

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 13 May 2015
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	Monday 11 May 2015	4.00pm	Salisbury Room, County Hall

Membership: Subject to change at the Annual Meeting of Council on 12 May 2015

Cllr Andrew Davis (Chairman)	Cllr Charles Howard
Cllr Tony Trotman (Vice Chairman)	Cllr David Jenkins
Cllr Glenis Ansell	Cllr Bill Moss
Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Fred Westmoreland
Cllr Stewart Dobson	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway
Cllr Brian Dalton	Cllr James Sheppard
Cllr Bill Douglas	Cllr Ian West
Cllr Mary Douglas	Cllr Jerry Wickham
Cllr Dennis Drewett	Cllr Graham Wright
Cllr George Jeans	

RECORDING AND BROADCASTING NOTIFICATION

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Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on the Council's website along with this agenda and available on request.

If you have any queries please contact Democratic Services using the contact details above.

PART I

Items to be considered when the meeting is open to the public

1 Apologies for Absence

To receive any apologies or substitutions for the meeting.

2 Minutes of the Previous Meeting (*Pages 5 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 22 April 2015.

3 Declarations of Interest

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 Chairman's Announcements

To receive any announcements through the Chair.

5 Public Participation and Councillors' Questions

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 10.20am on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate Director) no later than 5pm on **Wednesday 6 May 2015**. Please contact the officer named on the front of this agenda for further advice. Questions may be

asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

- 6 **14/10556/FUL - Land at west side of B3092, Mapperton Hill, Mere, BA12 6LH - Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access and keeping of horses (Pages 13 - 28)**

A report by the Case Officer is attached.

- 7 **14/10457/FUL - Land adjacent to 89 Bath Road, Warminster, BA12 8PA - Change of use of land to 4 Romani Gypsy pitches and associated works including 4 mobile homes, 4 dayrooms, 4 touring caravans, 1 septic tank, hard standing and new access (Pages 29 - 44)**

A report by the Case Officer is attached.

- 8 **Date of the Next Meeting**

To note that the date of the next meeting is scheduled to be held on Wednesday 17 June 2015 at County Hall, Trowbridge, starting at 10.30am.

PART II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 22 APRIL 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Glenis Ansell, Cllr Trevor Carbin, Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Bill Moss, Cllr Christopher Newbury and Cllr Fred Westmoreland

Also Present:

Cllr Jonathon Seed

26 Apologies for Absence

There were no apologies for absence.

27 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 11 March 2015.

28 Declarations of Interest

There were no declarations of interest made at the meeting.

29 Chairman's Announcements

The Chairman made the following announcement:-

Recording and Broadcasting Members were reminded that it was intended hopefully quite soon to begin broadcasting this and other meetings of the Council on the internet. To prepare for this, and in accordance with the Leader's comment at Full Council on 24 February 2015, it was intended to record, but not broadcast, this meeting and other meetings moving forward for training purposes. He, therefore, drew everyone's attention to the recording

and broadcasting notice on the front of the agenda, which had also been posted on the entrances to this room.

30 **Public Participation and Councillors' Questions**

There were no questions received from members of the Council.

Members of the public addressed the Committee as set out in Minute. No. 31 below.

31 **14/10797/FUL - Greenacres Mobile Park, Semington, Trowbridge, BA14 6HL - Change of use of agricultural land to create 6 additional Gypsy and Traveller pitches with associated ancillary development**

The following people spoke against the proposal:

Mr Peter Smith, a local resident

Ms Karen Newbrook, a local resident

Cllr Dr William Scott, representing Semington Parish Council

The Committee received a presentation from the Area Development Manager which set out the main issues in respect of the application. The report was introduced which recommended that planning permission be granted, subject to conditions. Members were reminded that this application had been considered by this Committee at its meeting on 11 February 2015 when it was decided to defer consideration of the application pending the holding of a site inspection and to request copies of the Secretary of States and the Planning Inspectors appeal decision letters, copies of which were circulated with the revised report.

Following on from this, the applicant had submitted revised plans which had reduced the number of pitches by one, so that now six additional pitches and associated development were being proposed. All the pitches proposed were situated to the eastern portion of the site and immediately to the west of the pitches the applicant proposed to erect a six metre thick and 1.5m high landscaped bund. Previously this bund had been located further to the west. Beyond this to the west it was now proposed to construct a landscaped area up to 25 metres wide planted with trees. Previously this area had been up to 11 metres wide and no tree planting had been indicated. Beyond this the existing right of way (3m easement) would be retained and enclosed by a 2m high wooden fence as previously detailed.

A site inspection had taken place immediately before this meeting which had been attended by Cllrs Andrew Davis, Tony Trotman, Glenis Ansell, Trevor Carbin, Stewart Dobson, Charles Howard, David Jenkins and Jonathon Seed as the local Member.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Jonathon Seed, the local Member, objecting to the proposal. He referred to a submission from Wessex Water dated 14 January 2015 which stated that the nearest public water supply mains was some distance from the site and recommended that the applicant make contact with their new connections team to discuss a point of connection. Cllr seed also stated that the application was unacceptable in its proximity to the West Wiltshire Crematorium and was contrary to the views expressed by the Planning Inspector in his decision regarding an earlier application in which he restricted development to the east of this site so as not to infringe upon the crematorium.

During the ensuing discussion, several Members stated that by attending the site inspection, they were reassured that there was sufficient distance between the proposed location of the additional six pitches and the crematorium especially with the improved bunding proposed. They did feel that the question of an adequate water supply needed clarification and suggested that this could be achieved by the inclusion of an additional condition.

Resolved:

To grant planning permission subject to the following conditions:-

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: TP01, TP02, TP03 (Rev E), TP04 and TP05.

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

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for traveller sites (DCLG, 2012).

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4. There shall be no more than 6 pitches on the site and on each of the pitches no more than 2 caravans shall be stationed at any time and of these, only 1 caravan on each pitch shall be a static caravan, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

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

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

REASON: In order to define the terms of this permission, protect the rural scene and character of the countryside, and protect the amenities of the area and neighbour uses.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

REASON: In order to define the terms of this permission and protect the rural scene and character of the countryside.

7. Notwithstanding the submitted details no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) location and current canopy spread of all existing trees and hedgerows on the land;**
- b) full details of any to be retained, together with measures for their protection in the course of development;**
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- d) finished levels and contours;**
- e) means of enclosure; and**
- f) car park layouts.**

The submitted scheme shall make provision for the existing landscaping to the western boundary of the site with the crematorium to be retained and this landscaping shall thereafter be retained.

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

8. 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 development 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.

9. No development shall commence on site until a scheme for the discharge of foul and surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No pitch shall be first occupied until it has been provided with its agreed surface water drainage and its agreed foul drainage.

REASON: To ensure that the development can be adequately drained and in the interests of preventing pollution.

10. Pitches shall not be formed, nor caravans sited, on land to the west of the new bund on the submitted plan reference TP03 (Rev E).

REASON: In the interests of protecting the character and appearance of the area and the amenity at the crematorium.

11. No development shall commence on site until a scheme for the supply of power to the development (including a timetable for its implementation) has been submitted to and approved in writing by the Local Planning Authority. No pitch shall be first occupied until it has been provided with its agreed power supply.

REASON: In the interests of protecting the character and appearance of the area and the amenity at the crematorium.

12. No development shall commence on site until details of the connection to mains water to the site has been submitted to and approved in writing by the Local Planning Authority. No pitch shall be first occupied until it has been provided with its agreed mains water supply.

REASON: To ensure that the development can be adequately serviced.

13. No buildings or structures shall be erected whatsoever on land to the west of the new bund on the submitted plan reference TP03 (Rev E).

REASON: In the interests of protecting the character and appearance of the area and the amenity of the adjacent crematorium.

14. The bund detailed on submitted plan reference TP03 (Rev E) shall be formed in accordance with the approved details prior to the formation of any pitches or the siting of any caravans on the site and thereafter be retained.

REASON: In the interests of protecting the character and appearance of the area of the adjacent crematorium.

INFORMATIVE: The developer is advised that there is a low risk that great crested newts, reptiles or nesting birds could occur on the application site. Great crested newts, all reptiles and nesting birds are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of amphibians/reptiles occurring on the site, the developer is advised to clear the site and areas of long grass in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the grassland at a short height to make it unsuitable for reptiles/amphibians until the construction works commence. Clearance of scrub should be carried out outside the bird breeding season (March to August inclusive) or where this is not possible, preceded by a check for active nests by a competent ecologist. If reptiles or nesting birds are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or a Council Ecologist. If great crested newts are found, all works should stop immediately and Natural England contacted for advice on any special precautions before continuing (including the need for a derogation licence). Please see the council's website for further information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm> or Natural England's website <http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx> or <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

INFORMATIVE:

The developer is encouraged, in order to provide ecological enhancement, to increase the number of tree/shrub species to a minimum of 5 native and locally characteristic species on any final bund planting details.

- 32 **14/08417/FUL - Kemble Business Park Estates, Crudwell, Wiltshire, GL7 6BQ - A hybrid planning application for new B8 (storage and distribution) and B1 (office) space, including provision of new warehouse and ancillary office space (building 4) of 20210 sq.m. and new vehicular access.**

The Chairman reported that this application had been withdrawn by the applicant and therefore would not be considered by the Committee.

- 33 **Date of the Next Meeting**

Resolved:

To note that the next meeting was scheduled to be held on Wednesday 13 May 2015 at County Hall, Trowbridge, starting at 10.30am.

(Duration of meeting: 11.00 am - 12.30 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 th May 2015
Application Number	14/10556/FUL
Site Address	Land at west side of B3092 Mapperton Hill Mere Wiltshire BA12 6LH
Proposal	Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access, and keeping of horses.
Applicant	Mr M. Doe
Town/Parish Council	MERE
Ward	MERE
Grid Ref	380459 130726
Type of application	Full Planning
Case Officer	Warren Simmonds

Officer's Supplementary Note

The application was previously considered by Members at the Strategic Committee meeting of 11th March 2015 when the application was put before Committee with an officer recommendation of approval, subject to Conditions.

The Committee resolved to DEFER determination of the application in order to seek further information from the Drainage Engineer on the practicalities of drainage of the site and to request that copies of the Planning Inspector's decision regarding a similar application at Alderbury be provided.

Additional information submitted in support of the application:

(i) The status of the applicant as a gypsy and traveller

The agent for the application has subsequently submitted additional information/confirmation in respect of the status of the applicant as a person of gypsy and traveller status. He confirms the applicant is a gypsy who meets the definition of gypsies and travellers as set out within the DCLG document Planning Policy for Traveller Sites; he does not reside in a

'bricks and mortar' house and has not ceased to travel. He has family on a Gypsy and Traveller site in Swindon.

(ii) Percolation Testing data for the application site

The applicant has submitted Percolation Test data for the application site (attached to this report as appendix A). The Council's Drainage Engineer has assessed the submitted percolation test data and provided the following response:

Comments:

- I can accept the percolation figures although they are nearer to the higher end of the limit range – assuming they were taken at proposal soakaway locations – no plan of where they were taken or any plan showing the required system – could look for a condition to cover this issue*
- Please confirm that unit is only for 2 persons as that is what is shown in calculations – may need a planning condition to limit site to 2 persons as more persons will require a bigger soakaway system than shown in calculations*

Further Highways Officer comments

Members requested further clarification from the Highways officer that the methodology used in assessing the application in terms of Highway safety was appropriate. The Highway Development Control Manager has provided the following additional comment:

“The two sets of standards for visibility contained in Design Manual for Roads and Bridges (DMRB) and Manual for Streets 2 (MfS2) are based on different braking characteristics for vehicles. The standards in DMRB were set in the 1960s and have not been revised since. Those in MfS2 reflect that braking characteristics of vehicles have improved since that time and thus the calculations use a higher rate of retardation. The braking rate used is still much lower than would be required for an emergency braking situation.

The appeal decision for Hill Billy Acre has been referred to. Although there is some discussion about the relevance of the two sets of standards, in this case the standards from DMRB were achievable so that the discussion was somewhat academic. The application of standards is ultimately a matter for professional judgement taking account of circumstance at a location. There is no suggestion that the application of the MfS2 standards would give an unsafe access/junction. Indeed, no published standards would ever result in an unsafe situation.

In the case of this application a condition was requested requiring alterations to the hedge between the proposed site entrance and the site boundary. Taken together with the existing highway verge this would improve visibility at the access. Detailed measurements have been taken on site and these have shown that, with the alterations to the hedge, visibility splays of 153m to the south and 105m to the north can be achieved. That to the south is very close to the standard laid down in DMRB and any refusal to relax that standard by that small amount would not be defensible. The standard to the north, although not meeting the DMRB standard does meet the standard in MfS2. Furthermore traffic approaching from the north will generally be on the far side of the road.

*It is not unusual where a recommendation has been given for refusal for this to be reviewed to ascertain whether the standards applied could be defended in the event of an appeal. NPPF makes it clear that applications should not be refused on highway grounds unless the effect on the highway network is **severe**. In this case it was concluded that, as the visibility to the north complies with the standards in MfS2, the effect on the highway network is not severe.*

In view of the above it is my professional opinion that a refusal of the application on highway grounds would be very difficult to defend”.

Officer's additional comments

Subsequent to the Committee's deferral of the application on 11th March 2015, the requested additional information has been compiled:

- The applicant has confirmed the applicant is of gypsy and traveller status and has not ceased to travel.
- The applicant has provided the requested percolation test data, on which the Council's Drainage Engineer has been re-consulted (response above)
- The Highways Development Control manager has confirmed and reiterated the proposed development would be acceptable in Highway safety terms, subject to the Conditions previously recommended

The additional information provided/compiled does not lead officers to change their previous recommendation that the application be APPROVED, subject to the Conditions set out within the original report.

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

Whilst the Core Strategy has now been adopted new traveller sites will remain as a strategic issue rather than a local issue until the Gypsy and Traveller DPD currently being worked on is adopted.

The original officer report and suggested Conditions are hereby attached.

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PERCOLATION TEST RESULTS

Applicant name: MR MATTHEW DOE

Site address: LAND ON THE WEST SIDE OF B3095, MAPPERTON HILL,
MERE, WARMINSTER, BA12 6LH

Building Regulation application number: 14/10556/FUL

STAGE 1 – Calculation of the average time for the water to soakaway and calculation of the Vp

	Hole 1	Hole 2	Hole 3	Total Time (Seconds)
Time taken in seconds for the water level to drop from 75% full to 25% full (225mm to 75mm)	10500	10020	11160	31680

Total time (seconds)	Average time				
31680	÷	3	=	10560	÷ 150 = 70.4 Vp

STAGE 2 - Calculation of the area of the drainage trench required (M²)

Potential number of occupants*	Percolation test result (Vp)				
2	X	70.4	=	140.8	X 0.25 = 35.2 M ²

* Potential number of occupants – this number must represent the number of people who **could** occupy the dwelling. For instance, where it is proposed that 3 people will occupy a dwelling which has 4 bedrooms each of which is of sufficient size to accommodate a double bed or two single beds the potential occupancy will be 8.

