

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	25th April 2007
Application Number	07/00462/FUL
Site Address	Melbourne View, Brinkworth, Wiltshire, SN15 5DA
Proposal	Variation of Condition 2 of 04.03614.FUL Relating to No More Than Five Touring Caravans and Alteration to Access
Applicant	Robert Knowles
Town/Parish Council	Brinkworth
Grid Ref	387887 185122
Type of applications	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

The proposal is to amend an existing planning permission (granted on appeal) to allow for the siting of an additional 3 touring caravans at the site (increasing the total number of caravans from 3 to 6) and alterations to the existing access.

The site is in the countryside and the key points to consider are the impact of the increase in caravans on the site on:

- Highway safety
- Sustainability and access to services/facilities
- Residential amenity
- The amenity of the countryside

Key policies in determining this application are Policies C3 and H9 (Gypsy Sites)

Officer Recommendations

Planning Permission be GRANTED subject to conditions listed at the end of this report:

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Proposal and Site Description

The site is an existing 'gypsy' site granted permission for three caravans. Additional caravans for use of the same family have recently been located on the site and this application seeks retrospective permission for those additional touring caravans.

The site is located to the south of the B4042 between Brinkworth and Malmesbury. The site is divided from the main road by a belt of trees, although the site is visible through the recently widened access. Views of the site reveal the mobile home style caravan, the other vans and vehicles largely concealed behind fencing.

Planning History

Application number	Proposal	Decision
04.03614.FUL	Siting of one mobile home and two touring caravans for residential occupation by single Romany traveller family.	Refused (allowed on appeal)

Consultations

Brinkworth Parish Council object on the following grounds:

Policy H9 (criteria (i) and (ii) and paragraph 9.28

Wiltshire County Council Highways object on the following grounds:

“ The previous two applications (N96.2215 and 04.3614) for mobile and caravan touring were refused partly on highway grounds and I still feel that these reasons are valid. Application 04/03614 went to appeal and was subsequently allowed subject to conditions restricting the number of caravans. This application seeks to increase the number of touring vans to five.

Therefore I recommend that this application be refused on highways grounds for the following reasons:

The proposed development by introducing additional conflicting turning vehicle movements to this fast section of the B4042 class II road would interfere with the free flow of traffic and would be detrimental to highway safety.

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

With regard to the alterations to the access.....I have no objection to the alterations proposed subject to the ranch fencing not being (within) 5m of the carriageway edge and when the consolidated surface is being implemented provision shall be made within the site for the disposal of surface water so as to prevent discharge onto the highway.”

Representations

Letters of objection have been received from 16 local addresses.

14 of those used the same text and raised the following points:

- Site has increased its population without permission (i.e. the application is retrospective)
- There have been attempts by applicant to purchase surrounding land.
- Properties in the area have been devalued and local businesses have felt the effect in that they have been forced to reduce employee numbers

Additional comments received can be summarised as follows:

- The number of caravans have already increased to 6
- The access has already been increased to a 'double width'
- Trees and bushes have been removed to accommodate widened access
- Conditions imposed by Inspector have not been complied with.
- Local business has suffered tremendously reducing staff from 5 permanent staff to 1 part time at weekends
- Applicant has sought to purchase additional land.

Letters of support have been received from 2 local addresses:

- Applicant and family are good neighbours.
- Site is clean and tidy and improvements continually being made
- Would object to any further increase in numbers of caravans (beyond the number applied for)

Planning Considerations

Principle of development

An application for the siting of a mobile home and two touring caravans for travelling Romany family was refused planning permission (under delegated powers) in February 2002. The application was refused on the grounds that the introduction of additional turning movements on this stretch of road would have an adverse effect on highway safety and that the site was located remote from local facilities.

The Inspector considered that there were three main issues: the effect of the development on highway safety and free-flow of traffic; the effect of the proposed development on patterns of travel, particularly private vehicle use; and whether any conflict or harm could be outweighed by other material concerns, including the need for Gypsy sites.

