobile home does not contain any windows in its side elevation and given the location and scale of the proposed mobile home within plot 1, it is considered that there would be no unacceptable overshadowing or overbearing impact for this adjacent occupier. The mobile home in plot 4 would be orientated away from the aforementioned existing mobile home and it is therefore considered that there would not be any unacceptable overlooking between the two units. The occupants of the proposed units would drive past the two approved mobile homes and the dwelling known as The Paddocks. However, the units would be occupied by the extended family of the occupants of the wider site and there would not be significant additional vehicle movements associated with the proposal. The proposal is therefore considered to be acceptable in this regard.

Criteria vii - Privacy

Criterion vii. requires that adequate levels of privacy should be provided for occupiers. The four proposed plots would enjoy an adequate standard of amenity.

Criteria viii – Scale and Character

The most recent application was refused as the committee considered that the proposal conflicted with criterion viii. They considered that the development of the site for gypsy and traveller pitches was inappropriate to the character of its surroundings, where the village is characterised by traditionally built permanent housing. However, there are two existing authorised pitches on this site, and the proposed new pitches would be obscured from public view by existing buildings as well as existing and proposed planting. Permission is sought for four additional pitches to provide accommodation for the Applicant's family, and the need for these pitches has been reflected in the Council's new GTAA. The Landscape Officer raised no objection to the proposal and the development of a small family site is considered to be in-keeping with the scale and character of the locality.

Criteria ix – National and International Designations

The proposal would not conflict with criterion ix. as there are no nationally or internationally recognised designations on the site or in its vicinity. The proposal would not be in close proximity to a river, nor would it cause harm to biodiversity or archaeology.

In summary, the proposal is considered to be acceptable in principle as it complies with criteria i. to viii. of Core Policy 47.

Other matters

A comment was received during the public consultation period which raised concern that the proposal would increase light pollution. The proposal does not indicate that any external lighting is proposed, however a condition is suggested to control the installation of external lighting on the site.

Concern was also raised that the proposal would harm wildlife in the surrounding area and that the works undertaken thus far may have caused environmental pollution. There are no ecological constraints on the site, and there is no indication that the proposal would have any adverse impact upon protected species or the environment in a broad sense. The Public Protection Officer advised that they had no concern regarding land contamination.

Reference was made during the public consultation period to other caravan sites in the locality which could be occupied as an alternative to the current proposal. However as the proposal is considered to comply with relevant policy, it is not necessary to take into account alternative accommodation which may be available in the locality. Moreover, as highlighted previously the GTAA confirms that there is a need for new pitches on this specific site.

Concern was raised about compliance with a neighbourhood plan. Although there is an emerging neighbourhood plan for Lydiard Tregoze, this plan is not at an advanced stage of preparation and therefore it cannot be afforded weight in the determination of this application.

Comments received also raised concern that a site notice had not been displayed outside of the site. Whilst this comment is appreciated, due to the on-going Covid-19 pandemic, the Council is only erecting site notices where it is legally required to do so. The current application does not fall within the criteria for which a site notice would be required. However the application was advertised by way of neighbour notification letters in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Concern was also raised about the available timeframe for public comments. However a formal 21 day consultation period took place, and all public comments received following the end of this period were also considered. Therefore, it is considered that the Council has fully satisfied its duty to consult in this case.

Reference was made to the activities which have been carried out on site without planning permission and it was highlighted that the Council has not taken enforcement action to remedy the situation in this respect. The Council's Enforcement Team are aware of the concerns raised in this respect, however it is necessary and standard practice to await the outcome of the determination of any live applications and/or appeals such as that the pending at this site before proceeding with formal action.

It is noted that comments received during the public consultation period suggested that the plans and application form submitted in support of the application were not accurate. It was felt that the landscaping had not been implemented, day rooms have not been constructed, existing mobile home has been removed from The Paddock, ground levels have been built up and permeable gravel has been replaced by block paving. It is acknowledged that although two day rooms and mobile homes are shown on the existing site plan, only one mobile home is currently present on the site. It is also noted that block paving and gravel have been laid on site. Whilst the concerns raised in this respect are acknowledged, the position and number of day rooms and mobile homes shown on the existing block plan reflects the development permitted by application 13/05525/FUL and the other approved structures could therefore be added at a later date. If members of the public are concerned that works have been carried out on site without the requisite consents, they are advised to report these matters to the Council's Planning Enforcement Team for investigation.