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REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 March 2015
Application Number	14/10556/FUL
Site Address	Land at west side of B3092 Mapperton Hill Mere Wiltshire BA12 6LH
Proposal	Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access, and keeping of horses.
Applicant	Mr M. Doe
Town/Parish Council	MERE
Ward	MERE
Grid Ref	380459 130726
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application was called-in by Local Member Cllr George Jeans on grounds of visual impact on the surrounding area and the sustainability of the proposal given its location within the countryside.

1. Purpose of Report

To consider the application and to recommend to Members of the Strategic Planning Committee that the application should be APPROVED, subject to Conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- I. The principle of the proposed development in the light of relevant local and national planning policy and guidance
- II. Current levels of provision of gypsy and traveller pitches within the South Wiltshire Housing Management Area
- III. Scale, design & materials and impact on the character of the surrounding landscape
- IV. Drainage/flooding

- V. Highway considerations
- VI. Neighbour amenity considerations

The application has generated a total of 68 representations from the third parties, as follows:

- 1 representation in support of the proposed development;
- 66 representations objecting on grounds including Highway safety, site is too remote from services and facilities, difficulties in respect of refuse collection, flooding, impact on the landscape, development in the countryside, land not suitable for keeping of horses, not in accordance with policy, impact on amenity
- 1 representation making other comments.

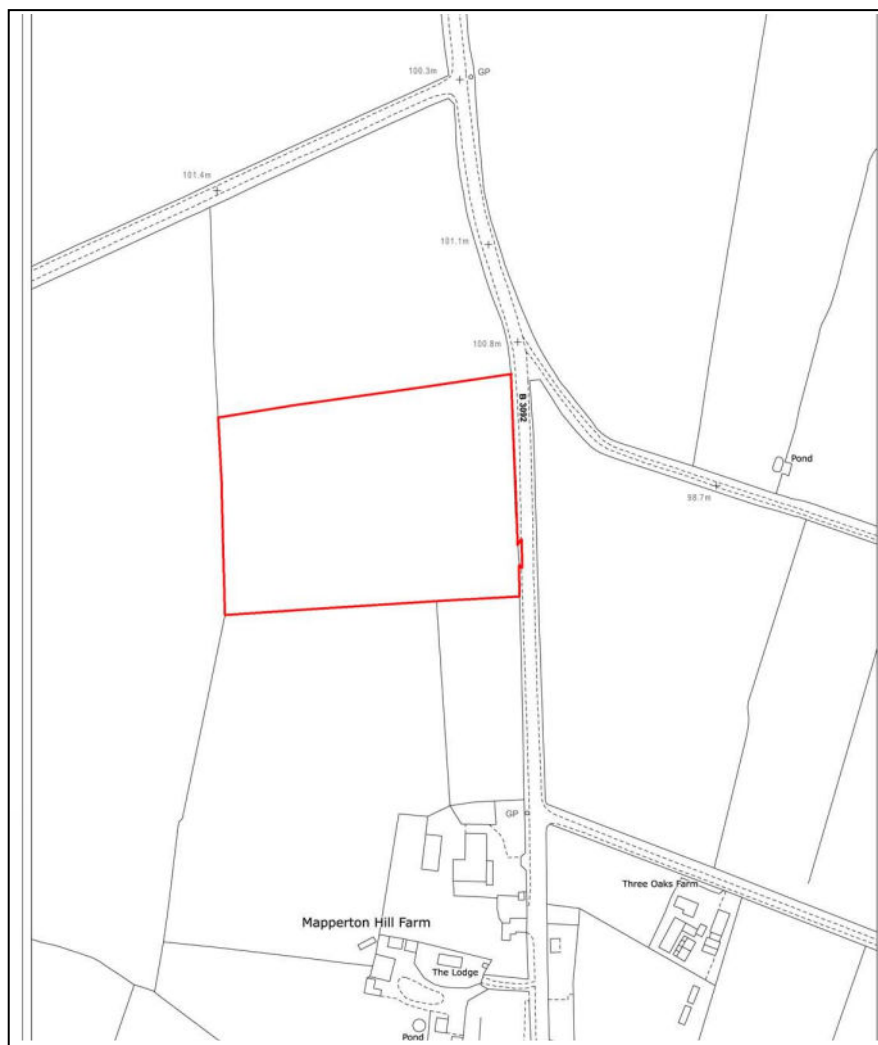
Mere parish council object on grounds of Highway safety, flooding and drainage, visual intrusion, loss of amenity and issues in respect of refuse collection.

Zeals parish council does not support the application, citing grounds including landscape impact, Highway safety and flooding.

Gillingham Town council raised no objections, subject to Conditions.

3. Site Description

The application site consists of an approximately rectangular parcel of agricultural land of approximately 1.9 hectares. The eastern boundary of the application site is bounded by the B3092 (Mapperton Hill) from which the land is currently served by an access.



The application site is located approximately 1.3 miles to the south of Mere (The Square), and approximately 2.6 miles to the north of Gillingham.

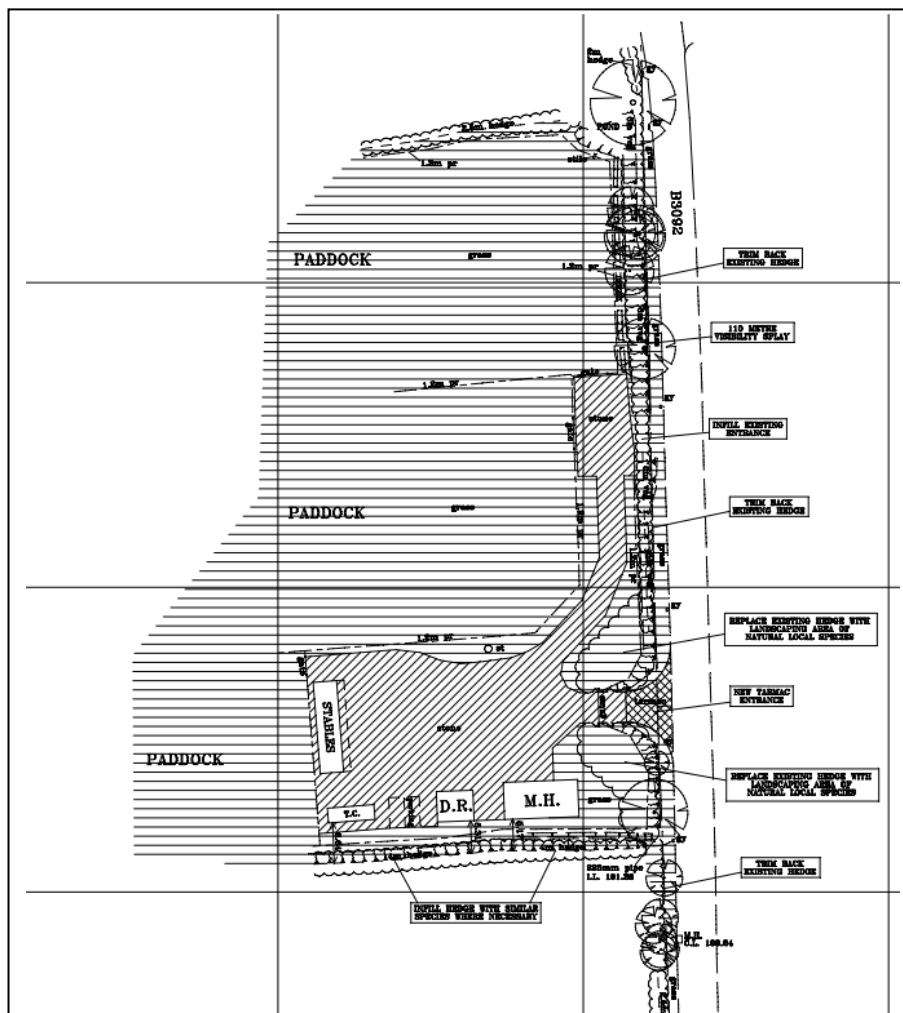
4. Planning History

None relevant to this application

5. The Proposal

The application proposes the change of use of the land to a single pitch person(s) of gypsy and traveller status (as defined within Annex 1 of Planning Policy for Traveller Sites), together with associated works including the siting of 1 x mobile home, the construction of 1 x day room, the siting of 1 x touring caravan, the erection of 1 x four bay timber stable building, the creation of a new access (existing access to be stopped up and planted across with new boundary planting) and hard standing and the use of the land for the keeping of horses.

Proposed site layout:



6. Planning Policy context

Local plan policy

The Wiltshire Core Strategy (WCS) was adopted on 20.01.15. Core policy 47 (Meeting the needs of Gypsies and Travellers) is relevant to this application. Also relevant are core policies CP57 and saved SDLP policy C6.

National Planning Policy

Planning Policy for Traveller Sites (PPTS) (DCLG, March 2012)

National Planning Policy Framework (NPPF) (DCLG, March 2012)

National Planning Policy Guidance (NPPG) (DCLG, March 2014)

7. Summary of consultation responses

Spatial Planning – There is an identified need for additional traveller pitches in this location which is a significant material consideration weighing in favour of this application. However, the case officer would need to be satisfied that the criteria of WCS CP47 are met, specifically in terms of the appropriateness of the proposal to the scale and character of its surroundings; impact on the landscape; and access, before this proposal can be supported.

WC Highways – No Highway objection, subject to Conditions

WC Drainage – Support, subject to Conditions

Public Protection – No adverse comments, advice re septic tank/sewage

Landscape Officer – No response received

Environment Agency – No response received

Mere parish council – Object on grounds of Highway safety, flooding and drainage, visual amenity and difficulties in respect of refuse collection from the site

Zeals parish council – Does not support the application on grounds including visual impact, the site is within the countryside, Highway safety, flooding and public health concerns

Gillingham Town Council – No objections, subject to Conditions

North Dorset District Council – No response received

Dorset County Council – No response received

8. Publicity

The application was publicised by site notice, neighbour notification and on the Councils website.

The application has generated a total of 68 representations from the third parties, as follows:

- 1 representation in support of the proposed development;
- 66 representations objecting on grounds including Highway safety, site is too remote from services and facilities, difficulties in respect of refuse collection, flooding, impact on the landscape, development in the countryside, land not suitable for keeping of horses, not in accordance with policy, impact on amenity
- 1 representation making other comments.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The principle of the proposed development in the light of relevant local and national planning policy and guidance

The Wiltshire Core Strategy (WCS) is the adopted local plan (adopted January 2015). Core Policy CP47 (Meeting the needs of Gypsies and Travellers) of the WCS deals with making provision for gypsies and travellers and is the primary local plan policy relevant to this application. National policy in the Planning Policy for Traveller Sites (PPTS) and National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also applicable.

WCS CP47 states:

Core Policy 47: Meeting the needs of Gypsies and Travellers

Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the following general criteria they will be considered favourably:

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable
- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users
- iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.
- iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas
- v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.
- vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.
- vii. Adequate levels of privacy should be provided for occupiers
- viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements, and
- ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

WCS CP47 (v) requires that sites are 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.

Whilst the site is not within Mere itself, it is approximately 1.3 miles to the south of the centre of Mere (The Square), and is approximately 2.6 miles to the north of Gillingham. Whilst feasibly this could be walked, the B3092 is not pedestrian friendly and it is likely that most trips to Mere or Gillingham would be made by motor vehicle.

Mere is classified as a Local Service Centre in the WCS and provides a good level of “everyday” retail and services to the surrounding area, including a primary school and doctors surgery. In these respects it is considered that the location would broadly satisfy the relevant criteria of WCS CP47(v).

CP47 Criterion (viii) states that development should be appropriate to the scale and character of its surroundings and existing nearby settlements. The policy goes further in requiring under criterion (vi) that the development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. These issues are further discussed at items 9.6 and 9.3 respectively (below).

CP47 (ix) requires that sites should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology. The application site is an agricultural field within a non-designated (other than locally) landscape. The site is not within a designated Area of Special Archaeological Significance and it is not considered the proposed development would result in undue impacts in terms of river quality or biodiversity.

In addition, CP47 (ii) requires that the site is served by a safe and convenient vehicular and pedestrian access. Highway considerations are discussed at 9.5 (below). Paragraph 32 in the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

CP47 (iii) also requires that the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

Taking into consideration the circumstances specific to the application, and the consultation responses of Statutory Consultees, it is considered on balance that the proposed development is accordant with relevant local and national policy and guidance, and is acceptable in principle.

9.2 Current levels of provision of gypsy and traveller pitches within the South Wiltshire Housing Management Area

In terms of overall need the council’s latest position for the South Wiltshire Housing Market Area is that for the period 2011-16, an additional 37 pitches are required; the council’s latest monitoring data shows that as of December 2014, the residual requirement is 33 pitches. This is set out in the supporting text to WCS Core Policy 47, and the addendum to Topic Paper 16 which contains the evidence underpinning the policy.

However, the Council is currently undertaking a full 2014 Gypsy and Traveller Accommodation Assessment (GTAA) to update the evidence underpinning the Core Strategy; to inform its review post adoption; and the development of the Gypsy and Traveller DPD which will allocate sites to meet that accommodation need. The study has a base date of July 2014 and will cover the period 2014 – 2029, but is not yet available to inform or provide additional information relevant to this application.

Therefore, based on the available evidence at the time of writing, there is currently a significant need for pitches in South Wiltshire, equating to a requirement of additional 33 pitches by 2016.

9.3 Scale, design & materials and impact on the character of the surrounding landscape

The application site constitutes an agricultural field within the countryside and designated Special Landscape Area (a non-national designation).

The application proposes the use of the land as a single pitch for person(s) of Gypsy and Traveller status, to include the provision on the land of 1 x mobile home, 1 x single storey day room measuring approximately 6m by 5m (of brickwork construction under a simple clay tiled pitched roof), 1 x touring caravan, 1 x septic tank, a single storey stable block of timber construction (measuring approximately 15m by 4m) and the construction of a new access to the site (the existing access to be stopped up and local hedgerow varieties planted to infill the gap).

The proposed buildings, structures and works are of relatively single storey form and consequently of low overall height. The materials proposed are considered generally appropriate to the rural surroundings. The presence of the buildings and structures would be relatively well screened and mitigated by existing field boundary treatments consisting of mature hedgerows and trees, and it is considered the proposed development would not be unduly visually prominent within, or unduly affect the existing character of the surrounding landscape.

