

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	14.11.2012		
Application Number	W/12/01412/FUL		
Site Address	Land South Of Four Winds 81 Yarnbrook Road West Ashton Wiltshire		
Proposal	Change of use for one Romany family		
Applicant	Mr William Sherred		
Town/Parish Council	West Ashton		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	387492 155547		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Morland following a meeting of West Ashton Parish Council on Wednesday, 15 August 2012, when there was a formal request from the Clerk to call the matter in for consideration by the Planning Committee.

1. Purpose of Report

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

Neighbourhood Responses: 13 representations were received.

West Ashton Parish Council - Objects to the proposals for the reasons cited within section 7 below.

2. Main Issues

The main issues to consider are:

- Whether or not the proposals accord in principle with national and local planning policy, and any implications for the delivery of Gypsy and Traveller sites under the emerging Core Strategy;
- the effect of the proposal on the rural character of the area and on neighbouring amenity;
- the effect of the proposal on highway safety; and
- whether the proposal would represent a sustainable form of gypsy site.

3. Site Description

The application site is located in a field on the south side of the A350 some 320m west of the West Ashton crossroads. The land is some 1500 m² in extent, with the site for the mobile home set back from the road. Access is provided by an existing long established tarmac entrance with dropped kerbs directly off of the A350. Approximately 200m to the north east there is linear residential development at West Ashton Cross roads on the western side of the A350. On the opposite side of the road and slightly offset lies a bungalow (no.81). West Ashton village lies to the south of the crossroads and is linked to the site by a tarmac footway alongside the south side of the A350. Central Trowbridge is some 2.4 miles from the site.

4. Relevant Planning History

87/01795/FUL : Temporary storage compound for salvaged building materials (in the north western corner of the parent property) - Refused

92/00788/FUL : New vehicular access - Permission

00/01053/FUL : Produce/machinery store - Permission

04/00454/FUL : Storage/machinery shed - Refused

5. Proposal

This is a planning application for a change of use to provide a single private gypsy pitch to include the siting of a mobile home and touring caravan and a hardstanding for the parking and turning of vehicles. No day room is proposed at this point.

The applicant previously occupied a permitted site in Capps Lane, Bratton. However, this is now legitimately occupied by his married son and family and he seeks permission for a pitch for himself and his mother, who is in need of care.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) - CF12

Gypsy Caravan Sites

Wiltshire Structure Plan 2016 - DP15 Accommodation for Gypsies and Travellers

National guidance

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: (PPfTS) DCLG, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

The Government's stated aim in the PPfTS, 2012 is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In terms of the development plan Policy DP15 of the Structure Plan acknowledges the need for additional caravan pitches for gypsies and CF12 of the District Plan says that proposals for such uses will be permitted in appropriate locations subject to a range of criteria being met.

PPfTS, 2012 in paragraph states that "Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites."

7. Consultations

West Ashton Parish Council

The Parish Council objects to the proposal for reasons in relation to:

- Highways & Access safety - The proposal would be contrary to the DCLG 'Planning policy for traveller sites' dated March 2012, Policy CF12 of the adopted WWDP and the emerging Wiltshire Core Strategy (Core Policy 47) in that all refer to the need to consider matters of safety for future residents when considering applications.

- The proposal is outside any settlement limits of village policy limits, and therefore is contrary to the National Planning Policy Framework, the Adopted Wiltshire and Swindon Structure Plan 2016 and the emerging Core Strategy for Wiltshire (Policy 60), which all seek to reduce the need to travel,

influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

- The proposed site is adjacent to the A350 which is used by a large number of HGVs, with a speed limit of 50mph and only a very narrow pavement on one side of the road. There is a dual problem of road safety to pedestrians and high levels of noise and pollution. The site an unsafe and unhealthy environment for children to live, and wholly unsuitable for the proposed use.

- There are serious concerns regarding highway safety with the ingress and egress of vehicles from the proposed site onto the A350 road - widely recognised as one of the busiest 'A' roads in the County, this stretch of the road is a known black spot for road traffic accidents, with a number of fatal accidents occurring in recent years. The site access is situated directly on the brow of the hill, and there is a dip in the road to the south of the site, creating a blind spot which further seriously effects driver visibility. It is considered that allowing an additional access onto the A350 at this point would irresponsibly increase the possibility of further accidents occurring.

