

Date of Meeting	18 June 2014
Application Number	N/13/05525/FUL
Site Address	The Paddock Hook Wiltshire SN4 8EA
Proposal	Siting of 2 Mobile Homes, 2 Dayrooms, 2 Touring Caravans & Hardstanding
Applicant	Mr & Mrs Richards
Town/Parish Council	Lydiard Tregoze Parish Council
Electoral Division	Royal Wootton Bassett East
Grid Ref	407749 184726
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was called in for Committee determination by Councillor Mollie Groom to allow consideration of the sale of development; visual impact on the surrounding area; relationship to adjoining properties; design character; impact on environment and highways; and car parking.

1. Purpose of Report

To recommend approval subject to conditions.

2. Report Summary

The key issues are:-

Principle of development

Impact on Residential Amenities

Highways impact

Drainage Impact

Impact on the Character and Appearance of the Locality

The Parish Council object to the proposals. 14 Letters of objection have been received from 9 objectors (3 objectors submitted multiple representations in part due to the timing and availability of information on the Council's website).

3. Site Description

The application site lies partly within the defined Settlement Framework Boundary for Hook with the remainder adjacent to it. Half the site forms the garden to Slough House and two mobile homes and a touring caravan were in situ at the time of the site visit. To

the north of the site is the property known as Elm House a detached 2.5 storey dwelling which is separated via a 2.1m high wooden fence and the dwelling is sited less than a metre from the boundary. To the south of the site is a bungalow, 28 Windsor Close which is set at a slightly lower level.

The site is located in and adjoining the village of Hook which is situated to the north of the M4 Motorway. The village a small settlement 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 relatively modern. 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. An open paddock lies to the west of the site and is within the applicants' ownership. The landform rises in height in a northward direction.

4. Planning History

An application (N/04/01466/OUT) for the demolition of one dwelling and erection 15 dwellings was submitted on land at 24 Hook, Hook on 20/05/2004. The application was refused and a subsequent appeal was dismissed. A subsequent application (N/04/2828/FUL) for Residential development of two dwellings and garages submitted on the 29/09/2004 was also refused. Following this a further application (N/05/00176/FUL) for the erection of two dwellings and detached garage and parking spaces was approved on the 23/03/2005. It is under this consent that the two houses adjacent the site (Elm House and Willow House) were developed.

A previous application for similar proposals as to the current application was refused consent under reference N/12/00625/FUL by decision notice 19/10/12 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 by Inspector's decision letter dated 4/9/2013. The Inspector concluded that:-

Given the harm identified on the second issue I consider that the appeal should not be allowed. 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.

5. The Proposal

The proposed development is for the stationing of two mobile homes and two touring caravans with the erection of two day rooms and associated landscaping. Given the red line site application boundary for the application, the established residential curtilage to the property and the proposed site landscaping; layout and positioning of the touring caravans the proposals also include the change of use of land from agriculture to residential.

6. Planning Policy

National Planning policy Framework Paragraph 17 and Section 7 Requiring Good Quality Design
Planning Policy for Traveller Sites, March 2012

North Wiltshire Local Plan 2011
C3 Development Control Policy
H9 Gypsy Sites

Submission Draft Wiltshire Core Strategy June 2012 (As amended by Schedule of Proposed Modifications April 2014)

Core Policy 47

The Schedule of Proposed Modifications and Inspector's Proposed Modifications should be read in conjunction with the Wiltshire Core Strategy Pre-Submission Document (February 2012) WCS/01 and the previously consulted on Schedules of Proposed Changes (September 2012 EXAM/04 and August 2013 EXAM/56. A 'tracked changes' version EXAM/34 EXAM/34B (April 2014) of the Core Strategy that contains all the modifications to the Core Strategy submitted to the Inspector has also been made available. Also of relevance is EXAM 87 Addendum to Topic Paper 16 Gypsies and Travellers (February 2014).

7. Consultations

Wiltshire & Swindon Biological Records Centre identified Records of Bats nearby.

Private Sector Housing Team Identify that the site would be the subject of a caravan sites licence, the proposed layout as it stands would conflict with normal site licence conditions in terms of proximity of the mobile homes and the touring caravans to the site boundary.

Lydiard Tregoze Parish Council – Object on the grounds that the proposal is very little changed from previously refused scheme that were dismissed at appeal; the proposal is contrary to policy C3 iii, v, vii, viii; Localised flooding; Personal Circumstances of the family are not material planning considerations; Previous objections and submissions

made in respect of earlier application and appeal are reiterated.