On the first issue, the Inspector considered that though well used the road is not so busy that even the sorts of traffic movements one would expect from permanent dwellings would cause significant harm to the free flow of traffic. Visibility to or from the access exceeds the 215m standard. He considered the reports from local residents of the number of accidents along this stretch of road, but considered that most of them had not been close to the site. He concluded that the development would not cause unacceptable harm to highway safety and the free flow of traffic.

On the second issue the Inspector concluded that there would be some harm to patterns of travel, especially private vehicle use, and that this would conflict with the aims of national guidance such as PPG13.

On the third issue the Inspector considered that there are clearly shortfalls in authorised site provision at the national and regional levels. He concluded that there appears to be a need for more gypsy sites locally. The applicant, he concluded, does not have a strong case for living at this particular location.

Whilst being in the countryside the site is not exceptionally remote and there is no other more locationally sustainable site readily available. In these circumstances he concludes that the degree of harm to patterns of travel is less significant than the unmet need for gypsy sites locally. The conflict with national guidance is therefore outweighed by other material considerations.

The appeal was allowed subject to a number of conditions which included restricting use of the site by gypsies only and that no more than three caravans (one mobile home and two touring caravans) should be located at the site.

The applicants have co-operated with Council Officers and made efforts to comply with all the conditions set out by the Inspectors decision letter. Although the strict time constraints set out by the Inspector have not always been complied with Officers have been satisfied that sufficient progress has been made that any enforcement action would not be necessary or expedient.

The original application was specifically for one mobile home/static caravan and two touring vans. The proposal was to accommodate various members of a single family: Mr and Mrs Knowles and son (mobile home); Mr and Mrs Knowles' other son, his wife and 4 children (touring caravan); and Mr and Mrs Knowles' daughter and her husband (touring caravan). The Inspector restricted the occupation of the site to gypsies (as defined by the Caravan Sites and Control of Development Act 1960). He also restricted the number of caravans (as defined by the same act) to be located on the site to 3 (one static and no more than two touring vans) and the number of commercial vehicles (which are not to exceed 3.5 tonnes) to 3, although no commercial activity is to be carried out from the site.

The application is to increase the number of touring caravans allowed on the site from 2 to 5. The applicant has indicated that the additional caravans are to accommodate his mother (1); his son, who was originally to live in the mobile home (2) and his other sons' children (3). In effect there would only be an increase of one family member (the applicant's Mother) over the numbers the Inspector was considering. There is not proposed to be any increase in commercial vehicles (vans). In assessing this application the Council must consider what effect the increase in the number of caravans would have on matters previously considered by the appeal Inspector.

Impact on amenity

It was considered by the Council in determining the original application that the site was relatively well screened from public views and that it would have a limited impact on the countryside. The site has now been occupied for over twelve months and it is easy to assess its impact. The access has been widened and some of the trees at the front of the site have been removed. However, views into the site from public vantage points are restricted. Views from the road reveal fencing screening most of the caravans and activity from public view. Landscaping has been implemented on the other boundaries and these will, over time help screen the fencing in longer and private views.

The additional caravans are to be located within the fenced area. Whilst the upper parts of the vans will be visible the additional impact on views and the countryside will be limited.

The impact on residential amenity was considered by the local authority to be acceptable at the time of the previous application and appeal. This judgement was not contradicted by the Inspector. It is perhaps interesting to note that occupiers of the pair of cottages immediately to the east of the application site have written in support of the application; whilst the occupiers of the residential and business premises to the west have objected.

Highways and Access

The local highways authority have recommended that the application be refused on similar grounds to the previously refused application.

The Inspector at the original appeal assessed the impact of the development on highway safety. He acknowledged local residents concerns regarding the accident record of the stretch of road, but also commented that there were no recorded personal injury accidents within 300 metres of the site. He

acknowledged that the development would result in an increase in the number of turning movements at the access but this would be unlikely to cause significant harm to the free flow of traffic. He commented that visibility from the access satisfied various recognised standards. The Inspector concludes that the proposed development would not cause unacceptable harm to highway safety and the free flow of traffic.

In his reasoning the Inspector makes no reference to what effect an increase in the number of caravans proposed would make to his conclusions – for example he does not specifically state that the scheme is only acceptable because no more than 3 caravans are proposed or that if the number were to be increased he would draw a different conclusion.