- Permission would be inconsistent in that previous applications for development or use of this site have not been progressed because they would have been refused on Highways grounds. It is not acceptable to consider that the safety of this Romany family is any less important than those of previous applicants/users.

- Application 91/00820/FUL, Change of use of existing agricultural building into a granny annexe was refused for 81 Yarnbrook Rd and any change of use to the land opposite this property would be inconsistent with this decision. A pre-application for a bungalow on this site was also not supported.

- There are very few local services available within reasonable walking distance of the proposed site (Doctors surgery, hospital and supermarket would realistically all need to be accessed by vehicle). Policy CF12 of the adopted West Wiltshire Local Plan 2011 on Gypsy Caravan requires that consideration is given to access to local services and transport. Although there is a bus stop near the proposed site, there are no buses servicing it. and the nearest serviced bus stop is approx. 0.5 miles away, reached by crossing two very busy roads.

- No ecological or environmental report has been submitted with the application to determine if there are records of any protected species or habitats in the vicinity which will need safeguarding, or what environmental effects any such proposal would have.

- Wessex Water's letter to Wiltshire Council states that a new water supply will be required and that a public water main is shown on record plans close to the land identified for the proposed development. It appears the development proposals could affect existing water mains.

- The Applicant needs to take into account the advice given in Circular 3/99. If this is the only option (or there is an increase in effluent volume) an Environmental Permit may be required. The Environment Agency should be contacted for further details. Drainage must be separated between all clean roof and surface discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourse, ponds or lakes, or via soakaways/ditches.

- There are records of Badgers within 300m, close to Woodside Wood.

In the event of the permission being granted notwithstanding the above, West Ashton Parish Council requests that conditions are imposed in relation to:

- no businesses permitted on site;
- limit to visitors caravans for maximum of 14 days per year;
- only development permitted is as per application, nothing further;-
- retention of existing woodland and hedging;
- plan should be modified to provide proper screening from A350;
- removal of any Permitted Development rights;
- no occupation of site until services are provided;
- no burning of materials on site;

- Temporary permission for a maximum of three years is granted
- Occupancy of the restricted to the applicant and his immediate family.

In a late submission the Parish further queries whether or not police authorities had been consulted on highway safety, including accidents in the area. This was referred to highway officers for further comment. No response was received at the time of writing, but this will be included as a late item in the event that a response is received prior to the Committee meeting.

Spatial Plans

The Spatial Plans Officer considered the relevant Policy criteria and advised as follows:

- Harm to neighbouring amenity would be unlikely given the location and an existing mature hedge boundary.
- The site is not located within a landscape designated for its quality (e.g. AONB or Special Landscape Area).
- The site is on the A350 (Yarnbrook Road) in close proximity to West Ashton with its low level of services and facilities, and few employment opportunities.
- Future occupants would be reliant upon the principal settlement of Trowbridge, located approximately 2 miles away, for facilities and services.
- The indication by the applicant is that essential services are available and it is noted that the site is also located adjacent a footpath which provides access to the village. It is nevertheless suggested that the sustainable transport service are consulted with regard to highway safety and transport.

In summary the site is well related to West Ashton and is within close proximity of Trowbridge, well screened within the landscape, is not within a designated landscape, and is not within an area liable to flood.

The officer considers that the analysis above suggests "...the application is not contrary to CP47 of the emerging core strategy and by implication determines that the site is in a relatively sustainable location in accordance with the NPPF. The NPPF does also say that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements. What is considered to be away from local settlements should be judged locally, in this instance, given recent appeal decisions and the proximity of Trowbridge, the site is not considered to be remote.

With specific reference to the weight to be attached to the emerging Core Strategy the Officer advises that "...12 people or organisations have submitted comments in relation to Core Policy 47 (in response to consultation on the CS). Issues raised mainly relate to the presentation of data, for example the combined north and west area rather than individual targets for these areas and the way in which sites should be provided (for example as part of strategic allocations). No alternative targets are proposed but one or two comments raise more fundamental issues, for example, using the caravan count as a basis, the need for a longer term supply of pitches. The direction of the policy was not challenged, lower targets are not called for and one respondent considered the criteria to be in general conformity with the new Government advice. In these circumstances due weight should be given to the emerging policy. However, following advice given by the appointed examiner the council is undertaking further consultation on the proposed pre-submission changes including an opportunity to comment upon the implications of the Government Policy for Gypsy and Travellers."