9.4 Drainage/flooding

CP47 criterion (i) requires that there should be no significant barrier to development in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable. Whilst the site is within Flood Zone 1 (low risk of flooding), it is within an area susceptible to ground water flooding (as submitted photographs from December 2014 show standing water at the eastern end of the site).

However, the Council's Drainage Officer has been consulted on the application and supports the application, subject to Conditions in respect of the agreement of a scheme of foul water from the site, and a scheme for the discharge of surface water from the site. The Drainage Officer also advises that an informative should be added to any approval given, to convey that there will be a need to obtain formal Land Drainage Consent for any proposed outfall to a water course, or change to the water course (including any piping or diversion) to cover any permanent and/or temporary works prior to construction of any storm water drainage works on site as required under the Land Drainage Act 1991.

On the basis that the Council's Drainage Officer supports the application subject to Conditions, it is considered the proposed development can be suitably drained in accordance with the requirements of CP47.

9.5 Highway considerations

The Highways officer has visited the site and raises no Highway objection to the proposed development, subject to Conditions in respect of the provision of appropriate visibility splays, consolidation and grading of the new access, and that any gates are set back and open inwards.

9.6 Neighbour amenity considerations

WCS CP47 (vii) requires that adequate levels of privacy should be provided for occupiers. As this proposal is only for one pitch, and the site is immediately surrounded by open fields, it is considered that this criterion is satisfied.

The residences of both Mapperton Hill Farm and Three Oaks Farm are located within close proximity to the site to the south and south-east respectively. As the proposal is for one pitch, and the proposed building and structures are each of single storey form it is reasonable to assume that the proposed development is not of such a scale as to result in harm to the amenity of the neighbouring properties.

By reason of the distance between the application site and the closest neighbouring dwellings to the south (at Mapperton Hill Farm and Three Oaks Farm), and by reason of the existing natural screening to the south of the application site (provided by hedgerows and trees along the field boundaries), it is considered the proposed development would not result in undue impacts on the amenity of neighbouring occupiers.

10. S106 contributions

None relevant to the proposed development.

11. Conclusion

The proposed development is considered accordant with relevant local plan policy, national policy and national policy guidance insofar as it would make provision for a single pitch for persons of Gypsy and Traveller status within a locality where there is currently a significant under-provision of Gypsy and Traveller accommodation, without undue adverse impacts in terms of amenity, Highway safety, environmental or other relevant considerations.

The proposed development is thereby considered accordant with local plan policies CP47 & CP57 of the adopted Wiltshire Core Strategy, saved local plan policy C6, and the aims and objectives of the national planning policy and guidance set out within the NPPF, NPPG and DCLG publication 'Planning Policy for traveller Sites'.

RECOMMENDATION

It is recommended the application be APPROVED, subject to the following Conditions:

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

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

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

Drawing number 1464/04 dated November 2014, as deposited with the local planning authority on 28.11.14, and

Drawing number 1464/02A dated November 2014, as deposited with the local planning authority on 28.11.14, and

Drawing number 1464/03A dated November 2014, as deposited with the local planning authority on 28.11.14.

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

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites.

REASON: To restrict the occupation of the site, the residential use of which is only acceptable on the grounds of local and national planning policy specific to persons of gypsy and traveller status.

4. No more than one caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed on the site at any time and used for residential purposes. In addition no more than 1 other caravan comprising a touring caravan or traditional showman or gypsy wagon shall be accommodated on the site.

REASON: To control the numbers of caravans on the site, in the interests of amenity and Highway safety.

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

REASON: In the interests of amenity and Highway safety.

6. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centreline of the access, extending to each corner of the site frontage. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1.0 metre above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

7. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, 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.

8. The gradient of the access shall not at any point be steeper than 1 in 15 for a distance of five metres from its junction with the public highway.

Reason: In the interests of highway safety.

9. Any gates to close the access shall be set back a minimum distance of 4.5 metres from the carriageway edge and made to open inwards (away from the highway) only.

Reason: In the interests of highway safety.

10. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

11. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway and formal land drainage consent approval where works are required to ditches/water courses), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

INFORMATIVE:

There will be a need to obtain formal Land Drainage Consent for any proposed outfall to a water course, or changes to the water course (including any piping or diversion) to cover any permanent and/or temporary works prior to construction of any stormwater drainage works on site as required under the Land Drainage Act 1991. Please note that obtaining of planning permission does not remove the need to obtain LDC before starting any works relating to the water course.



Appeal Decision

Hearing opened on 1 February 2012

Site visits made on 1 and 2 February and 10 May 2012

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2012

Appeal Ref: APP/Y3940/A/11/2159865

Hillbilly Acre, Southampton Road, Clarendon, Salisbury, Wiltshire, SP5 3DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Cooper against the decision of Wiltshire Council.
 - The application Ref S/2011/708/FULL, dated 18 March 2011, was refused by notice dated 9 August 2011.
 - The development proposed is described as 'eight mobile units to be sited, 3 existing, 5 new'.
 - The hearing was conducted over four days, 1-2 February and 9-10 May 2012.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the hearing applications for costs were made by the Council and by Alderbury & Clarendon Residents Group (ACRG) against the appellant. These applications are the subject of separate Decisions.

Procedural matters

3. On the application form the location of Hillbilly Acre is given as Clarendon, Salisbury. The site is on Southampton Road, and I have identified it accordingly in the appeal details above.
4. The proposal is for a gypsy site, which the site plan shows divided into four pitches. There was no dispute between the Council, the appellant and ACRG that it would be reasonable to expect a touring caravan to be accommodated on each pitch, in addition to the mobile homes. The decision notice refers to alterations to the access, boundary treatments, parking areas and associated landscaping; and the appeal form includes associated ancillary development in the description of the proposal. A certain amount of operational development has taken place at the site, and there was discussion at the hearing as to whether any aspects were properly considered as part of the appeal proposal, as distinct from being provided in connection with agricultural use of the land.
5. Having regard to the plan of development at the appeal site prepared by the Council¹, it was agreed that the proposal is more clearly described as the change of use to a gypsy site, the siting of eight mobile homes and four touring caravans, alterations to the access, additional hardstanding on pitches 3 and 4,

¹ Appendix B in Document L1.

and fencing on the frontage of pitch 4. I have considered the appeal on this basis. A number of caravans are already on the site, the hardstanding has been formed and the fencing erected: the access alterations refer to work which would be undertaken to secure improvements at the junction with Southampton Road. The use of the description of development agreed at the hearing does not indicate that any other operational development on the site is necessarily lawful. It is open to the appellant to apply for a lawful development certificate in this regard, and this is not a matter for the current appeal.

6. A planning obligation in the form of a unilateral undertaking was submitted by the appellant. The obligation concerns a financial contribution towards public open space and children's play equipment in the locality.
7. The second reason for refusal refers, amongst other matters, to the designation of the land to the south-west of the appeal site as an area of high ecological value and to the nearby River Avon as a site of special scientific interest (SSSI) and a special area of conservation (SAC). However, the objection to the proposal is not made on nature conservation grounds, and at the hearing the Council confirmed that it was not pursuing a nature conservation objection.

Main Issues

8. I consider that the main issues in this appeal are:
 - (i) Whether the proposal would be consistent with policies applicable to gypsy site provision.
 - (ii) The effect of the proposal on the setting of the adjacent listed buildings.
 - (iii) The effect of the proposal on the character and appearance of the area.
 - (iv) The effect of the proposal on highway safety at the access to the site from Southampton Road.
 - (v) Whether any harm arising from the proposal would be outweighed by other considerations.

Background

9. The appeal site was purchased by the appellant's father in 1971, and has subsequently been inherited by the appellant, his sister and two brothers. It has been used by the family for a range of agricultural activities, including the growing of flowers, Christmas trees and fruit. In 1989, a personal permission for the stationing of a mobile home for a temporary period until 8 February 1990 was granted to the appellant. More recently, planning permission was refused for the siting of a caravan in 2001, proposals to construct a dwelling were refused in 2002 and 2008, the earlier of which was also dismissed on appeal. A previous proposal for a gypsy site was withdrawn last year.
10. The appellant, his sister and brothers have lived on the site intermittently over the years. The site is subdivided into four pitches, and although there is at least one caravan on each pitch, only pitch 3 is currently occupied: the appellant, his wife and one of his daughters have lived there since 2010.

Planning policies

11. When the hearing opened in February 2012, national policy on gypsy and traveller sites was contained in ODPM Circular 01/2006. Subsequently the Government published *Planning policy for traveller sites* (PPTS), which replaced Circular 01/2006 from 27 March. On the same date the *National Planning Policy Framework* (the Framework) came into effect, replacing a series of planning policy guidance notes and statements, including PPS5 – Planning for the Historic Environment and PPG13 – Transport. During the adjournment, the main parties and ACRG were asked to address these policy developments, and they were the subject of discussion when the hearing resumed in May.
12. In South Wiltshire, the Development Plan comprises Regional Planning Guidance for the South West (the Regional Strategy – RS), the South Wiltshire Core Strategy, and the saved policies of the Salisbury District Local Plan. The Localism Act provides for the revocation of regional strategies. The effect of revocation has been subject to environmental assessment, on which consultation has taken place, but revocation orders have yet to be laid before Parliament. For the time being, therefore, the RS remains part of the Development Plan and carries weight accordingly. However, the main parties and ACRG agreed that the RS contains no policies of relevance to the appeal.
13. The South Wiltshire Core Strategy was adopted in February 2012. On its adoption, the Core Strategy replaced certain policies of the Local Plan, and, within the South area, the policies of the Wiltshire & Swindon Structure Plan 2016. Policy H34 of the Local Plan and Policy DP15 of the Structure Plan, both concerning proposals for gypsy sites, were amongst those replaced, and the only policy currently in the Development Plan which is concerned with gypsy sites is Core Policy 4 of the South Wiltshire Core Strategy.
14. The Proposed Changes to the draft revised RS include Policy GT1, which sets out requirements for gypsy and traveller pitch provision by then local authority area. The intended abolition of regional strategies will remove the system of pitch targets specified at regional level. Local planning authorities will be expected to make their own assessment of need, and Policy B of the PPTS provides that they should set pitch targets which address the likely accommodation needs of travellers, working collaboratively with neighbouring local planning authorities. In these circumstances, the draft revised RS is unlikely to progress further, and this lessens the weight carried by Policy GT1.
15. The Council is also preparing the Wiltshire Core Strategy, covering the whole of the county. This emerging Core Strategy was approved for pre-submission consultation in February this year, and it is expected to be submitted to the Secretary of State in July. It also contains a gypsy site policy, Core Policy 47, but this is the subject of representations, and at this stage it carries only limited weight.
16. Work has commenced on a Gypsy and Traveller Sites Allocations Development Plan Document (DPD). The Issues and General Approach Consultation Document, which includes a site selection methodology, was published in 2010, but preparation was halted following the Government's announcement that it intended to replace Circular 01/2006. I heard that, following the publication of the PPTS, and clarification of national policy, the Council intends to recommence work on the DPD. The DPD is at a relatively early stage in its

preparation, and as yet there are no details available of possible site allocations.

Reasons

Policies applicable to gypsy site provision

17. Core Policy 4 of the South Wiltshire Core Strategy has been adopted recently, and although it pre-dates the PPTS, it is broadly consistent with current national policy on gypsy site provision. As an up-to-date Development Plan policy, it is the starting point for consideration of the proposal against policies applicable to gypsy site provision. The first part of the policy sets out requirements for additional pitch provision. It then lists a series of criteria against which proposals should be assessed. Sites should be located within or close to a settlement as defined by the Sustainable Settlement Strategy. The nearest settlement is Alderbury, which the Council identified as a sustainable settlement². I heard that within Alderbury are two public houses, two shops (one of which contains a post office), a primary school and a village hall, and I consider that it provides a good range of local facilities and services. The north-western end of Alderbury is about 1.3km from the appeal site, and it is about 2km to the centre: these distances are not too great to cover on foot.
18. I have also taken into account the site selection methodology in the emerging Gypsy and Traveller Site Allocations DPD, although at this relatively early stage in its preparation its content carries only limited weight. The draft methodology includes various references to distances: ideally a site should be within a safe walking distance of 1.2km from a centre providing local facilities and services, although there are references to maximum distances of 0.8km from a bus stop, primary school, health facilities and a food shop. Elsewhere it explains that areas for search should initially cover 1km from key facilities of a doctor, school and food shop, but, that in the absence of suitable sites within 1km, sites up to 2km away could be considered. The site is about 2km from the centre of Alderbury, and there is a bus service along Southampton Road, with stops outside the appeal site, which provides access to Alderbury and also to Salisbury where a greater range of facilities and services are available. In these circumstances, I consider that Hillbilly Acre is close to a sustainable settlement, and that the proposal satisfies the first criterion in Core Policy 4.
19. The appeal site is of sufficient size to provide adequate facilities for parking, storage, play and residential amenity, and to ensure adequate levels of privacy for the occupiers. The only commercial activity intended is the continuation of the growing of Christmas trees and other plants, and each of the pitches includes space for this purpose.
20. The site is close to the River Avon: it rises up from the adjacent land by the river to Southampton Road, and the intended positions of the mobile homes are away from the lower south-west boundary. The majority of the site is within flood zone 1, where the risk of flooding is low, and the Environment Agency has raised no objection to the proposal, subject to conditions specifying floor levels and approval of a surface water drainage scheme. With these safeguards, the proposal would not be constrained by flooding.

² The inset map for Alderbury (Document O4b) includes Whaddon which is adjacent to the south-east, and references were made at the hearing to facilities and services in the overall settlement area.

