

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>13.02.2013</b>		
<b>Application Number</b>	<b>W/12/02050/FUL</b>		
<b>Site Address</b>	<b>Littleton Stables Littleton Semington Trowbridge Wiltshire</b>		
<b>Proposal</b>	<b>Proposed permanent traveller/gypsy site comprising one mobile home, one dayroom and one touring caravan</b>		
<b>Applicant</b>	<b>Mr And Mrs A And C Diment</b>		
<b>Town/Parish Council</b>	<b>Semington</b>		
<b>Electoral Division</b>	<b>Summerham And Seend</b>	<b>Unitary Member:</b>	<b>Jonathon Seed</b>
<b>Grid Ref</b>	<b>390612 160217</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Mr James Taylor</b>	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

## Reason for the application being considered by Committee

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

- \* Scale of development;
- \* Visual impact upon the surrounding area;
- \* Relationship to adjoining properties;
- \* Design - bulk, height, general appearance;
- \* Environmental/highway impact; and
- \* Other: Suitability of the site for a permanent Traveller Pitch.

### 1. Purpose of Report

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

Neighbourhood Responses – 2 objections.

Parish Council Response - Objection - details set out below

### 2. Report Summary

The main issues to consider are:

- \* Principle of development including status of applicant and planning history;
- \* Location and sustainability;
- \* Highway safety;
- \* Layout and landscaping; and
- \* Drainage.

### 3. Site Description

The application site was granted a temporary and personal planning permission on appeal in January 2010 for a period of three years for the use of a tractor shed and touring caravan for residential purposes. The site has the appearance of a low key residential occupation combined with ancillary activities including agricultural small holding activity.

Accommodation is provided in a single storey low profile structure that has been converted to residential use.

Access to the site is obtained from the A361, and has visibility in both directions and hard standing to the apron. Access gates are set back from the highway. The site lies to the north of the A361, set back some 50 metres along a track.

The site is located in open countryside that has no particular planning or landscape designations.

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

W/10/02908/FUL - Extensions to hay barn and kennels, erection of porch to existing cabin and erection of an agricultural building – Permission on 28.10.2010

W/09/00407/FUL - Retrospective erection of dwelling, detached day room and touring caravan for residential use – Refusal on 19.06.2009 (Allowed at appeal on 12.01.2010)

01/00008/FUL - Change of use of land for the keeping of horses for recreation, erection of stables, hay store, hardstanding and tractor machinery shed – Permission on 28.02.2001

#### **5. Proposal**

This is a proposal for a permanent traveller/gypsy site comprising one mobile home, one dayroom and one touring caravan. This would replace the existing traveller/gypsy accommodation on the site. The converted tractor shed currently providing the main residence would be demolished and removed from the site.

The mobile home would be approximately 12 metres in length by 6 metres in width; and up to 4.7 metres in height. Walls would be rendered and concrete tiles would be to the roof.

The dayroom would be 6 metres in length by 5 metres in width; and up to 4 metres in height. Walls would be rendered and concrete tiles would be to the roof.

There are no changes to access proposed.

#### **6. Planning Policy**

Local Plan

West Wiltshire District Plan 1st Alteration (2004)

The main policy governing gypsy and traveller sites is CF12. The site is in the countryside outside of the existing settlement of Semington.

Wiltshire Structure Plan 2016

DP15 Accommodation for Gypsies and Travellers.

National guidance

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites

In the emerging core Strategy, the relevant policy relating to gypsies and travellers is CP47

#### **7. Consultations**

Semington Parish Council

Objection – “The site which is the subject of this planning application is in the open countryside outside any settlement, where it is clear that residential development is not normally appropriate. Also, the proposals are contrary to development plan policies on new dwellings in the countryside.

Both these points were clearly stated by Planning Inspector Mr Antony Fussey in his Appeal Decision document dated 12 January 2010 (paras 23 and 30).

\* It is also clear from the Planning Inspector's para 38 that the breaches of the development plan, which persist in this latest application, were only to be tolerated "for a temporary period".