Highways Officers adhere to previous comments made in respect of previous proposals on the basis that in transport terms the proposals have not changed substantively. No objection is raised.

14 letters of objection in total to the scheme proposals were received from local residents. Of these 3 objectors submitted multiple representations in part due to the timing and availability of information supporting the application on the Council's website. Objections submitted raised the following concerns:-

- The proposal is out of character with the locality and is visually prominent from adjacent properties resulting in visual harm
- The site layout proposals have not responded to the objections and concerns of the Inspector considering the previous scheme proposals.
- The application is not supported by the necessary site layout, landscaping and drainage details.
- Inadequate service infrastructure to accommodate development – foul & surface water drainage.
- Loss of light
- Noise disturbance
- Concern over security
- Increased vehicular traffic
- Lack of fire protection measures
- Inadequate public consultation
- Devaluation of property and harm to human rights
- Potential business operation at the site should be restricted
- Need to control proliferation of structures on site
- How will rubbish generation and collection at the site be controlled
- Concerned that touring caravans will become permanent accommodation
- Concern that the mobile homes will lead to built dwellings
- Detriment to visual amenity from neighbouring properties
- Loss of privacy to neighbouring residential properties from overlooking
- Sets a precedent for other “garden grabbing” proposals
- The proposed landscaping scheme is insufficient to screen the development from neighbouring properties and will result in loss of daylight
- The details of the proposed landscaping scheme do not represent good horticultural practice that will sustain the proposed planting in the long term
- The landscaping scheme does not address current business activity in site
- The proposed drainage scheme is inadequate and will not function as planned resulting in stagnant standing water
- Inadequate site access for the proposed vehicular traffic and concern of on street parking resulting in a highway hazard
- The proposals result in harm to the character and appearance of the Paddocks itself which is very high quality.

8. Publicity

The application was advertised by Site Notice, neighbour notification and Parish Council notification.

9. Planning Considerations

Principle of development

The application site is located partially within and partially adjoining the settlement framework boundary for the village of Hook and under the Council's adopted and emerging planning policies alongside national planning policy guidance this is an appropriate location for Gypsy and Traveller site provision.

The consideration and determination of the previous application and related appeal is a material planning consideration. In this context the Inspector considering that appeal, did not oppose the development on the grounds that the application site was unacceptable in principle and contrary to national and local planning policy.

Development within existing residential curtilages has been the subject of amended national planning policy as set out in the NPPF. Residential gardens are no longer defined as previously developed land and therefore by definition appropriate for further development. In practice this means that proposals must be considered on their individual merits and in the context that there may be more preferable sites and locations available. There are material circumstances relevant to this application which would indicate that this is not the case in this instance. There are relevant material personal circumstances that result in the need for the provision of additional accommodation for close family members and that is not in dispute.

In addition the Wiltshire Core Strategy Inspector in his 10th Procedural letter following the Public Examination into the submission draft document queried the basis for the Council's assessed need and existing pitch provision within Wiltshire for Gypsy and Traveller sites. The Council has made additional submissions as of February 2014 in response and revised its submissions in this respect. It is acknowledged that over the life of the Core Strategy the need for provision is greater than previously projected as demand is higher than assessed and available provision more restricted as set out in EXAM 87 Addendum to Topic Paper 16.

It should however be noted that this is a small family site and the proposals are specific in this respect, additional provision to accommodate need arising from close family members. Conditions restricting occupancy to close family are proposed and have been agreed by the applicant in this respect.

Impact on Residential Amenities

The principle issue raised in objection to the previous site proposal and considered by the Inspector in relation to the previous application and related appeal was in respect of the impact of the proposals on:-

- The existing residential amenities of neighbouring properties adjoining the site
- The existing residential amenities of the occupants of The Paddocks
- The future residential amenities of the occupants of the proposed mobile home accommodation.

The concerns arose from overlooking to and from neighbouring properties; disturbance from vehicular traffic movements given the position of the vehicular access in relation to neighbouring properties; overbearing impact and inadequate privacy as result of the proximity of the mobile homes in relation to the Paddocks.

The Inspector considering the appeal found that the vehicular access arrangements did not result in such significant harm to residential amenities of neighbouring properties that the development should be refused.

The Inspector considered the proposed arrangement between the mobile homes and the Paddocks itself as acceptable only on the basis of occupancy by close family members and suggested a condition would be appropriate to address this matter.