21. Core Policy 4 requires that gypsy sites should not have the potential for adverse effects on river quality, biodiversity or archaeology. There is nothing before me to indicate that the proposal would have an adverse effect on any matters of archaeological interest. The adjacent land to the south-west, and the River Avon, is designated as an area of high ecological value on the Local Plan Proposals Map (Document O4a). This area includes Clarendon Meadows County Wildlife Site (CWS), which extends along the strip of land between the site and the river, and the River Avon itself is both an SSSI and an SAC. ACRG referred to the environmental significance of this area, and expressed concern about the effect of activities on the appeal site on the designated area. Reference is made to the presence of scrap metal and building materials, and to use of the site for car breaking, with the prospect of contaminants migrating towards the river. None of these alleged activities relates to the appeal proposal, but the appellant had no objection to a condition restricting commercial use on the site to agriculture, and preventing the stationing of more than one commercial vehicle over 3.5 tonnes on each pitch. Moreover there are other procedures to follow to address concerns about pollution and contamination.
22. The Council's Principal Ecologist has advised that occasional unobtrusive access would be unlikely to lead to a decline in the value of the CWS³, and I find no conflict with Policy C11 of the Local Plan which seeks to safeguard county wildlife sites. She explains that the SAC is important for six features: Atlantic salmon, sea lamprey, brook lamprey, bullhead, water crowfoot vegetation, and Desmoulin's whorl snail. The latter species occurs on emergent vegetation on and near the banks of the river, whilst the others all occur in the river channel. As the development is outside the SAC, there should be no direct impact, and she considers that it is too far away to cause an impact through light pollution, vibration or noise. Surface water would drain to a soakaway, and there should be no risk of runoff to the SAC. Given the assessment in relation to the SAC, the Principal Ecologist has not raised an objection in respect of the SSSI. She explained that potential contaminants and pollution from employment activities could have a harmful impact, and suggested a condition to prevent employment use. Subject to the imposition of conditions restricting commercial activities and vehicles, I do not consider that the quality of the River Avon or biodiversity in the vicinity of the site would be adversely affected or that the national recognised designations of the SSI and the SAC would be compromised.
23. Although it is intended that three of the pitches would accommodate extended families, this would not be a large scale proposal. In addition to the two adjacent houses, there are a number of other dwellings in the vicinity on Southampton Road and Shute End Road, and I do not consider that the proposal would be inappropriate having regard to the scale of the nearby community and settlement.
24. The remaining criterion of Core Policy 4 requires that development should be appropriate to the scale and character of the surroundings: I consider this and the effect on the adjacent listed buildings (another nationally recognised designation) elsewhere.

³ The Principal Ecologist did not appear at the hearing. Her assessment is contained in a memorandum submitted during the adjournment, Appendix A in Document L1.

25. I turn now to Core Policy 47 of the emerging Wiltshire Core Strategy. I have addressed requirements concerning flooding, internal space for parking and residential amenity, and proximity to settlements in relation to adopted Core Policy 4, and there is no conflict in respect of these matters. There is nothing before me to indicate that the site cannot be provided with appropriate services, that it is close to any hazardous land or installation, or that it suffers from poor ground conditions. A hydrogeological report, submitted with the application, does not point to any drainage problems on the land, and the Environment Agency has not expressed a contrary view. Criteria (ii) and (v) are concerned respectively with the safety and convenience of the access and the impact on the landscape, and I consider these matters elsewhere.
26. Some concerns have been expressed by local residents about the effect of the use of Hillbilly Acre on the living conditions of existing residents,. The site is situated between two residential properties, Belmont House and St Marie's Grange, and a third, Alderbury Holt is on the opposite side of the road. Both Belmont House and Alderbury Holt are positioned well away from the appeal site. The house at St Marie's Grange is relatively close to the south-east boundary, and the occupier expressed concern about noise. However, the proposal is for a residential use, and the appellant has agreed that commercial activities should be limited to agricultural work, which has been undertaken lawfully at the site for some time. In these circumstances, I do not anticipate that the use of the site as intended should unacceptably worsen the living conditions of nearby residents.
27. In the PPTS, Policy H (at paragraph 23) explains that new traveller sites should be strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. The policy, therefore, contemplates the prospect of sites coming forward in open countryside close to settlements, and in assessing the proposal against Core Policy 4 of the South Wiltshire Core Strategy, I have found that it is in such a location. Paragraph 23 also makes it clear that proposals should not dominate the nearest settled community, and that they should not place undue pressure on local infrastructure. The former test forms part of Core Policy 4, and there would be no conflict in this regard. There is no detailed evidence that infrastructure problems would arise as a result of the proposal.
28. Policy B (at paragraph 11) sets out a series of requirements for local traveller site policies. Although this forms part of the plan-making section of the PPTS, the considerations are also of relevance to assessing proposals which come forward separately from a DPD. Several of the criteria reflect matters covered in Core Policies 4 and 47. Given that the scale of the proposal would not be inappropriate in relation to the nearby residential development and that there should be no unacceptable effect on the living conditions of neighbours, I consider that it should enable peaceful and integrated co-existence with the local community. The presence of a settled base avoids the need for long-distance travelling and facilitates access to health and education services. The site would continue to be used for growing a variety of plants, enabling occupants to live and carry out some work from the same location, consistent with criterion (h). I have already referred to concerns about contamination and pollution from activities on the site (above, para 21). There is nothing before me to indicate that there would be any adverse environmental effects in respect of matters such as noise and air quality in the vicinity, or that the

health and well-being of travellers would be adversely affected by living on the site.

29. I consider the effect of the proposal in respect of the site access, and its effect on its surroundings and the adjacent listed buildings under other issues. These matters apart, I conclude that the proposal would be consistent with the provisions of Core Policy 4 of the South Wiltshire Core Strategy, Core Policy 47 of the emerging Wiltshire Core Strategy, and Policies B and H of the PPTS.

The adjacent listed buildings

30. Policy CN5 of the Local Plan explains that development outside the curtilage of a listed building should only be permitted where there is no harm to the character or setting of the building concerned. The Framework includes specific provisions concerning designated heritage assets. Paragraph 132 explains that substantial harm to a grade II listed building should be exceptional and in the case of a grade I listed building, wholly exceptional.
31. Immediately to the south-east of the site is St Marie's Grange. This impressive three-storey house was designed by the Victorian architect ANW Pugin as his own home. At the east corner is a bell tower with a conical turret, and a square tower rises above the main roof on the north-east side of the building⁴. The important south-west elevation faces towards the River Avon: there is an angled ground floor bay on the western corner and a two-storey bay to the chapel, with a central three storey element projecting forward between these features. Garden areas extend to the river, from which the house is set back in an elevated and imposing position. The stables and carriage house which is adjacent to the boundary with the appeal site, and the garden walls of St Marie's Grange are listed separately as grade II buildings. St Marie's Grange is a particularly significant building, because of its historical association with Pugin, the quality of its design, and its position in a predominantly open setting above the River Avon.
32. Belmont House is on the other side of the appeal site, set back from the boundary beyond an extensive garden area. It is close to Southampton Road, where the main entrance is set forward in a central bay with an arched and corniced doorcase and a pediment above. The garden area falls away in the direction of the river, above which extends the wide south-west elevation of the house with a series of sash windows and a bay at the right hand corner. The listing description refers to the importance of several internal features, including painted ceilings and grand marble fireplaces. Internal and external features contribute to the significance of Belmont House, together with its open setting.
33. The four pitches at Hillbilly Acre would each extend back from the internal drive adjacent to Southampton Road to the lower south-west boundary. The site plan shows the mobile homes generally positioned on the upper part of the pitches, and given the sloping nature of the site and the position of the drive, I anticipate that touring caravans and vehicles would also be parked on this part of the site. Caravans and vehicles would extend across the upper part of the site, where the additional hardstandings have been formed, and in line with the position of the adjacent listed buildings. Irrespective of whether other

⁴ The listing descriptions of St Marie's Grange and Belmont House are at Appendix VI to the Council's original statement. Photographs of the listed buildings are in Document O2.

structures, hardstandings and the access drive are considered to be lawful, the establishment of the four pitches would fundamentally alter the character of the upper part of the site, giving it a more developed appearance. I consider that the spread of development and the amount of caravans, vehicles and associated domestic paraphernalia would detract from the open setting of both listed buildings. The extent of tree cover around Hillbilly Acre and hedging on the frontage restricts views into and across the site, but it nevertheless forms part of the surroundings within which these listed buildings are experienced. Given the significance of the grade I listed building and its proximity to the appeal site, I conclude that the proposal would cause substantial harm to the setting of St Marie's Grange. As a grade II listed building, Belmont House is less sensitive, and extensive garden areas at that property would remain between it and the appeal site. However the gypsy site would encroach into the landscape to the south-east, and I conclude that this would cause significant harm to the setting of Belmont House. Accordingly the proposal would conflict with Policy CN5 of the Local Plan, and, as it would compromise a nationally recognised designation, it would also conflict with Core Policy 4 of the South Wiltshire Core Strategy.

Character and appearance

34. The appeal site lies within the landscape setting of Salisbury, where Policy C7 of the Local Plan restricts new development to prevent detriment to the visual quality of the landscape. There is substantial tree cover along this stretch of Southampton Road, interspersed with a number of dwellings. For some considerable time, the site has been used by the appellant and members of his family for growing various plants. This agricultural activity is consistent with the rural character of the area.
35. The proposal for four pitches, with 12 caravans, would intensify activity and development on the site. Whilst journeys to work at the site would be eliminated if pitches were established there, the use of Hillbilly Acre as a base for four family groups would generate other trips which are not work-related. In considering the effect on the adjacent listed buildings, I have found that the establishment of the four pitches would fundamentally alter the character of the upper part of the site, giving it a more developed appearance (above, para 33).
36. There is tree cover around the site, and I have no reason to expect that the establishment of the pitches would threaten the overall level of tree cover on the site itself or that trees on adjoining land are likely to be removed. Indeed an email from one of the trustees responsible for the land between the site and the River Avon, explains that there is no intention to thin the belt of trees there (Document A1). The tree cover prevents extensive views of the site, but the presence of some caravans already at Hillbilly Acre is apparent in certain views from the public footpath on the opposite side of the river and through gaps in the trees, hedging and fencing along the frontage. Although these views are restricted, the presence of development within the gap between St Marie's Grange and Belmont House would be apparent. This would erode the character of the landscape on the east side of the River Avon, to the detriment of the landscape setting of Salisbury. The appellant had no objection to a condition requiring additional planting and approval of the boundary treatment on the site frontage. This would enable the harsh fence at pitch No 4 to be replaced

or screened, although it would take some time for additional planting of appropriate species to provide effective screening from the road.

37. I conclude that the appeal proposal would cause significant damage to the character and appearance of the area. It would conflict with Policy C7 of the Local Plan which seeks to safeguard the landscape setting of Salisbury, and with criteria in Core Policy 4 of the South Wiltshire Core Strategy and Core Policy 47 of the emerging Wiltshire Core Strategy, which respectively require that proposals are appropriate to the scale and character of their surroundings, and would not have an unacceptable impact on the character and appearance of the landscape.

Highway safety

38. Southampton Road provides a route towards Salisbury to the north, and to the south-east of the appeal site it provides access to Alderbury and Whaddon before joining the A36. In addition to carrying local traffic, I heard that it is on occasions used by drivers as an alternative to the nearby section of the A36. The stretch of this road past the appeal site is subject to the national speed limit of 60mph. Traffic counts undertaken on behalf of the appellant record two-way am peak flows of between 376 and 423 vehicles past the site, and between 411 and 466 vehicles in the pm peak⁵. Off-peak weekday flows, counted from 1000 to 1100 hours, varied between 261 and 286 vehicles. Daily two-way weekday flows during the week were between 4401 and 4711 vehicles. Over the survey period, overall 85th percentile speeds of 55mph were measured in the southbound direction and 58.2mph northbound as vehicles descend the hill from Alderbury.
39. ACRG queried the length of the survey period, and the validity of the data for 15 March due to a traffic incident on the A36 and on several days when fog was present. However the weather records submitted show limited periods when fog was present during the survey period, with this weather condition only occurring in one peak hour, and traffic levels and speeds were not markedly different on 15 March from the other weekdays. The survey covers weekdays and the weekend, and no traffic data was submitted by any other party. I am satisfied that the appellant's survey is appropriately taken into account in assessing the highway implications of the proposal.
40. The appellant's highway consultant calculated that the use of Hillbilly Acre as a gypsy site would generate 28-40 vehicles per day, based on each pitch resulting in an equivalent number of trips to a conventional dwelling. In my experience this approach is generally accepted as appropriate. However, if the site were occupied as intended, with extended families on pitches Nos 3 and 4, I anticipate that the actual number of trips generated could be somewhat higher. In any event, the level of vehicle movements to and from the site would be modest compared with that on Southampton Road⁶.
41. Access to the site is taken directly from Southampton Road, towards the north-western end of the frontage. The Council had assessed visibility here with reference to TD 42/95 of the Design Manual for Roads and Bridges (DMRB),

⁵ The appellant's highway survey information is included in Mr Baker's statement, Document A9.

⁶ The existing traffic flows on Southampton Road will include those from the appeal site, where pitch 3 is already occupied and to which members of the appellant's family travel in connection with their work. Removal of the additional traffic flows from the residential use of pitch 3 from the traffic flow recorded on Southampton Road and of the journeys to work from the number of trips generated by pitches 1, 2 and 4 would not materially alter the effect of the proposal on traffic flow.

and, on this basis, ACRG had also applied the standards in TD 42/95. The appellant, on the other hand, argued that TD 41/95 was more appropriate. DMRB provides design standards for trunk roads, whilst Manual for Streets 2 explores where the design principles for residential streets can be extended to other roads. It recommends that, where speeds are above 40mph for significant periods of the day, the use of DMRB parameters for stooping sight distances is recommended. Given the recorded 85th percentile speeds of 55mph and 58mph (above, para 38), I agree with the main parties and ACRG that it is appropriate to use the DMRB in this case and not MfS2. As to which part of the DMRB is relevant, TD 41/95 explains that it applies to a range of situations up to developments where the level of traffic using the access would not exceed 500 vehicles per day. Above this threshold, TD 42/95 may apply. The scale of the proposal clearly points to the use of TD 41/95.

42. Based on the recorded speeds, TD 41/95 indicates that the visibility splay at the access should have a y distance of 176m along Southampton Road to the north-west and of 189m to the south-east. In the case of a lightly-used access, the usual x distance along the minor road may be reduced from 4.5m to 2.4m. A cul-de-sac of six dwellings is given as an example of such a situation, and the appeal proposal would be a comparable level of development. Where conditions are particularly difficult, the x distance may be further reduced to 2m, and the appellant's highway consultant suggested that, given the radii at the access and the slope down to the internal drives to the north and south, this was an appropriate standard to use. I do not share this view. It was agreed that at an x distance of 2m, vehicles waiting to exit from the site would project beyond the access. Southampton Road is well-used, and on each of my visits, I observed traffic moving freely. In these circumstances, I do not consider that the x distance should be reduced below 2.4m.
43. The extent of visibility was assessed as part of the site visits⁷. To the south-east, there is slight encroachment from vegetation on the site frontage, but I am satisfied that vehicles approaching from this direction would be seen throughout a 189m splay. Moreover, the boundary treatment could be repositioned, and a condition requiring access improvements could secure full compliance with the standard. To the north-west, however, visibility is restricted by the position of boundary treatment to 63m, and even when the splay is measured to a point 1m in from the carriageway edge, the length of the y distance only increases to 89m. These distances represent a considerable shortfall against the 176m splay which recorded speeds indicate to be appropriate, and given the proximity of the access to the boundary with Belmont House, the scope for improving visibility in this direction is limited. Southampton Road carries fast moving traffic, and I consider that the restricted visibility to the north-west would pose a serious threat to highway safety. It was argued on behalf of the appellant that, given the parallel alignment of the internal drive, drivers turning left out of the site from pitches 2-4 would be likely to position their vehicles at an angle to the carriageway. This would place them closer to the carriageway and slightly further north, increasing visibility in this direction. The corollary of approaching the road in this way is that it would make it more difficult for drivers to look to the right for traffic approaching from the south-east. For this reason I do not consider that it is an

⁷ Measurements were agreed at site visits on 2 February and 10 May 2012. The appellant's highway consultant was not appointed until after the February session of the hearing, and I explained that the measurements taken at the May site visit, which he attended, would supersede those taken previously.

appropriate approach, and it was acknowledged that there is no provision in the standard for assessing visibility in this way.