\* The "Design and Access Statement" accompanying the planning application makes the point that permanent permission has already been given to the two nearby travellers sites. This fact is not relevant to the decision process for this application and should be ignored."

#### Ecology

No objection.

#### Environmental health

No objection.

#### Highways

No objection.

#### Archaeologist

No objections.

#### Spatial Plans

No objection.

#### Wessex Water

No objection.

### **8. Publicity**

The application was advertised by site notice and neighbour notification. Two letters of representation have been received.

Summary of points raised:

- \* Bought property here as it is surrounded by greenbelt land;
- \* Daughter has some mental health problems and is scared enough have 2 gypsy parks in area already;
- \* Looking after grandchildren;
- \* Already have 2 gypsy parks within 500 yards;
- \* Planning laws should be the same for the whole community; and
- \* Should be used for agriculture.

### **9. Planning Considerations**

\*9.1 Principle of development including status of applicant and planning history;

A key consideration in the principle of this development is the Planning Inspector's decision in 2010. This decision clearly sets out the Inspector's findings that Mrs Diment has a nomadic way of life, as does her son Lee and that they therefore meet the requirements for the application of the Government's gypsy and traveller planning guidance. Mr Diment does not claim to have a nomadic way of life nor ethnic gypsy status, but is clearly the partner of Mrs Diment and was accepted as such by the Inspector. There is no reason to conclude differently to the Planning Inspector in 2010 on this fundamental point.

It is evident from the public consultation that there is a view that gypsies and travellers should be subject to the same planning policies that govern regular housing development. However the Government have made it clear that provision has to be made within local and national planning policy for gypsy and traveller accommodation and therefore it is necessary to apply these policies and national guidance when determining this application. To do otherwise would be unreasonable.

\* 9.2 Location and sustainability;

The site is located in the open countryside outside of any settlement. It is opposite an established gypsy site and another 3 pitch gypsy site on the opposite side of the A350/A361 junction. The Council sought to persuade the Inspector at the previous appeal that the site was in an unsustainable location, but this argument was not endorsed by the Inspector, who found the Council's case on these grounds 'unsustainable'. This argument cannot therefore be justified as there has been no material change in circumstances relating to the location of the site. There are bus services passing and connecting to a variety of settlements. This service provides access to health, education and other services and facilities without reliance on the private car.

Finally it is noted that highway officers raise no objection.

\* 9.3 Criteria of policy CP47 of the emerging Wiltshire Core Strategy.

The national planning policy for traveller sites details that where the need for traveller accommodation in a locality has been met (and spatial planning advice indicates that is so here, although this stance has still to be tested at the examination of the Core Strategy), then further traveller development should still be approved if the site meets "locally specific criteria". These are set out in the local plan at policy CF12 and are updated in the emerging CP47 of the Core Strategy. These criteria are broadly consistent.

The site is not liable to flooding, nor does it have any other significant physical barriers to development; The site has safe and convenient vehicular and pedestrian access; it is noted highways are raising no objection. The site has existing access to essential services. The site is considered to be a "reasonable distance" from the services and facilities of Semington village, Melksham and Trowbridge. Finally the proposals are considered to be sufficiently remote from neighbouring residents to avoid significant harm; it is noted that the occupation of this site has been ongoing for over 3 years. Further the existing development is not considered to cause any harm in the landscape and the replacement development would be of a similar amount and scale. The Inspector at the previous appeal stated that the site is 'neither sensitive nor, being set back from the road and having low buildings, prominent'.

\*10. Conclusion.

The proposed development is considered to be acceptable in principle as it meets the criteria in the development plan and emerging core strategy set out for considering gypsy and traveller sites. The Inspector found the site to be acceptable for this use, and granted a temporary planning permission because he expected the Council to proceed with allocating gypsy sites within the three year period allowed. The DPD process on this aspect has been delayed and Government guidance has moved on, making it clear that even if the need for accommodation is met, then further traveller sites could and should be permitted subject to meeting detailed 'local criteria'.