The local highway authority have concluded that increasing the number of caravans on the site as this application proposes will have a detrimental effect on highway safety. Members will be aware that Officers are generally very supportive of the expert advice received from the local highways authority. In this case the decision relating to the highways impact of the proposal is, in your Officer's view, very finely balanced. The principle of the use has already been established, so it is the impact of any additional traffic movements resulting from the increase in the number of touring caravans that has to be assessed. It is your own officers' view that the increase in vehicle movements will be relatively minor and given that the Inspector had few concerns or misgivings in this regard a refusal reason may be difficult to sustain.

The application also proposes an alteration to the access. In the original application the existing field access was proposed. However, this proved to be problematic (with the applicants domestic vehicles using the same, often muddy, access as agricultural vehicles) the access was subsequently widened to effectively provide two parallel accesses. The local highways authority have discussed the access arrangements throughout with the applicant and are content that the access is acceptable. This application seeks to regularise the access arrangements and to allow for a fence dividing the field access from the site access.

Sustainability

The Council's second refusal reason was in principal accepted by the Inspector. The site is remote from services and is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce the growth in length and number of motorised journeys. However, other material considerations (in this case the unmet need for gypsy sites locally) outweighed this conflict with national policy.

The question is whether the material considerations still outweigh that policy objection. In the 18 months since the Inspectors decision (in September 2005) the situation in terms of unmet gypsy need has not changed significantly. The requirements to address the needs of the applicant's family are considered to be legitimate and proportionate.

Other issues.

Concern has been raised regarding the possibility of extending the site. This application proposes to increase the number of caravans within the existing site and within existing fenced areas. It would be difficult to increase the numbers further within this site and it is considered the small size of the site will naturally restrict its capacity. Any proposal to extend the size of the site or accommodate caravans outside the existing defined area would need a separate application.

Reference has been made the impact of the development on property values. Property values are not a material consideration, but the implication of these references is that the proposal will adversely impact on residential amenity. This issue has been addressed above (the conclusion reached is that there will be limited impact).

Reference has also been made to the impact of the existing use on a local business (kennels and cattery). Again the reason for the concern is not clearly stated. However, it is not considered that the situation would be worsened by the introduction of an additional three caravans.

Conclusion

The impact on the amenity of the surrounding area and local residents is not considered to be significantly affected by the increase in the number of caravans on the site.

Whilst the highways authority have raised objections regarding the impact on highway safety and sustainability this issue is considered to be finely balanced. Bearing in mind the Inspectors comments on the recent appeal it is recommended that the application be permitted subject to conditions.

Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

2. No more than 6 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than one shall be a static caravan or mobile home and no more than five shall be touring caravans, shall be stationed on the site at any time.

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 and H9 of the North Wiltshire Local Plan 2001 Wiltshire Local Plan 2011.

3. The proposed fencing shall not extend within 5.0m of the carriageway edge.

Reason: In the interests of highway safety.

4. Prior to the implementation of the consolidated surface to the access details of the provision to be made for the disposal of surface water so as to prevent discharge onto the highway shall be submitted to and approved in writing by the local planning authority, and the proposed works carried out in accordance with the approved details.

Reason: In the interests of highway safety.

Informative:

1. The permission hereby granted specifically and only relates to an amendment to condition 2 of the Inspectors decision reference APP/J3910/A/05/1177873 dated 6th September 2005 and amendments to the access also approved at that time. The two permissions therefore need to be read together and all planning conditions applied to the original permission, reference APP/J3910/A/05/1177873 (local authority reference 04/03614/FUL), shall continue to apply to the development.

Reason for Decision

The proposed amendment to condition 2 and amended access will have limited impact on the amenity of the surrounding area, amenity of local residents, highway safety or key aims of national and local guidance on reducing the length and number of motorised journeys. The application is considered to comply with Policies C3 and H9 of the North Wiltshire Local Plan 2011.

Appendices:	<ul style="list-style-type: none">• None
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20• 2.02• 4.02• 4.04• 5.01• 5.04