The officer finally notes that the question of the need for a 5 year supply of specific deliverable sites as required by NPPF also arises. In that regard, for the north and mid HMA an annual delivery rate of 2 pitches per year would provide a supply for years 2011 to 2016. Permission has been granted for 6 pitches this year and monitoring has indicated that there are sites with planning permission in west and north Wiltshire that have not yet been implemented providing a deliverable supply of at least 13 pitches. "Using this simplistic approach, housing land supply is not an issue.

(Important Note: This comment was made prior to the outcome of the Appeal case referred to in the Officer's Assessment below. The issue of "need" is further addressed therein).

Wessex Water

No Objection, but notes that new connections will be required, and that any development within 3m of a water main would require their consent.

District Ecologist

No objection.

Environmental Health

No objections.

8. Publicity

The application was advertised by site notice, newspaper advert and neighbour notification. Expiry date: 31.08.2012.

Summary of points raised by objectors:

- Encroachment onto open countryside/woodland;
- "Overstretching" of local services including schools;
- No indication of dimensions of development or of additional buildings and type or certainty on number of "tourer" caravans;
- lack of access to facilities and services;
- no clarification on what constitutes a "Romany Family" and if occupants would be. Possibility of large numbers of people;
- unsafe situation in relation to highway and access, in particular for children;
- pedestrian pavement is dangerous because of draught from fast moving HGVs;
- access intended for occasional agricultural use;
- loss of green space and wildlife;
- loss of property values;
- possible accumulation of waste on site;
- inadequate service provision;
- land better suited to other uses, possibly allotments, agriculture or coppice area;
- outside of West Ashton development boundary;
- application actually appears to be for a dwelling of unspecified size;
- Council shouldn't provide for Gypsy sites via "back door" but should create sites under its own control;
- previous application for shed refused due to impact on countryside;
- appears from application description that no restriction can be placed on numbers of caravans;
- detrimental to West Ashton;
- risk from large numbers of people, e.g. children safety near road, fires, waste, harm to surrounding environment;
- fear of increase in damage, theft and anti-social behaviour in area.

9. Planning Considerations

9.1 Policy background

The Council is required to requirement is

With regard to the comments of Policy Officers outlined in the 'Consultations' section above, it is noted that subsequent to that comment being made, the outcome of the Appeal at the site at Rose Field, Hullavington became known, with the Inspector having granted permission for six gypsy and traveller pitches there.

The cumulative result with other recent permissions is that emerging Core Strategy target requirement for permanent pitches for travellers to December 2016 has been met, where a total of 18 pitches have

been permitted in the North and West Wiltshire Housing Market Area. In this regard it must however be noted that:

- The Core Strategy is still emerging and there remain objections in relation to the "pre-submission" version of the CS. Further consultation is ongoing, with a closing date of 2nd November 2012. Inter alia comment is invited on the "soundness" of the CS as it relates to PPfTS, 2012. Thus, prior to acceptance of the expression of need for pitch provision as it stands, it must still be examined by the Inspector and the pitch provision proposed in the policy approved before the Council can be absolutely certain that this expression of need has been accepted.

- Core Policy as written is reflective of Paragraph 10 of PPfTS, 2012, i.e. "Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community."

Core Policy thus incorporates the National Guidance that indicates that, even where need has been met, applications should continue to be considered against the general criteria aimed at ensuring that new sites are in sustainable localities.

Paragraph 22 (PPfTS, 2012), includes in the criteria for considering applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- that LPAs should determine applications for sites from any travellers and not just those with local connections

It is considered in the light of the above that refusal on the grounds that targets in the emerging CP47 have been met would be contrary to National Policy. Individual sites such as this should continue to be assessed on their merits against the criteria established in the adopted development plan and the emerging core policy 47. Where the proposal is in accordance with the criteria set out in the development plan/CP 47 it is considered that it would not be justifiable to refuse the application.

In this instance the applicant has presented personal circumstances in relation to the legitimate occupation of his previous single pitch site in Capps Lane that is now occupied by his son and family. This has meant that the applicant requires a site for his own needs, as well as to care for a family member. It is a material consideration that the applicant be able to seek provision for his own accommodation in these circumstances.