In these circumstances, the proposals would not cause any harm to acknowledged planning interests and meet the 'local criteria' of the local plan at policy CF12 and the emerging criteria at Policy CP47 of the draft Core Strategy.

Accordingly, planning permission is recommended.

**Recommendation:        Permission**

**For the following reason(s):**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework, Planning Policy for Traveller Sites and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely Policies C1, C31a and CF12.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

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 shall be carried out in accordance with the hereby approved plans:

Drawing: 10/12/1/1

Drawing: 10/12/1/2

Drawing: 10/12/1/3

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

3 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG Planning Policy for Traveller Sites, and by Mr Adrian Diment for as long as he is the resident partner of Mrs Christine Diment, or in the event of her predeceasing him, her widower.

4 No more than 2 caravan(s), 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 order to define the terms of the permission and retain control of the rural scene.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further fences or other means of enclosure shall be erected and no further external lighting shall be installed on the site.

REASON: In order to define the terms of the permission and retain control of the rural scene.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garden structures or outbuildings shall be erected on the site.

REASON: In order to define the terms of the permission and retain control of the rural scene.

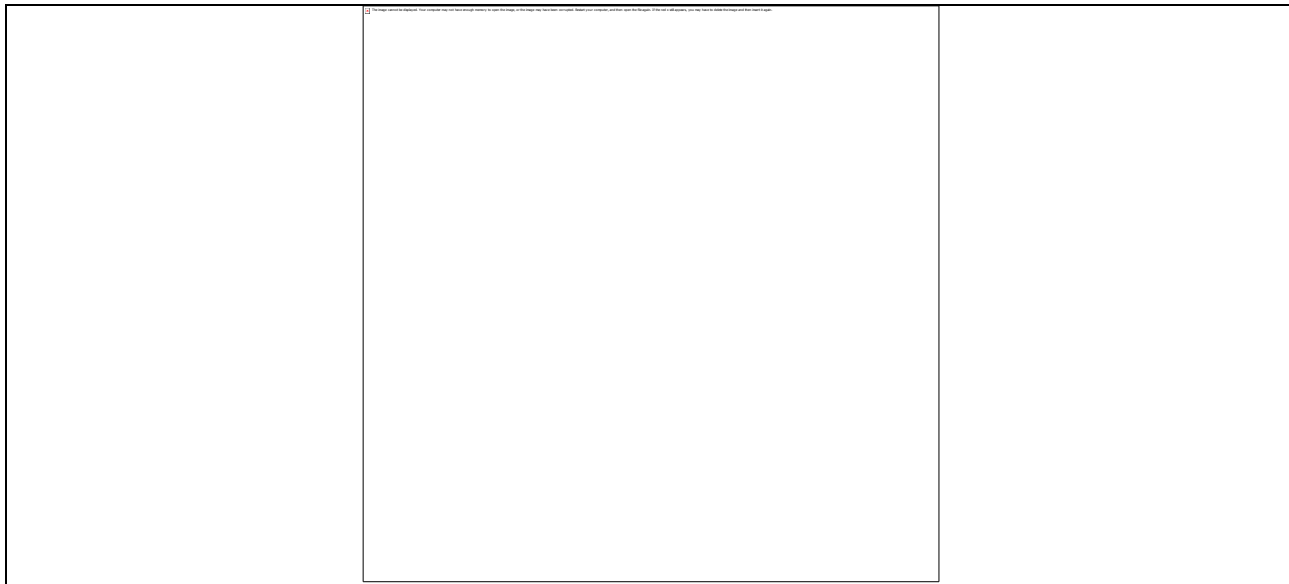
7 With the exception of the breeding and sale of horses and dogs, and of the sale of tack owned by the site occupiers, the site shall not be used for any commercial purposes.

REASON: In order to define the terms of the permission and retain control of the rural scene.

8 The existing converted tractor shed shall be demolished and the materials removed from the site before the mobile home is first occupied.

REASON: To protect the character and appearance of the landscape and to ensure that the residential use of the site is solely as a single mobile home with touring caravan, in accordance with the planning policies of the development plan and the NPPF.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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