With respect to the relationship between the mobile homes and neighbouring properties the Inspector concluded that:-

“16. Dealing with the impact on the living conditions of the occupiers of Elm House and Willow House to the north, I was able to view the appeal site from the rear of these properties. From the first floor bedroom window of the former it is possible to see some of the features that exist on the appeal site at present but apart from Mr Richards damaged caravan these are oblique views only. The proposed development would bring about some marked changes. Whilst the first mobile home closest The Paddock would not significantly impinge on outlook the second one and the 2 dayrooms sited as shown would. The separation distances would still be considerable but the closest dayroom would have its front elevation, containing a living room window, facing towards the rear of Elm House. The second dayroom, two touring caravans and the extended hardstanding would also add significantly to the development in view from the rear windows of Elm House and Willow House. I consider that this situation would cause some material harm to the outlook and privacy of the occupiers of these properties contrary to criterion iii) of Policy C3 and criterion ii) of Policy H9 of the LP.

17. As regards the living conditions of those occupying the mobile homes I consider that they would experience some overlooking from the rear of Elm House which would not be ideal. However given that they would be aware of the situation before moving in and the degree of separation I do not find against the development on this basis.”

It is in this respect that the applicant developed proposals for landscaping the site including boundary treatments to mitigate overlooking concerns to Elm House and landscaping to the rear of the property to address concerns in respect of outlook and privacy from the rear of Elm House and Willow House. The proposals were submitted at the Hearing into the appeal but this was opposed by the Council given that the proposals had not been available for assessment and consideration in advance by interested parties, a position which the Inspector accepted. Officers consider that on balance and subject to appropriate conditions for the long term retention and maintenance of the landscaping including replacement planting to address any die back that concerns over loss of and harm to residential amenities are largely overcome. In this context it is necessary to balance the assessed harm not only against the proposed mitigation but also the need for the development and the personal circumstances of the applicant. Such personal circumstances whilst not a standard material planning consideration is relevant in this instance.

Furthermore the comments of the Private Sector Housing Team re: site licensing are that a licence is likely to be required and there is a need to reposition the mobile homes and touring caravans (if used for sleeping – which is not the case with this application) further away from than the site boundaries than currently proposed. The need arises of concerns of fire hazard risks. It is not considered that the revised position further away from the site boundaries as required under the site licence conditions would result in

such harm to residential amenities that consent ought to be refused. At the time of writing the report the matter has been put to the agent for the application and they have confirmed that revised plans will be submitted to address the requirements prior to the committee meeting. The matter will be reported as additional observations.

Highways impact

This matter was raised with and considered by the Inspector in relation to the previous appeal and no objections on the basis of inadequate or unsafe access were raised. Highways Officers raise no objections in this respect either. Whilst the C4141 is a straight road with a bend on rising land to the north of the site and traffic tends to move quite quickly along the road it is subject to speed restrictions in this location. The access whilst gated includes wide visibility splays and room for vehicles to move off highway before entering the site. There are many accesses to residential properties on this section of road and it is not considered by officers that the proposals result in such a significant change of circumstances and highway safety concerns such that consent ought to be refused.

Drainage Impact

This matter was raised with and considered by the Inspector in relation to the previous appeal and no objections on the basis of flood risk or inadequate drainage were raised. It should be noted that in relation to the previous scheme proposals detailed submissions in respect of drainage were made to address the issue of localised flooding, foul and surface water drainage. The Council's drainage officers have approved the details and raise no objections in this respect. The proposals have not changed with respect to drainage requirements and therefore the approved details remain relevant and acceptable. It is therefore considered that despite local concerns the matter has been satisfactorily addressed and there is no sound basis of objection or refusal of the application in relation to drainage.

Impact on the Character and Appearance of the Locality

Given the location of the proposed development partially within and partially without the defined settlement framework boundary and the layout of the proposals to include substantial landscaping and the stationing of two touring caravans to the rear of the property there will be a change to the character of the immediate locality. Effectively this will be from agricultural to residential character. The scale of the change is however relatively limited in extent. The landform in the immediately locality is undulating and there is significant boundary planting immediately to the south. The proposals include further landscaping provision in order to mitigate visual impact.