9.2 Potential Impacts on the Rural character of the area and on neighbouring amenity

Neighbour and Parish observations are that the proposals are not within settlement limits and will impact on the countryside and are therefore by definition unacceptable in terms of Policy. However, neither current policy nor that in the emerging Core Strategy stipulate that new sites for Gypsies and Travellers should be within existing developed boundaries. (Structure Plan Policy DP15 states 'Suitable sites may be found both within and outside settlements' and WWDP policy CF12 only referring to 'appropriate locations'. Core Policy 47 has as a criterion in relation to location that sites must be "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.") Each site must however be considered on its merits. Existing and emerging policies have criteria requiring that sites in rural areas do not unacceptable harm the appearance of the countryside and do not "dominate" the nearest settled community. The PPfTS 2012 also does not constrain new pitches to localities within established settlements.

The site is well screened, with a backdrop of woodland/well established hedging and trees to the east and southern boundaries. A substantial hedge defines the road boundary. The mobile home and tourer parking sites would (as noted by the Parish) be visible directly from the access to the site. They

would however be set back some 60m from the boundary and be visual in the nearby public realm only in passing the access point. Some distant views would arise, but the units would not be prominent in the landscape. Location elsewhere on site as suggested by the Parish would mean either being in close proximity to the road with associated noise, or mean that additional areas of the site would be taken up with access/hardstanding provision. The reference of objectors to a previous refusal in relation to a shed for reasons of countryside protection is in relation to a storage building of 9m x 15m x 4.9m that was proposed to be located at the upper end of the property.

The mobile home/tourer would not be in a locality that would impact on neighbours in terms of loss of privacy or visual impact, with no dwellings in the immediate proximity.

The application is for the change of use to allow for one family (The applicant, his partner and elderly relative). Proposals include space for siting one mobile home and a tourer caravan. The use being proposed is fairly typical of a single, private gypsy application including a mobile home and a touring caravan. A dayroom (frequently associated with this type of use) is not proposed. The applicant has confirmed this, and stated that this would be the subject of a separate application if required in future. The proposals, albeit on elevated land relative to the road would not be dominantly visual to the surrounding area, and significant screening exists.

Objectors have highlighted nature conservation as an issue. County Ecology was consulted, and has raised no concerns, nor recommended any conditions.

With regard to waste disposal, a condition in relation to the septic tank/soakaway would be appropriate (the issue of any permit would be the subject of separate legislation). A condition not allowing for the burning of waste or other materials on site is also considered reasonable, and would address neighbour/Parish concerns.

Objectors have raised concern with the lack of detail on the design of the mobile home. Recent case history on other sites has however confirmed the situation that the siting of caravans, by definition including mobile homes, is not operational development. Further, over time, caravans may be replaced without the need for submission of details. The mobile home would therefore not be treated as a permanent building that requires assessment of design. A constraint to dimensions however is that the unit (and any replacement) would need to conform to the definition of a "caravan", i.e. inter alia being limited in size and remaining capable of being removed from site by being towed or transported on a motor vehicle or trailer.

The touring caravan would also be sited within the confines of the screened site and well set back from the access.

Seen in the above context the proposal is not considered to be harmful to the rural character of the area.

9.3 The effect of the proposal on highway safety

A paved walkway runs the full length of the Road between the Trowbridge/West Ashton intersection and the Hawkeridge/ Trowbridge /Westbury roundabout to the south, on the same side of the A350 as the application site.

The busy nature, and presence of HGV traffic is raised by a number of objectors and the Parish.

The site gains access the A350 via an existing entrance that has a depth of approximately 16m between the edge of the roadway and the gates. At the time of the site visit a degree of overgrowth was evident adjacent to the pavement and to the boundary hedge. It is however clear that trimming back is wholly feasible to improve sight lines.

The Highway Officer gave pre-application advice regarding visibility splays, entrance gates, the splaying of the access, on-site turning space and the provision of a drain on the highway boundary to prevent surface water entering the highway. This was re-affirmed during consultation. It is considered that provided a pre-occupation condition in relation to the officer comments is imposed the application can be supported from this perspective.