It is acknowledged that the application form suggests that the proposal would be adjacent to an authorised caravan site. The concerns raised regarding this reference are appreciated and it should be noted that the reference to the site in these terms would not alter the scope of the previous approval or impact the conditions which were attached to control its use. The previous consent allowed two mobile homes for the occupation of two close family members, and the description of the site in the current application form would not affect this.

As outlined previously, the proposed plots would be occupied by close members of the Applicant's family, and conditions are suggested to ensure this. There is no evidence to suggest that the proposal would be occupied by unrelated individuals.

It is acknowledged that the development description on the application form differs from that used by the Council to advertise the application. In agreement with the Agent, the Council added the words 'gypsy and traveller' to the description to clarify the nature of the proposal. This amended description was then used to advertise the proposal. It is common for development descriptions to be amended in this manner and the Council acted appropriately in this regard.

A comment received highlighted that the distance between the development and the hedgerow was not shown for mitigation of fire risk. However the plans have been drawn to scale and the distance between the proposal and hedgerow can therefore be measured. The Council's Housing Officers have reviewed the submission and raised no concerns or objections in respect of proposed site layout and fire safety.

Concern was raised that the southern site boundary was incorrect as the hedgerow belongs to No. 5 Windsor Close. The Applicant provided the Council with a copy of their land registry details in this respect and the site area shown on the plans was updated accordingly. However, for the avoidance of doubt it should be noted that the grant of planning permission would not override any third party property rights which may exist.

Comments received suggested that the representations made during the previous application and the live appeal should be considered in the determination of this application. The Council is required to consider the representations submitted in respect of this planning application. Any representations made in respect of the previous application and appeal have already been taken into account in the determination of that application and will be considered further by a Government appointed Inspector in the determination of that appeal.

10. Conclusion

The proposal is considered to be acceptable on its planning merits. The proposal is considered to comply with Core Policies 47, 51, 57, 60, 61 and 67 of the Wiltshire Core Strategy and sections 4, 5, 9, 12, 14 and 15 of the NPPF (2019). With no material planning considerations indicating otherwise, the application is recommended for approval.

RECOMMENDATION

Grant permission subject to the following conditions:

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

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

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

01551/3 Rev 2 – Static Van

TDA.1956.02 – Site Layout and detailed landscape proposals (permitted layout)

01551/4 Rev 1 – Double Amenity Block

01551/10 Rev 2 – Site location plan

Received 02/02/2021

01551/5 Rev 1 – Proposed fencing

Received 04/03/2021

01551/1 Rev 4 – Existing layout

01551/2 Rev 7 – Site development scheme

Received 26/03/2021

Proposed soft landscaping plan.

Received 29/03/2021

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

- 3 The site 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 a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise

agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 The fences shown on the approved plans shall be erected prior to the first occupation of the residential units hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 8 No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted, and shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 9 Except for the keeping of commercial vehicles as defined in condition 8, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 10 Occupation and use of the Mobile homes and touring caravans hereby permitted shall be limited solely to and by close family members of the occupants of the property known as The Paddocks. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

- 11 No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than four shall be a static caravan) shall be stationed on the site at any time. At no time shall the four touring caravans hereby permitted be used as permanent occupation.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance Core Policy 57 of the Wiltshire Core Strategy.

- 12 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 13 The development hereby permitted shall not be occupied until details of the proposed domestic waste storage and collection arrangement have been submitted to and approved in writing by the Local Planning Authority.

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

- 14 The development hereby permitted shall not be occupied until the approved foul and surface water drainage works proposed have been completed in accordance with the submitted and approved details.

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

- 14 No waste shall be burnt on the site at any time.

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

- 15 No construction or demolition work shall take place on Sundays or Public/Bank Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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

- 16 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a

Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

17 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

18 INFORMATIVE TO APPLICANT:

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.

19 INFORMATIVE TO APPLICANT

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Wiltshire Council's land drainage byelaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).