44. Forward visibility between vehicles turning into the site and following drivers, and between drivers turning right into the site and approaching vehicles has been assessed by the appellant's consultant. I agree that in these situations, where both vehicles are in the carriageway of Southampton Road, adequate levels of visibility would be achieved.
45. From the bellmouth of the access, drives lead into pitch No 1 and separately to pitches Nos 2-4. This area is wide enough for two cars to pass, but with a depth of 8.55m it would be difficult to accommodate a vehicle towing a caravan and another vehicle. There is a passing place at the head of the drive to pitches 2-4, but if a vehicle towing a caravan were leaving the site, it would not be easy to make use of this facility. TD 41/95 seeks a dwell area of at least 10m adjacent to the carriageway⁸. Whilst this dimension exists onto both drives, it may not be of sufficient length to accommodate a vehicle towing a caravan. Because of the alignment of the access drives, it would also be impractical for towing combinations to leave pitch No 1 and head north, and to enter the site to pitches Nos 2-4 without crossing the centre line on Southampton Road. Avoiding such manoeuvres would necessitate detours to the usual direction of travel. I appreciate that the trips involving towing combinations are only likely to occur on a limited number of occasions; however the constrained nature of the site access for manoeuvres involving such traffic reinforces my concern about highway safety.
46. My attention was drawn to a recent planning permission for formation of a second access to Belmont House: this is just beyond the boundary with the appeal site and has restricted visibility. Whilst I heard that there had been an occasion when this access was used by several vehicles associated with a filming event at the property, as a second access to a single dwelling, I would expect its use to be significantly less than that resulting from the appeal proposal. Moreover it represented an improvement on the original access where visibility was restricted by the tall boundary wall. The circumstances at Belmont House are not comparable to those at the appeal site, and the planning permission for a new access does not provide support for the appeal proposal.
47. I conclude that the appeal proposal would pose a serious threat to highway safety at the access from Southampton Road. In consequence it would fail to satisfy criterion (ii) of Core Policy 47 in the emerging Wiltshire Core Strategy.

Other considerations

The general need for gypsy and traveller accommodation

48. The need for gypsy and traveller accommodation is assessed in relation to four sub-areas of the County. It is common ground between the appellant and the Council that there is a general need for additional pitch provision in the South area where the appeal site is situated. Topic Paper 16, prepared as part of the emerging Wiltshire Core Strategy, updated the assessment of need from that included in the draft RS, which had specified the provision of 18 pitches in the former Salisbury District⁹ during the period 2006-2011. This historic level of

⁸ For development greater than a single dwelling.

⁹ The South area of the County covers the former Salisbury District.

need is included in Core Policy 4 of the South Wiltshire Core Strategy. Table 10 of the topic paper identifies requirements for 33 pitches in South Wiltshire for 2011-2016 and for a further 17 pitches in the subsequent five-year period to 2021. These figures are carried forward into Core Policy 47 of the emerging Wiltshire Core Strategy.

49. Table 6.1 of the Wiltshire Core Strategy Pre-Submission Document records the provision of a single pitch in the South area over the period 2006-2011, compared with the figure of 18 sought in the RS, and the main parties agreed that in consequence the figures for 2011-2016 in Topic Paper 16 included an immediate need for 17 pitches. The Council argued that there was the prospect of immediate need being met, at least in part, by the regularisation of unauthorised sites, and I note that reference is made to this approach in the topic paper. Whilst there was a suggestion that 10 or 11 pitches could be looked at as part of this approach, there is no certainty about the number of pitches which may come forward in this way. I find that there is an immediate need for gypsy and traveller accommodation, the level of which provides significant weight in support of the appeal proposal.

Policy provision for gypsy and traveller accommodation

50. Topic Paper 16 refers to a good supply of authorised sites in South Wiltshire, 73 pitches being recorded in 2011. Nonetheless there is a recognised need for accommodation, which has not been addressed by superseded Local Plan and Structure Plan policies¹⁰, or more recently the gypsy site policies in the two core strategies. Planning permission has only been granted for one additional pitch since 2006, compared with a requirement specified for the period up to 2011 of 18 pitches. The Council is preparing a DPD to identify sites, but this remains at a relatively early stage, having only recently been brought out of abeyance, and at present it is uncertain when sites would come forward for occupation through this process. I consider that the policy position in Wiltshire concerning the provision of gypsy and traveller sites adds important weight to the need for accommodation.

Gypsy status

51. It is intended that the site would be occupied by the appellant and members of his wider family as follows:
- Pitch 1 – Allen Cooper (brother of the appellant), his wife Fiona, and an adult son Andrew.
 - Pitch 2 – Edward Cooper (brother of the appellant), his wife Samantha, and their son and daughter.
 - Pitch 3 – David Cooper (the appellant), his wife Alana, an adult daughter Chloe, a second adult daughter Lorna with her partner, Jamie Whitehouse, and their son.
 - Pitch 4 – Jennifer Willett (sister of the appellant), her partner George Wells, an adult daughter Rebecca Willett with her two sons, and Matilda Cooper (mother of the appellant).
52. The appellant and his brothers have travelled widely with their families, seeking casual agricultural work, selling flowers and strawberries grown on the appeal

¹⁰ Policy H34 of the Local Plan and Policy DP15 of the Structure Plan.

site, and dealing in Christmas trees (some of which are grown on the site) amongst other activities. Mrs Willett has made wreaths and travelled to sell them, and Mr Wells has carried out tree work, hedge cutting, and fencing. The appellant explained that farm work had become more difficult to find in England, and for several years up to 2010 he had sought this type of work in France and Spain. He still travels away, for about 2-3 months in the year. I heard that Mr Edward Cooper and Mr Wells were not working at present, and reference was made to various health problems. In addition, Edward Cooper has two children of school age. The appellant's mother is elderly and in poor health. The definition in Annex 1 of the PPTS includes persons of nomadic habit of life who have ceased to travel on the grounds of health needs on the grounds of their own or their family's or dependants' educational or health needs or old age. On the information before me I consider that the appellant and his wife, his brothers and their wives, his sister and her partner, his mother, and Edward Cooper's children are gypsies for the purposes of planning policy.

53. The partner of the appellant's elder daughter is not from a traveller background and has not travelled to seek work. He has a full-time job, and it was acknowledged that he did not have gypsy status. Both of the appellant's daughters are also in employment: Lorna does cleaning work through an agency and Chloe works as a personal assistant. Depending on the circumstances, periods of paid employment may not result in the loss of gypsy status. However in these cases the only reference to work-related travelling as adults is when Lorna and Chloe have done so to help their parents, and there is no indication that the extent and pattern of travelling is consistent with a nomadic habit of life. The situation concerning Rebecca Willett and Andrew Cooper is similar. Rebecca Willett has a part-time job in child care, and travels sometimes with her mother and Mr Wells. Whilst schooling was given as a reason for travelling being limited, her paid job was also put forward in this regard, and the information before me does not indicate that Rebecca Willett has a nomadic habit of life. Andrew Cooper has a full-time job in a factory in Salisbury: his travelling is limited to going to fairs at weekends to work as a tattooist. None of these intended occupants appeared at the hearing, and the limited indirect information about them is insufficient to support a finding that they and their children are gypsies for the purpose of planning policy.

Personal need

54. I heard that the appellant and his family have lived in a variety of accommodation, including flats, houses, mobile home parks and gypsy sites. He referred to instances of awkwardness from neighbours when he occupied conventional housing which he attributed to his gypsy ethnicity. Whilst I do not underestimate the upset which can be caused by unneighbourly behaviour, the only specific instance Mr Cooper recalled was that of parking by other people outside his house. He explained that a reason for his frequent moves was that he was a restless person, and two years ago he moved onto the appeal site. He also referred to investigating numerous places for a site, but some were too expensive, and he reported instances where there was no co-operation with enquiries when it was realised that land was sought for a gypsy site. I note also that the appellant has put the site forward for inclusion in the emerging DPD. The information before me does not amount to evidence of a systematic search having been undertaken. Nevertheless, the appellant his wife and younger daughter have nowhere else to live at the present time.

Their need for accommodation is significant, although that of his daughter carries somewhat less weight in terms of the appeal proposal, given my finding concerning gypsy status.

55. All of the other intended occupants of Hillbilly Acre have conventional housing. The appellant's elder daughter and her partner have a second floor flat in Old Sarum. They are making efforts to obtain better conventional housing, and if they are successful they would not move onto the appeal site. Having regard also to my finding on gypsy status, I give little weight to their expressed need to live on the appeal site.
56. Turning to the prospective occupants of pitch No 1, it was acknowledged that Allen Cooper owned a house in Salisbury. Allen Cooper did not appear at the hearing, but in his statement he explains that he finds it difficult to live in houses, due to anti-social behaviour from neighbours, citing theft and abuse (Document A7). I note, however, that the title document indicates that he and his wife acquired their house 19 years ago (Document RG10), and whilst a house may not be his preferred form of accommodation consistent with his Romany background, he and his family have lived in one for a prolonged period of time. Moreover the only specific reference made to other accommodation sought concerned a bungalow with land where a mobile home could be sited. Given the gypsy status of Allen and Fiona Cooper, I attach some weight to their personal need for accommodation on a gypsy site. There is no specific evidence before me on this matter concerning their son, and, given his lack of gypsy status, his personal need to live on the appeal site carries little weight.
57. Edward Cooper and his family have a two-bedroom flat which they have occupied for over six years, but which is too small given the age and gender of the children. Mr Cooper referred to prejudice and unpleasantness from neighbours, and I do not doubt that a gypsy site would provide a more appropriate form of accommodation for the family. I note, though, that he declined an offer of a pitch on a public site. Whilst there were references in general terms to the unsuitability of public sites, no specific problems were identified. No other enquiries for accommodation had been made. I attach some weight to the family's need for accommodation on a gypsy site, in view of their status.
58. Finally I turn to the intended occupants of pitch No 4. Mrs Willett and Mr Wells live at Fairfield Road in Salisbury, where Mrs Willett has had a house since 1993. Mrs Willett explained that she had taken the house to ensure her children were not taken into care in the absence of other accommodation. There is no evidence of a systematic search for a gypsy site, but, as with Allen Cooper and Edward Cooper, I attach some weight to the couple's need for accommodation on a gypsy site, in view of their status. Mrs Cooper Senior has lived in a bungalow in Salisbury for about 12 years, but for the same reason concerning gypsy status I also attach some weight to personal need in her case. Rebecca Willett has a two-bedroom flat: her mother acknowledged that a house would meet her accommodation needs, and, given her lack of gypsy status, I attach little weight to her personal need to live on the appeal site.

Alternative sites

59. I have referred above (para 49) to the Council's suggestion that there was the prospect of immediate general need being met, at least in part, by the regularisation of unauthorised sites. However, not only is there no certainty

about the number of pitches which may come forward in this way, but I anticipate that any such sites would have existing occupants, and they would not, therefore, provide an alternative to the appeal site. There is no specific evidence that any suitable alternative sites are available at the present time, and the Council was unaware of any vacancies on public pitches. The lack of alternative accommodation adds further weight to the personal need of the appellant and his brothers, sister and mother. However, where there is little personal need for accommodation on the appeal site, I do not consider that this circumstance alters the position to any significant degree.

Personal circumstances

60. The availability of a settled base facilitates access to healthcare facilities, and is of importance to all intended occupants of the appeal site. Additionally, a range of medical conditions were referred to at the hearing. Allen Cooper has heart problems and diabetes, and Fiona Cooper has problems with her legs. Edward Cooper also has diabetes, and he has problems with blood pressure and dizziness: both his children have asthma. The appellant has diabetes and high blood pressure, and his wife suffers from fibromyalgia, depression and migraine. His daughter Lorna has a back problem, her partner Jamie Whitehouse has diabetes, and their son is gluten intolerant. Both Mrs Willett and Mr Wells have diabetes: Mr Wells also has osteoporosis, rheumatoid arthritis, and high blood pressure, and is receiving treatment for an accident to his toes. Rebecca Willett has heart palpitations and chest pains, and I heard that Mrs Cooper Senior suffers from a number of conditions, including heart problems and high blood pressure. She cannot move around unaided. The only documentary evidence concerning health matters is a letter about Mrs Alana Cooper from her doctor (Document A4).
61. Only indirect verbal information was provided about several of the intended occupants of the site, and the appellant's agent acknowledged that she had no instructions concerning health matters in respect of certain individuals. The evidence is general in nature, but a key consideration appears to be the importance of regular hospital and doctor's appointments. Insofar as Mrs Cooper Senior is concerned, it was argued that the family needed to be able to provide her with care throughout the day, but there is no evidence that she is unable to receive the assistance she requires in her present home. Most of the prospective occupants of Hillbilly Acre are able to access healthcare facilities from their existing housing, and, on the information before me, living on the appeal site would confer no additional benefit in this respect. The importance of maintaining access to healthcare facilities does, however provide additional important weight to the personal need of the appellant and his wife, and his daughter Chloe.
62. There would be five children living on the site: four attend school and the youngest is at nursery. All of the children are in families which live in permanent housing, and from the details given at the hearing their existing accommodation would appear to be more conveniently located than Hillbilly Acre for the schools and nursery they use. Although advanced as an argument in support of the appeal proposal, the appellant's agent acknowledged that there would be no advantage in educational terms in occupation of the appeal site. I agree: this matter carries no weight in support of the proposal.
63. It was argued that it was part of the families' tradition to be together. Whilst they are all based in the Salisbury area, those that travel regularly do not all

travel away together. Moreover they are able to continue to use the appeal site for the agricultural activities of growing plants, and this provides an opportunity for them to spend time together as a larger group. I consider that the wish of the families to live on the appeal site together represents their preference rather than being a factor of importance for their wellbeing. It adds no significant weight to support for the proposals.