As noted by the Inspector the outlook from neighbouring properties will be affected but given the proposed landscaping it is not now considered that this results in such significant harm to residential amenity that the application should be refused. The private views of individual properties in terms of character and appearance are not protected by the planning system as this would have the potential to restrict development in almost all instances. In addition it is proposed that the scope for further development be restricted by the use of condition in terms of the removal of permitted development rights and restrictions to site layout based on the submitted plans (where amended if necessary as a consequence of any requirement for Site Licensing). The significance of the change in character must also be assessed not only against these factors but also the need for development and personal circumstances relevant in this instance. On balance it is not considered that the harm is so significant as to warrant refusal of the application.

Additional Matters

Objections have been raised in respect of the impact of the proposals on property values. This is not a material planning consideration and forms no basis for determination. Concerns and queries are raised in respect of waste collection but this is not considered to be any different from the existing or any other residential development in the locality. Objections are raised over security measures but the proposals are not considered to raise any material planning objection in this regard or any planning consideration different from any other form of residential development. Concerns are raised in respect of fire prevention measures but these would be addressed under site licence conditions and the applicant has been asked to address this in terms of site layout requirements, this will be reported as a late item.

Objections are raised in respect of current and possible future employment use of the site. The future situation will be controlled by conditions restricting commercial activities at the site. The current situation has been the subject of an Enforcement Investigation and no breach of planning control has been identified. The short term storage of materials within vehicles, i.e. overnight and the parking of vehicles of limited size on site that are used for employment purposes, is not considered unacceptable or harmful to the character and amenity of the locality or neighbouring residential properties such that consent ought to be refused. Such situations exist for a range of residents and small scale ancillary use of homes for work related purposes is entirely normal throughout the community and largely de minimis in planning terms. This provides no sound basis for refusal of planning permission subject to the conditions restricting activities that are proposed.

Finally concerns are raised over the possibility of the mobile homes becoming permanent built residential accommodation and the touring caravans being permanently occupied. Further built residential development at the site would need to be the subject of a full planning application and would be considered on the basis of all material planning considerations, consent for the current proposals forms no precedent in this respect. Similarly the use and occupancy of the touring caravans is subject to planning control and would need to be the subject of a full application. Human Rights have been raised by one objector but it is not considered that the development proposals raise any matters in this respect that are different from any other development proposal such that affect normal consideration and determination of the application.

10. Conclusion

The principle objections to the previous scheme proposals related to the impact on existing neighbouring residential amenities. It is considered that the proposed scheme alterations and use of appropriate conditions addresses these concerns adequately particularly when considered in the context of the Inspector's decision in relation to the previous scheme proposals. It is considered that the impact of the scheme proposals on the character and appearance of the locality is so significant when balanced against other material considerations and the form and layout of the proposals use of conditions and proposed landscaping such that consent ought to be refused. Other material planning considerations including drainage are considered to have been satisfactorily addressed. On balance it is considered that the scheme proposals are can now be granted planning permission.

RECOMMENDATION

Approve Subject to Conditions:-

WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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.

WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the amenity buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

3) 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 building(s) 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.

WC7 SUBMISSION OF DETAILS OF EARTHWORKS

4) Within six months of the date of this permission details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To ensure a satisfactory landscaped setting for the development.

WC11 ERECTION OF SCREEN WALLS / FENCES TO PREVENT OVERLOOKING

5) The screen walls, fences and/or plating shown on the approved plans hereby permitted shall be erected within 3 months of the date of this permission and shall be retained and maintained as such at all times thereafter.

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

WE6 NO GARAGES / OUTBUILDINGS

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

WE8 NO FENCES / WALLS / GATES

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 OR forward of any wall of the dwelling(s) (including a rear or side wall)] which fronts onto a highway, carriageway or footpath].

REASON: In the interests of visual amenity.

WJ4 GYPSIES AND TRAVELLERS

8) 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.

9) No more than two 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.

10) Except for the keeping of commercial vehicles as defined in condition 7, 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.

11) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be a static caravan) shall be stationed on the site at any time. At no time shall the two 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 with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

12) 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.

WM13 APPROVED PLANS

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

TDA.1956.02 Dated 15/4/14

0914/03 Dated 28/3/14

Site Location Plan Dated 28/3/14

1219/03 Dated 28/3/14

1219/01 Dated 17/3/14

3551/500 17/3/14

Design & Access Dated 12/3/14

Cole Easdon Consultants Micro Drainage Details 17/3/14

TDA/1956/RhC/10.13 Dated 15/4/14

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

Background Documents Used in the Preparation of this Report:

Application Documentation.