It is considered that the application can be accepted in terms of highway considerations subject to a condition requiring the submission of detailed plans and their implementation in accordance with the highway officer comments.

9.4 Sustainable form of gypsy site

The applicant acts as a representative for the local traveller community in the Wiltshire area and has previously been granted permission for a site in Capps Lane, since taken over by his son. His status as a traveller (for the purposes of relevant policies) is therefore considered to be well established.

The NPPF and latest Government Guidance on Traveller sites as well as gypsy site policies in the Development Plan allow for sites outside of settlements. However, access to services and facilities remains a consideration in respect of sustainability. In particular Policy CF12 of the District Plan includes the proximity of local services as an assessment criterion. Policy and highway officers have confirmed the view (from their separate perspectives) that the site is in a sustainable location. In considering their views it is noted that the pedestrian link exists to West Ashton as well as to the facilities at the Yarnbrook roundabout to the south, and that Trowbridge central facilities are under 2.5 miles distant.

The proposals indicate the provision of sewerage treatment facilities on the site as a sealed septic tank. It is noted that Wessex water raises no objection to the proposals as submitted, advising that new connections will be necessary. The Parish observation in relation to the WW comments on the presence of the water main are noted. However, the plan provided by WW indicates only a main running past the roadside frontage of the plot, and on the adjacent property to the south west. No buildings are proposed in the proximity of the main. It is considered reasonable to require the submission of foul water drainage details by condition. In the unlikely event of any pollution occurring then this would be subject to other legislation to control. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern. Environmental Health has raised no objection to the proposals.

The Wessex Water plans confirm that there is water supply in close proximity. The site does not fall within any Environment Agency zone subject to flooding.

In this locality and given the relative accessibility of local services the site is considered to be a sustainable form of gypsy development.

9.5 Occupancy of the site

The site is located in the countryside where general residential development is subject to policy restrictions and a condition restricting occupancy to gypsies and travellers is therefore considered appropriate and reasonable in the event that permission is granted.

Objections have been raised with regard to the control of numbers of units and families on site. The application is for a single pitch and it would be reasonable and address these concerns to impose a condition on the number and type of caravans, so as to constrain the use to the number of units as proposed (the mobile home and the touring caravan) to ensure that the site is occupied in accordance with the application details. It is also wholly reasonable to impose a condition as requested by the Parish Council not allowing any commercial use on the site.

9.8 Conclusion

The proposals are considered to be in accordance with the criteria set out for such sites in the development plan policies for the area and in accordance with national guidance in the "Planning Policy for Traveller Sites" DCLG, March 2012 . Notwithstanding the "target" provision in the emerging Core Strategy having been met, it is considered that refusal on those grounds would be contrary to National Policy, for the reasons discussed above. The application is recommended for permission subject to conditions in relation to highway safety, occupation, landscaping and drainage.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

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

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

- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in March 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

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

REASON: In the interests of the amenity of the area and in order to define the terms of this permission.

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

- 4 The use hereby permitted shall not be first commenced until works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority for:

- the provision of visibility splays at the access onto Yarnbrook Road to be in excess of 2.4m by 160m corresponding to the 50mph speed limit. These splays shall be maintained in perpetuity;
- The siting of entrance gates to be set back a minimum of 15m from Yarnbrook Road and to open inwards only;
- The provision of adequate width within the access splay to enable passing and exit from the main road;
- The on-site provision of sufficient space for parking and turning of vehicles; and
- the installation of an ACO drain, on or immediately adjacent to the highway boundary to avoid surface water entering the highway.

REASON: In the interests of highway safety

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

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

REASON: In the interests of the amenity of the area and in the interests of highway safety.

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

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

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

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

7 The development hereby permitted shall not be first occupied until the access up to the gates, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

8 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

9 Notwithstanding the approved plans no caravans shall be brought onto the site until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of existing and proposed planting, including the protection of existing hedgerows and woodland, any new boundary treatments and the surfacing materials to the hardstanding. The landscaping scheme shall be implemented in accordance with the approved details.

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

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

10 The development hereby permitted shall be carried out in accordance with the details shown on the following plans:

- Site Location Plan : Received on 25 July 2012; and
- Site Layout Plan : Received on 25 July 2012.

REASON : In order to define the terms of this permission.

Informative(s):

1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to, and protection of, water infrastructure.

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