The planning obligation

64. Paragraph 204 of the Framework reiterates the statutory tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and it specifies that obligations should only be sought where, amongst other matters, they are necessary to make the development acceptable in planning terms. The planning obligation would provide for a payment of £10,634.40 towards the provision or enhancing of public open space and play equipment in the locality. Policy R2 of the Local Plan requires provision to be made for open space as part of residential developments, and the justification explains that in the case of smaller sites contributions may be made towards off-site facilities. The Council confirmed that the amount provided by the obligation would meet its requirement for open space. However, whilst the use of standard formulae can be useful in giving greater certainty about the likely level of contributions sought, it is still necessary to consider the impact of the particular development concerned.
65. My attention was drawn to a recent proposal for a single dwelling in Alderbury which was dismissed on appeal due to the absence of a means of securing a financial contribution to public open space (Document L8). The full details of this case are not before me, and whilst the Parish Council has identified several projects in the locality on which Policy R2 monies could be spent, no specific information has been submitted to indicate whether general comments in the Local Plan about limited recreational facilities and little amenity space in the smaller settlements apply to Alderbury and Clarendon. I am not satisfied that the available evidence justifies the need for the contribution in the planning obligation. Consequently the first statutory test is not met, and I have not taken the obligation into account in determining the appeal.

Conclusions

66. The proposal for a gypsy site at Hillbilly Acre would cause substantial harm to the setting of the grade I listed building of St Marie's Grange and significant harm to the setting of the grade II listed building of Belmont House. In addition, I have found that it would be significantly damaging to the character and appearance of the area and that it would pose a serious threat to highway safety at the access from Southampton Road. For these reasons, there would be conflict with certain aspects of policies concerned with gypsy site provision, although in other respects the proposal would comply with these policies.
67. The general need for gypsy sites in South Wiltshire provides significant weight in support of the proposal, and the policy position which has not addressed that need is a further important consideration. The personal need for of the appellant and his wife for accommodation on a gypsy site is significant, but that of the daughter who lives with them carries somewhat less weight, given my findings on status. Other intended occupants of the site have accommodation in conventional housing. This is not in line with the gypsy status of the appellant's brothers, sister and mother, and I attach some weight

to their personal need for accommodation on a gypsy site. The lack of alternative gypsy site accommodation adds further weight to personal need in these cases. However, I attach little weight to the personal need of the younger adults who live elsewhere, given their lack of gypsy status and indications as to the suitability of conventional housing. Personal circumstances provide important weight to supplement the personal needs of the appellant, his wife and resident daughter, but otherwise provide no significant support for the proposal. The appeal site is situated between two listed buildings and would have a substandard direct access to Southampton Road. The extent of the harm caused by the proposal would clearly outweigh both the considerations relating to a gypsy site in general and the varied personal needs and circumstances of the intended occupants.

68. I have also considered the possibility of a temporary permission. Whilst paragraph 25 of the PPTS makes it clear that the absence of a five year supply of deliverable sites should be a significant material consideration when considering proposals for a temporary permission, this policy only applies to applications made from next year. On behalf of the appellant, it was argued that a temporary permission for five years for the existing three site occupants would be appropriate to provide them with sufficient time to find alternative accommodation. The Council and ACRG suggested shorter periods of three years and one year respectively. Whilst use of the appeal site for a temporary period by some or all of the intended occupants would be less harmful than on a permanent basis, I consider that that harm would nonetheless be so great, that it would not be outweighed by the considerations which support the proposal.
69. In considering this proposal, I have taken into account the human rights of the appellant and his relatives¹¹. Dismissal of the appeal would result in the loss of the home of himself, his wife and his daughter Chloe. In addition it would prevent the other intended occupants (with the exception of Jamie Whitehouse who is not from a Romany background) living on their land in accordance with their traditions. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights. However this interference must be weighed against the wider public interest. For the reasons given above, I consider that the impact on the setting of the adjacent listed buildings, the character and appearance of the area, and on highway safety would be extremely harmful. Taking into account all material considerations, I am satisfied that the legitimate aims of safeguarding the setting of the listed buildings, the character and appearance of the area, and highway safety can only be adequately safeguarded by dismissal of the appeal. The protection of the public interest cannot be achieved by means which are less interfering of the rights of the prospective occupants, and this would not constitute an unacceptable interference with their rights. Dismissal of the appeal is necessary and proportionate, and it would not result in a violation of the human rights of the appellant and his relatives.

¹¹ In the grounds of appeal, reference was made to Article 14 of the European Convention on Human Rights, which is concerned with freedom from discrimination. However this argument was not pursued at the hearing.

70. None of the suggested conditions would overcome my objection to the appeal proposal. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Richard Clegg

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss S Green	South West Law Ltd.
Mr D Cooper	Appellant.
Mr M Baker BSc CEng MICE	Director, Mark Baker Consulting Ltd.
FILT FCIT Euring	
Mrs J Willett	Prospective occupant of the appeal site.
Mr E Cooper	Prospective occupant of the appeal site.
Mr G Wells	Prospective occupant of the appeal site.
Mrs A Cooper	Wife of the appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Mr D R Pearce BSc FRICS	Director, Land Development and Planning Consultants.
Miss C Gibson	Core Strategy Manager, Wiltshire Council.
Mr A Madge	Team Leader, Development Management Southern Team, Wiltshire Council.
Councillor R Britton	Member of the Southern Area Planning Committee, Wiltshire Council.

FOR ALDERBURY AND CLARENDON RESIDENTS GROUP:

Ms J Ferguson	Consultant Solicitor, Wilsons Solicitors LLP.
Mr I Cole	Local resident.
Mrs E Cole	Local resident.
Mrs G Higgins	Local resident.
Mr C Horwood	Local resident.
Mr D Sargent	Local resident.
Mr P Viant	Local resident.
Mr G Watt	Local resident.

THE APPELLANT'S DOCUMENTS

A1	Email dated 20 January 2012 from a Clarendon Grange Trustee to Miss Green concerning land to the south-west of the appeal site.
A2	Bundle of appeal decisions concerning proposals for gypsy sites.
A3	Notes of judgement in <i>Maidstone BC v Secretary of State for the Environment and Dunn</i> .
A4	Letter dated 17 November 2011 from Harcourt Medical Centre to Miss Green concerning Mrs A Cooper ¹² .
A5	Letter dated 22 February 2010 from the Council to Relph Ross Partnership concerning structures on the appeal site.
A6	Pedlar's certificate for Mrs Willett.
A7	Allen Cooper's statement.
A8	Planning permission and plans for access at Belmont House, Southampton Road.
A9	Mr Baker's statement.
A10	Appendices to the response to supplementary statements from the

¹² The letter refers to Mrs A Courtney: Mrs Courtney is the same person as Mrs Cooper.

- Council and ACRG.
- A11 List of intended occupants of appeal site¹³.
- A12 Planning obligation concerning contribution towards public open space and children's play equipment.

THE LPA'S DOCUMENTS

- L1 Appendices to the Council's supplementary statement.
- L2 Schedules of gypsy sites and encampments in Wiltshire – 2011.
- L3a-b List of structures on appeal site and accompanying plan.
- L4 Plan of nature conservation designations in the vicinity of the appeal site.
- L5 Schedule of saved Local Plan policies.
- L6 List of suggested conditions.
- L7 Letter dated 14 July 2011 from Alderbury PC concerning funding for recreation facilities.
- L8 Appeal decision concerning a new dwelling on Lights Lane, Alderbury.

ALDERBURY AND CLARENDON RESIDENTS GROUP'S DOCUMENTS

- RG1 Extracts from TD 42/95 – Geometric design of major/ minor priority junctions.
- RG2 Letter dated 26 October 2009 from the Council to Relph Ross partnership concerning a proposed building at the appeal site.
- RG3 Letter dated 23 May 2001 from Clarendon Park PC to Salisbury DC concerning a planning application for a caravan at the appeal site.
- RG4 Environment Agency documents concerning waste.
- RG5 County Surveyors Guidance Note – Road Materials Containing Tar.
- RG6 Appendices to Ms Ferguson's letter dated 11 April 2012.
- RG7 Notes of judgement in Ewen Developments Ltd v Secretary of State for the Environment and North Norfolk DC.
- RG8 Judgement in Murfitt v Secretary of State for the Environment and Another.
- RG9 Appendices to Ms Ferguson's letter dated 2 May 2012.
- RG10 Official copy of register of title for 5 Fairfield Road, Salisbury.
- RG11 Judgement in Medhurst v Secretary of State for Communities & Local Government.
- RG12 Extracts from TD 41/95 – Vehicular access to all purpose trunk roads.

OTHER DOCUMENTS

- O1a-l Bundle of photographs of the appeal site.
- O2 Photographs of Belmont House.
- O3 Photographs of St Marie's Grange.
- O4a-b Extract from Local Plan Proposals Map and Alderbury Inset.
- O5a-c Report, Highways consultation response and plan concerning planning application for access at Belmont House.
- O6 Extracts from the Structure Plan.
- O7 Extracts from the Local Plan.
- O8 Extract from Local Development Scheme.
- O9 Extracts from Gypsy and Traveller Site Allocations DPD Issues and General Approach Consultation Document.

¹³ The list was updated verbally at the hearing by the appellant and other intended occupants.

- O10 Plan showing listed buildings adjacent to the appeal site.
- O11 Policy GT1 of the Draft Revised RS (Proposed Changes).

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Appeal Decisions

Hearing and site visit held on 9 May 2013

by D. E. Morden MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2014

Appeal A: APP/Y3940/C/12/2186940 – Notice A

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 92 below.

Appeal B: APP/Y3940/C/12/2186944 – Notice B

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 93 below.

Appeal C: APP/Y3940/C/12/2186945 – Notice B

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 93 below.

Appeal D: APP/Y3940/C/12/2186946 – Notice B

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: Enforcement Notice withdrawn – no further action to be taken on this appeal.

Appeal E: APP/Y3940/C/12/2186949 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 94 below.

Appeal F: APP/Y3940/C/12/2186950 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 94 below.

Appeal G: APP/Y3940/C/12/2186951 – Notice D

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 95 below.

Appeal H: APP/Y3940/C/12/2186952 – Notice D

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 95 below.

Application for costs

1. At the Hearing an application for costs was made by Wiltshire Council against the appellants. This application is the subject of a separate Decision.

Procedural Matters

A. The Notices – Corrections, Variations and the Grounds of appeal

2. The parties had used a different lettering system for the appeals which took into account a withdrawn Notice and appeals against it which were no longer before me. I have used the letters I used at the Hearing which are as set out in Appendix 1 to this decision. Various amendments were made to the four Notices and to the grounds of appeal both before and during the Hearing and these are set out below together with other corrections and variations that I stated were necessary.
3. All four Notices, in the majority of their requirements, start with the word 'permanently' before the detail of the requirement is set out. The use of this word is both unnecessary and inappropriate having regard to the provisions of Section 181 of the Act, which states that compliance with an enforcement notice shall not discharge the notice. I shall vary the Notices accordingly using the powers available to me.
4. The appellants queried the inclusion of agriculture as one of the uses in the mixed use alleged to be taking place on each site (Notice A – Appeal A and Notice D – Appeals G and H) particularly regarding Hillbilly Acre. The Council stated that to its knowledge things were grown in the polytunnel on that site. The Council also stated that the lawful use of the land was agriculture and to a degree it was irrelevant as the use land for agriculture did not involve development. Any buildings necessary for any agricultural use of the land would, however, require permission due to the small size of each site. In my view there is no need to delete agricultural use from the description on that basis.

Notice A – Appeal A

5. The Council wrote to Mr Cooper on 20 December 2012 confirming that it had amended the allegation in paragraph 3 of the Notice (and consequently the requirements). The letter confirmed that references to 'areas of hard surfacing, polytunnel and partly constructed building' were deleted from the allegation. These three matters were similarly deleted from the requirements at 5(f). Also at 5(f) 'toy' was replaced by 'storage' so that the requirements matched the allegation relating to the shed. Finally requirements (h) and (i) were deleted. I shall correct and vary the Notice accordingly and deal with the appeals as they relate to the Notice as corrected.
6. The allegation refers to a material change of use of the land and includes some operations which are described as integral to the change of use as well as storage of a caravan incidental to the use. Incidental uses should not be described as part of the breach and the reference to the touring caravan should be deleted. The operational development from what I saw on site is not an integral part of the change of use. It should simply be described as operational development with the notice corrected to refer to both types of development and the relevant period amended to include both four years and 10 years. I will make those corrections to the Notice and any consequent variations.

7. The requirements in Notice A included at 5(e) the 'removal of the former lorry bodies' from the Land. This matter was not included in the allegation and it was agreed I should delete it from the requirements.
8. Appeals were originally lodged on grounds (a), (d), (f) and (g). The ground (d) appeal was concerned with the partly constructed building; ground (f) with elements (e), (f) and (h) of the requirements and ground (g) was about a matter of timing the appellant arguing compliance with the Notice as issued was impractical; some actions would have to wait until others had taken place before they could be implemented so more than one time period was needed.
9. As the partly constructed building was removed from the allegation, the ground (d) and (g) appeals were withdrawn. At the Hearing the appellant's representative confirmed that the ground (f) appeal was concerned with the removal of the lorry bodies. I am deleting the reference to removing lorry bodies from the requirements, and the appeal on ground (f) was withdrawn on that basis.

Notice B – Appeals B, C and D

10. The Council handed in a copy of a letter it had written to the appellants on 29 November 2012 confirming that it had amended the Notice. It stated that 'The effect of the substituted plan is to exclude the land known as Hillbilly Acre from the requirements of the Enforcement Notice.' As the substituted plan no longer included Hillbilly Acre within the red line area it completely withdrew the Notice in so far as it related to Hillbilly Acre. I shall, therefore, take no further action on Appeal D and I will correct the Notice to reflect the different area of land that it now includes (Appeal D is referenced APP/Y940/C/2186946 and is the appeal no longer to be determined).
11. Appeals were originally lodged on grounds (d), (f) and (g). The ground (d) appeal was only concerned with the fence at Hillbilly Acre and that site was removed from the Notice enabling the ground (d) appeal to be withdrawn. The appellant suggested a minor rewording of the requirements so that all that was needed was just to remove the fence and return the land to its previous condition; the appeal would be withdrawn on the basis of this variation to the requirements. I will deal with this shortly under the ground (f) appeal as the change was agreed by the Council and there would be no Notice to deal with at all if I treat the ground (f) appeals on appeals B and C as withdrawn. The appeals on ground (g) were also not pursued at the Hearing.

Notice C - Appeals E and F

12. Requirement (a) referred to five buildings being marked as 1-5 on the Notice Plan. The numbers 1-5 were not on the plan attached to the case file but were on the plan attached to the copy of the Notice in Mr Pearce's Appendix 1. For the sake of clarity I will attach a plan to this decision that has the buildings marked as 1-5 on it.
13. Appeals were originally lodged on grounds (a), (d) and (f). On grounds (a) and (d) the appellant confirmed that only three buildings remained (1 (the tractor shed), 4 (a shed) and 5 (the greenhouse)) to be considered. On ground (f) the only matters for consideration were requirements (c) and (d) which demanded the reinstatement of the land formerly occupied by the buildings to its position before any development took place, i.e., to match the contours and profiles of the immediately adjacent land and also the re-seeding of those areas.

Notice D – Appeals G and H

14. Notice D concerns the residential caravan use at Sunhill as well as the storage of caravans and some operational development. The appellant in paragraph 1.12 of the representations acknowledged that there was a small timber dayroom butted up against the caravan on that plot which the Council had missed off the enforcement notice as the site had not been revisited after the May 2012 appeal site inspection.
15. The parties agreed that there would be no injustice if the structure was added to those that should be removed if the appeal failed; the case had been argued on the basis that it had been included. To do that I would also need to add it into the allegation and as the parties were in agreement on the matter I shall do so.
16. This notice had the same problem in describing the allegation that Notice A had; it described the operational development as an integral part of the use but on site it did not appear to me to be so. The operational development should simply be described as that and the Notice corrected to refer to both types of development and the relevant period amended to include both four years and 10 years. I will make the necessary corrections.
17. Appeals were originally lodged on grounds (a), (d), (f) and (g). The appeal on ground (d) which had been for the hard surfacing and retaining walls was not pursued at the Hearing. The ground (f) appeal was on element (f) of the requirements (removing the septic tank).

B. Appeals remaining to be determined and grounds of appeal summary

18. Appeals A, B, C, E, F, G and H therefore remain to be determined in some shape or form after the corrections/variations set out above. The appellant also withdrew various grounds of appeal; some before the Hearing opened and others during the course of the Hearing. What remains to be determined is set out in the list below:
 - (a) Appeal A (Notice A); ground (a) and the deemed application. Ground (a) concerns all elements of the corrected description.
 - (b) Appeals B and C (Notice B); ground (f). These are duplicates (one in the name of each occupant). The appeals on Ground (f) are only concerned with element (c) of the requirements – the planting after the removal of the fence and a variation was agreed by the Council.
 - (c) Appeals E and F (Notice C); grounds (a), (d) and (f). These are also duplicates and only one has paid the fee to get the ground (a) appeal and deemed application considered. The ground (a) and (d) appeals concerned all elements of the allegation as corrected; the ground (f) appeal was only in respect of requirements (c) and (d) – re-contouring the land and re-seeding
 - (d) Appeals G and H (Notice D); grounds (a), (f) and (g). These are also duplicate appeals and only one has paid the fee to get the ground (a) appeal and deemed application considered. The ground (a) appeal concerned all elements of the allegation as corrected. The ground (f) appeal was only made regarding the requirement that sought the removal of the septic tank.

Background/History

19. The appeal sites form approximately the southern half of a much larger, roughly rectangular, site that was purchased by Mr D Cooper's father in 1971 and has subsequently been inherited by Mr Cooper, his sister and two brothers. It has been used by the family for a range of agricultural activities, including the growing of flowers, Christmas trees and fruit. In 1989, a personal permission for the stationing of a mobile home for a temporary period until 8 February 1990 was granted. More recently, planning permission was refused for the siting of a caravan (in 2001); proposals to construct a dwelling were refused in 2002 and 2008, the earlier of which was also dismissed on appeal. A previous proposal for a gypsy site was withdrawn in 2011.
20. Mr Cooper, his sister and brothers have lived intermittently on the land over the years. The land is divided into four sites and these appeals concern the two southernmost areas (3. Hillbilly Acre and 4. Sunhill). The Council issued Notices on all four sites but there were no appeals lodged on the other two. Once those notices have been complied with there will be agriculture and recreation use on one and an agricultural use on the other.

The appeal on Ground (d) – Appeals E and F

21. The appeal on this ground relates to a tractor shed, a greenhouse and another small shed (about 3.7m by 2.5m) used as a potting shed located on Sunhill and marked on the Notice Plan as buildings 1, 4, and 5. The appellants admitted that documentary evidence regarding the erection of these structures was limited and even though the Council was asked if it had any photographs of the site from visits between 2005 and 2009, it confirmed that there had been very few visits in that period and there were no photographs.
22. Interested persons confirmed that it was not really possible to see into the site from the highway and they relied on aerial photographs. There were photographs of the tractor shed under construction in August 2008 and others taken in mid 2009 which showed it completed. The Council questioned whether it was the same building but from what I saw on site and from the various photographs produced I am satisfied that it is the same building. It was claimed that the other buildings were older than the tractor shed but there was no documentary evidence put forward regarding any of these buildings that could help show when they were constructed.
23. Both sides accepted that they were there in August 2009 as there are photographs that show that but the Notice was issued on 2 October 2012 and to succeed on ground (d) it was necessary to show that the buildings were there and substantially completed before 2 October 2008. There were no sworn statements produced by anyone who lived at the site but I cannot agree with the appellants' view that it would not be proportionate to get such sworn statements. When there is no documentary evidence to support what is being claimed sworn statements would certainly add weight to an appellant's case.
24. There was much anecdotal evidence from the appellants concerning activities that had taken place on the site and that the buildings needed to have been completed to enable that to happen but there was uncertainty about dates. The appellants placed great weight on the document produced by the Council at the Inquiry in 2012 (for the same development and also some adjoining land) setting down which buildings it thought were lawful. It did not however state that the buildings the subject of this Notice were lawful and indeed it was

only an opinion based on a visual check on site and a basic search of old records.

25. Interested persons also pointed out that whilst the aerial photographs that they had seen were not the best to try to find anything, it was generally not easy to tell if there was a building in a particular location or not and no great weight could be given to any claims that the photographs showed buildings.
26. I acknowledge that the Council did not have any good contrary evidence to that produced by the appellants but even they admitted that they had little to help show that the buildings the subject of an appeal were there at the relevant date. Taking all these factors into account I conclude, on the balance of probability, that there is insufficient evidence to allow these appeals and accordingly I shall dismiss them.

Policy Framework

27. Since the previous appeal decision, the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (PPTS) have both been published (27 March 2012). One year later (27 March 2013) the Framework took on greater significance, paragraph 215 setting out that the weight to be attributed to policies in existing plans became dependent upon their degree of consistency with the policies in the Framework.
28. The Development Plan comprises the South Wiltshire Core Strategy (SWCS), and the saved policies of the Salisbury District Local Plan (SDLP). The SWCS was adopted in February 2012 and replaced certain policies of the SDLP and the only current policy in the Development Plan which is concerned with gypsy sites is Core Policy 4 of the SWCS; it is broadly consistent with national policy as set out in the PPTS. The saved policies of the SDLP relevant to these appeals are CN5 dealing with development affecting the setting of listed buildings; C7 dealing with the protection of the landscape setting of Salisbury and G2 which is concerned with highway safety.
29. The Council is also preparing the Wiltshire Core Strategy (WCS), covering the whole of the county. This emerging Core Strategy was approved for pre-submission consultation in February 2012, and it was submitted to the Secretary of State in July 2012. The examination opened in May 2013 and ran until July 2013 but the process is still on going. It contains a gypsy site policy, Core Policy 47, but this is the subject of ongoing representations, and at this stage it carries only limited weight.
30. Work commenced on a Gypsy and Traveller Sites Allocations Development Plan Document (DPD) but preparation was halted following the Government's announcement that it intended to replace Circular 01/2006. Following the publication of the PPTS (which superseded 01/2006), and clarification of national policy, the Council intends to recommence work on the DPD but as it is necessary for the DPD to have regard to the WCS, work on it is on hold until the WCS is adopted.

The appeals on Ground (a) and the deemed applications for planning permission – Appeals A, E and G

Main Issues

31. The parties agreed that the main issues in these appeals were the same as had been considered in the appeal in February 2012 (when permission was sought

for the use of some of the two appeal sites plus two more sites on the adjoining land). Those issues were set out by the previous inspector as follows;

- (i) Whether the proposal would be consistent with policies applicable to gypsy site provision.
- (ii) The effect of the proposal on the setting of the adjacent listed buildings.
- (iii) The effect of the proposal on the character and appearance of the area.
- (iv) The effect of the proposal on highway safety at the access to the site from Southampton Road.

32. He also had a fifth issue which was set out as 'whether any harm arising from the proposal would be outweighed by other material considerations' but the parties agreed that was not an issue as such but a means of carrying out the balancing exercise having considered all the issues. Finally the three appeals on the two sites need to be considered against the issues separately as well as considering their cumulative impact. Whilst the occupants are related, the two uses are basically the same and the access is shared, they are two separate planning units, there are some different structures on the two sites, separate enforcement notices have been issued recognising that fact and there are three separate appeals even though they were heard together.

Reasoning

Appeal A (Notice A) – Hillbilly Acre: stationing of caravan for residential use; storage of a caravan; construction of timber decking and a storage shed.

33. Dealing with the first main issue, there was little discussion on this in relation to either appeal. The Council referred to the 2012 appeal decision on the larger site and accepted a number of conclusions reached by the last inspector and that they were the same for both change of use appeals. In summary it conceded that there was an immediate need for gypsy and traveller accommodation; the uncertainty of the identification of sites through a DPD added weight to the need for accommodation; the appellants were all gypsies and Mr D Cooper had a significant need for accommodation; there was no evidence of a systematic search for gypsy sites; Mrs Willett had a permanent house although some weight had to be attached to her need for accommodation on a gypsy site as she was a gypsy; there was a lack of alternative accommodation on established gypsy sites.
34. The Council also stated that so far as it was concerned, there had been no material change in circumstances since the 2012 appeal decision that meant the conclusions needed exploring again. There were obviously going to be further delays in producing the DPD as the WCS had still not completed its process to adoption.
35. The inspector in 2012 examined the proposal (for eight caravans plus four touring caravans on the much larger site) against core policy 4 of the SWCS and found that the development satisfied four of the six criteria in the policy. Those concerning compromising a nationally recognised designation and the development's effect on the appearance and character are dealt with in the next two main issues.
36. He also considered the development against emerging core policy 47 of the WCS. Three of the five criteria were satisfied but highway safety and the impact on the landscape are considered in the main issues that follow. Policy H in the PPTS deals with Decision-taking and at paragraph 23 it states that new traveller sites in open countryside should be strictly limited. Sites that are

approved should not dominate the nearest settled community or put undue pressure on the local infrastructure. The development is not contrary to these last two criteria.

37. I agree with the previous inspector that some of the criteria in the relevant policies are satisfied but the development is contrary to other provisions in core policy 4 of the SWCS, core policy 47 of the WCS and policy H of the PPTS; other criteria are discussed below in considering the other main issues. I acknowledge that he was dealing with a more intensive scheme on an area of land about four times the size of the land constituting this appeal.
38. Looking at the second main issue, the Grade I listed building to the south east of the site (St Marie's Grange), is an impressive three-storey house was designed by the Victorian architect ANW Pugin as his own home. The important south-west elevation faces towards the River Avon and garden areas extend to the river, from which the house is set back in an elevated and imposing position. The stables and carriage house which is adjacent to the boundary with the appeal site, and the garden walls of St Marie's Grange are listed separately as grade II buildings. St Marie's Grange is a particularly significant building, because of its historical association with Pugin, the quality of its design, and its position in a predominantly open setting above the River Avon.
39. Belmont House (a Grade II listed building) is on the other side, to the north west of the appeal sites, set back from the boundary beyond an extensive garden area. It is close to Southampton Road, where the main entrance is set forward in a central bay with an arched and corniced door case and a pediment above. The wide south-west elevation of the house with a series of sash windows and a bay at the right hand corner. The listing description refers to the importance of several internal features, including painted ceilings and grand marble fireplaces. Internal and external features contribute to the significance of Belmont House, together with its open setting.
40. Policy CN5 of the Local Plan explains that development outside the curtilage of a listed building should only be permitted where there is no harm to the character or setting of the building concerned. The Framework includes specific provisions concerning designated heritage assets. Paragraph 132 explains that substantial harm to a grade II listed building should be exceptional and in the case of a grade I listed building, wholly exceptional.
41. The appeal site is close to St Marie's Grange, the separately listed wall forming the boundary between the listed building and the adjoining Sunhill. The caravan is sited on the upper level of the land and in line with St Marie's Grange (in relation to the road and the frontage). The caravan and the other structures on site seriously detract from the long standing open setting of the two listed buildings. In my view the development, due to its proximity to the grade I listed building St Marie's Grange causes substantial harm to its setting and should not be allowed to remain here any longer than necessary.
42. Belmont House is a grade II listed building and is less sensitive than St Marie's Grange. I acknowledge that there is quite a distance between the dwelling and the appeal site but the site would encroach into the landscape to the south east of the property and cause significant harm to its setting. I conclude on this issue that the development therefore conflicts with Policy CN5 of the Local Plan and, through compromising a nationally recognised designated building; it would also conflict with core policy 4 of the SWCS.

43. Turning to the third main issue and the question of the character and appearance of the area generally, the appeal site lies within the landscape setting of Salisbury, where Policy C7 of the Local Plan restricts new development to prevent detriment to the visual quality of the landscape. There is fairly substantial tree cover along this stretch of Southampton Road, which is interspersed with a number of dwellings.
44. There is reasonable tree cover around the appeal site and in the nearby area, the land on the other side of Southampton Road is well wooded, and it is unlikely in my view that the formal establishment of this pitch (or both pitches) would threaten the overall level of tree cover or that trees on adjoining land are likely to be removed. The tree cover prevents extensive views of the site but the presence of a caravan is apparent in certain views from the public footpath on the opposite side of the river and through gaps in the trees, hedging and fencing along the frontage.
45. What is also apparent is that the caravan is partially filling up a historic well established gap between two listed buildings. The presence of the development erodes the character of the landscape on the east side of the River Avon at this point to the detriment of the landscape setting of Salisbury.
46. I conclude on this issue, therefore, that the development materially harms the character and appearance of the area. As such it conflicts with Policy C7 of the SDLP which seeks to safeguard the landscape setting of Salisbury and with criteria in Core Policy 4 of the SWCS and Core Policy 47 of the emerging WCS, which respectively require that developments are appropriate to the scale and character of their surroundings, and do not have an unacceptable impact on the character and appearance of the landscape.
47. Looking finally at highway matters and the effect on road safety, particularly along Southampton Road, the inspector in the last decision determined that the access was substandard and the material harm to road safety was sufficient to justify dismissing the appeal (at that time for development on four sites). The appellant accepted that the access was sub standard in its configuration and that the other issue was visibility to the north west for vehicles exiting the site.
48. The appellant argued that the previous inspector's decision was based on a much higher level of traffic generation than the current cases would produce. There were no extended families nor were there any children on the site to generate journey to school trips. The appellant also argued that the site was on the edge of Salisbury, that there was a good bus route into town so there was the option of using public transport rather than private motor vehicles for journeys.
49. Using public transport does not get around the fact that the access is substandard both in terms of sight lines and turning in radii. Accessing the site by vehicles cannot be eliminated nor can it be prohibited, there will always be visitors and deliveries even if the occupants keep their own journeys to a minimum.
50. Vehicles approaching from the south east have to carry out a U-turn to gain access to the site and there is insufficient width to allow for a car to do this safely. It would either have to go on to the wrong side of the access track in which case it could meet an oncoming vehicle exiting the site or on to the wrong side of Southampton Road in which case it would create a hazard to vehicles travelling along that carriageway.

51. Considerable time was spent at the 2012 Inquiry including hearing evidence from highway experts and examining the sight lines available at the site. No evidence was put before me to say that anything had changed regarding traffic levels or speeds, or that different criteria should be used. Sight lines were again measured on site and the visibility to the north west whilst measured at approximately 85m along the nearside at 2.4m back from the carriageway in the centre of the access was slightly better than the 63m measured in 2012 (natural hedgerows that line the nearside of the carriageway may have been cut back a bit compared to how they were then) that is still less than half the distance it should be (agreed last time as 176m) for a lightly trafficked access on to this type of road carrying the level of traffic that it does and at the speeds that it does.
52. I acknowledge that there would be less traffic movements than there was in the appeal determined in 2012 (as that concerned both these appeal sites and two more). However, that does not eliminate the highway safety problems caused by severely inadequate sight lines and site access radii even if it reduces the likelihood of incidents occurring.
53. Although that reduces the weight to give to that objection (compared to that attached to it in 2012) I consider that there is still material harm to highway safety as what can be achieved is well below the requirement. I conclude that the development fails to satisfy criterion (ii) of Core policy 47 of the emerging WCS and conflicts with criterion (i) of policy G2 of the SDLP.

Appeal G (Notice D) – Sunhill: stationing of caravan for residential use; storage of caravans; construction of a dayroom, hard surfacing, retaining walls, materially altering the landform and installation of a septic tank.

54. The same arguments were made on behalf of both appellants at the Hearing on the issues and the Council made the same objections to this development although it stated, in respect of the second main issue that this one had a greater impact on the adjoining grade I listed building. Sunhill is sited immediately adjacent to St Marie's Grange and I agree that the development on the site therefore has an even greater impact on the setting of the grade I listed building than the development on Hillbilly Acre does.
55. Clearly it has less of an impact on the setting of Belmont House which is a grade II listed building but in my view it causes significant harm to the setting of St Marie's Grange for the same reasons I set out when dealing with the appeal on Hillbilly Acre. I conclude on the first issue that the development therefore conflicts with Policy CN5 of the SLDP and through compromising a nationally recognised designated building; it would also conflict with core policy 4 of the SWCS.
56. On the third main issue, there are more buildings and structures on the plot at Sunhill than on Hillbilly Acre and it has a more harmful effect on the character and appearance of the area than that other property. In the circumstances I conclude that this development would conflict with the objectives of the relevant policies (as set out in paragraph 46 above) just as the development on Hillbilly Acre does.
57. Turning to the highway safety issue, the objections have already been set out in paragraphs 47 to 53 above and this development, as acknowledged by the appellant, would have virtually the same unacceptable impact on highway

safety as the development on Hillbilly Acre. In these circumstances I conclude that the development would materially harm road safety.

Appeal E (Notice C) – Sunhill: erection of a shed, greenhouse, toy shed, wood shed and tractor shed.

58. This appeal is made on the basis that the appellant wants to continue with a smallholding/agricultural type use if the appeal for the residential caravan is dismissed. The toy shed and older wood shed were removed before the Hearing as they were in a poor state of repair and the ground (a) appeal is for the greenhouse, the tractor shed and the potting shed (buildings 1, 4 and 5 as set out on the Corrected Plan B). The buildings are used in connection with that agricultural use. The appellant would remove them, however, if it meant the application for the residential caravan was not refused.
59. At the opening, the appellants submitted that agriculture should be deleted from the allegation as there was little agricultural use on either plot although spring flowering plants and strawberries were propagated for sale on Sunhill. There was no evidence, however, of the level of agricultural use that took place or what the income was from the produce. As argued by the Council, there needs to be some justification for buildings associated with any agricultural use on this site bearing in mind its location, its very limited size and the objections raised. There was no evidence put forward to justify the erection of any buildings in connection with the now claimed agricultural use on the site.
60. In these circumstances I conclude that there is no justification for allowing the buildings to remain. They add to the out of character built form on Sunhill materially harming both the setting of the adjoining grade I listed building and also the character and appearance of the area and landscape setting of Salisbury.

Cumulative impact

61. I have concluded when looking at the three developments individually that their separate impacts are materially harmful and are unacceptable. In these circumstances the cumulative impact must also be considered unacceptable as it will be the result of an addition of all the harm already found when looking at the three appeals separately. In these circumstances the appeals on ground (a) must fail unless there are other material considerations that clearly outweigh the harm identified.

Other material considerations

Gypsy status

62. There was no dispute that all the appellants were gypsies. Mr David Cooper and his wife Alana live at Hillbilly Acre with their eldest daughter Chloe (who was 19 at the date of the Hearing). Mr George Wells lives at Sunhill. Mr Cooper's sister (Mrs Jennifer Willett) does not stay with him but currently lives in permanent accommodation; she has a council house that she is trying to swap with her daughter's flat. Mr Wells cannot stay in permanent housing.

Need for sites

63. The parties agreed that there was a need for accommodation generally in this part of the district. The inspector in 2012 agreed there was an immediate need for 17 pitches. It was claimed by the Council that much of that need would be

met by regularising some unauthorised sites but the appellants claimed this was not an appropriate way forward and there was uncertainty about how many pitches would get permission to stay where they were. There was no evidence that any planning permissions had been granted since the appeal in early 2012 and in my view this high level of need adds considerable weight in support of each of the appellants' cases.

Policy provision

64. At the time of the 2012 inquiry, planning permission had only been granted for one additional pitch since 2006 when there had been a requirement specified for the period up to 2011 of 18 pitches. The Council was preparing a DPD to identify sites but admitted this had been put on hold and was awaiting the adoption of the WCS. The lack of provision in the immediate future and the agreed need for pitches adds weight to the appellants' arguments that there is an unsatisfied need for sites in the area.

Alternative sites

65. There was no evidence put before me of any alternative sites (either public or private) that either of the appellants could go to should these appeals be dismissed. The lack of alternative sites adds weight to the personal needs of the appellants to remain here.

Personal Circumstances

66. There are no children and therefore no educational needs that have to be considered in either of these appeals. There were, however, a number of health issues affecting the occupants and the three older occupants all attended Harcourt Medical Centre regularly. Mr Wells has type 2 diabetes (diagnosed in 2004) for which he regularly attends hospital for treatment. He also requires regular eye check ups due to the diabetes and is on medication for gout and blood pressure. He also has peripheral vascular disease and other problems with his hip and back. Mr and Mrs Cooper also have health problems. Mrs Cooper suffers from fibromyalgia, prolapsed lumbar discs and migraines. She has undergone spinal injections and remains under the care of the clinic. Mr Cooper suffers from severe stress and having had a road accident in 2011 has post whiplash syndrome and is still receiving treatment. I attach some weight to these personal circumstances of the appellants when looking at each of the appeals.

Balancing exercise

67. I have found in each appeal that the development causes substantial harm to the setting of the adjoining grade I listed building St Marie's Grange, and also significant harm to the grade II listed Belmont House. Further, I concluded that on all three appeals there would be significant harm to the character and appearance of the area and Salisbury's setting and an important open area of mainly wooded character between the two listed buildings and down to the river.
68. This results in conflict with various criteria in the relevant policies although there was also compliance with other aspects of those policies. Finally, in respect of the two appeals involving a change of use, there would be significant harm to highway safety on Southampton Road due to the extremely poor access/exit at the site entrance; it has inadequate sight to the left for those exiting the site and inadequate turning radii for those turning left into the site.

69. I attach significant weight to the general need for gypsy sites in the area, the fact that the situation is not currently being addressed by policy and also the lack of alternative sites. The personal circumstances of the appellants in each case also carry some weight although there is nothing unusual about their medical history which implies that they could not be treated at some alternative medical centre if they could not find a permanent site in this locality.
70. I attach substantial weight to all these objections and, whether looking at the three ground (a) appeals (and deemed applications for planning permission) individually or considering them cumulatively, I consider that these objections clearly outweigh both the considerations relating to gypsy sites in general and the particular circumstances of the two different appellants.

Other Matters

71. The appellants' representative raised the question of a temporary planning permission rather than a dismissal if the appeals were unsuccessful. She also submitted that bearing in mind that the sites taken together were much smaller than that considered by the previous inspector in 2012,, the imposition of conditions would mitigate the harm sufficiently to make the developments acceptable.
72. Dealing firstly with conditions, I acknowledge that improvements could be made to the radii at the entrance to the site (by removing some more of the wall) and that would reduce the highway objection to some extent. There is nothing that can be done about the highly inadequate sight line however as the land is outside the control of the appellants. It was also suggested that planting and along the boundary with St Marie's Grange could be undertaken but that would go against the open nature of the land around the property. Similarly re-siting the caravans and other structures on the site does not help, particularly on Sunhill where any siting would be unacceptably close to the listed building.
73. It was also suggested that the appellants were willing to remove various structures and things such as lorry bodies from their respective sites but they should be removed in any event; they are basically just dumped there, it is admitted they have not been used for anything for about 10 years in the case of the lorry bodies, and it is not really appropriate to offer that as some sort of improvement that could be gained through conditions if permission was granted for the development.
74. Turning to the question of a temporary permission the appellants argued that the effect of the developments would be short lived and the land could be restored once the temporary permissions had expired. In my view, whilst I acknowledge that there are no readily available alternative sites and that the DPD for future provision has been put on hold, I consider that the harm caused by these developments is such that temporary permissions should not be granted for these developments.
75. The Council raised the question of precedent and submitted that this was one of those rare cases where it was appropriate to do so. It can be a material consideration if there is a real likelihood of the decision being cited as justifying development on other land. In this case the Council argued that given the recent history of the immediately adjoining land to the north west and the fact that it is all in the ownership of the Mr Cooper's family, it is realistic to suggest

that the applications for residential caravans on the other two 'plots' will be resubmitted if these appeals are allowed.

76. It was submitted that the ability of the Council to refuse those applications and apply its policies to protect both the setting of its listed buildings and the landscape setting of Salisbury will be severely diminished. I agree that it would be extremely difficult for the Council to resist proposals on that adjoining land if these appeals are allowed and that adds weight to the objections I have already set out.
77. I have had regard to the human rights of the families in question in considering the arguments put forward. I recognise that dismissing these appeals would result in an interference with the appellants' home and family life. I have taken into consideration throughout my deliberations Article 8 of the European Convention of Human Rights which sets out the right to respect for private and family life and the home and a positive obligation to facilitate the gypsy/traveller way of life. It is a qualified right, however, requiring a balance between the rights of the individual and the wider community interest.
78. I have also taken fully into consideration Article 14 which prohibits discrimination and the duty under S71(1) of the Race Relations Act 1976 to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and race relations between different racial groups. I have also had regard to the Public Sector Equality Duty set out in s149 of the Equality Act 2010 in considering all the arguments put forward by the parties in these appeals.
79. The harm the developments cause in terms of their detrimental effect on the environment is considerable. Those are matters which it is right to protect in the wider public interest and the legitimate aims of protecting that wider public interest can only be adequately safeguarded here by dismissing these appeals and removing these developments from the land.

Conclusion on the ground (a) appeals

80. I have considered whether conditions could be attached to a planning permission or whether a temporary permission could be granted but neither would overcome the strong objections I have found to these developments. For the reasons given above and having regard to all other matters raised I conclude that the appeals on ground (a) and the deemed planning applications should not succeed. The other material considerations are not of such weight that they justify granting permission to any of these developments and the appeals on ground (a) and the deemed applications for planning permission accordingly fail.

The appeals on Ground (f) – Appeals B, C, E, F, G and H

Appeals B and C (Notice B) – Sunhill: element (c) of the requirements as issued

81. On this ground the appellant stated that it was excessive to require further planting after the removal of the fence; the fence had just been erected behind existing planting none of which had been removed or damaged. The requirement should just be to restore the land to its previous condition. The Council agreed to this and I will vary the Notice accordingly. To that limited extent the appeals succeed.

Appeals E and F (Notice C) – Sunhill; elements (c) and (d) of the requirements as issued

82. On this ground the appellant argued that the Notice was not clear about what needs to be done to meet the requirement in (c) and as building 4 is located on a shared roadway which is all laid as hard standing it is not appropriate to seed that area. The tractor shed is built on bare earth and indeed none of the three structures has any foundations or footings.
83. The Council acknowledged that the three structures may have had minimal works undertaken in the form of footings or foundations so in that case there would be little to do once the structure had been removed. I consider that the Notice is clear and is basically requiring the land to be restored to its former condition. Even if there were no footings or foundations the ground under the structures will have been damaged and re-seeding will help restore it to its former condition. The Council had no objection to not re-seeding the land under building 4 and I shall vary the requirements accordingly. To that very limited extent the appeal on this ground succeeds.

Appeals G and H (Notice D) – Sunhill; element (f), removal of septic tank

84. The appellant argued that the lawful use of the land was accepted as agriculture and activities could take place there e.g., someone working there all day, that would require a septic tank to be provided. The Council stated that it considered the septic tank an integral part of the residential use on the site and it was usual in such circumstances to remove such associated/integral facilities from the land or from a building if the use was to cease. It was easy to argue that something ought to stay because it might be used in connection with some other use. If it proved essential a camping/chemical toilet could be provided.
85. An interested person at the Hearing also stated that it was not really an argument for keeping the septic tank to say that it might be used in connection with some other use that was not currently taking place; everyone could use the argument that it might be useful to have one in case it came in useful at some unknown point in the future for some as yet unknown use.
86. As stated by the Council in its representations, the Notice was issued to remedy the breach and failure to secure its removal would not achieve that purpose. In any event I agree with the point put forward by the Council that the tank is really an integral part of the residential use and should therefore be removed from the site. The appeal on this ground accordingly fails.

The appeals on Ground (g) – Appeals G and H

87. Whilst there was no ground (g) appeal on Notice C the Council agreed that the wording in paragraph 6d) contained extra words and made no sense. It was agreed that I should vary the requirement by deleting the superfluous words.

Appeals G and H (Notice D) – Hillbilly Acre;

88. The appeal on this ground was simply that Mr Wells was only being given six months to comply with the Notice requirement whereas Mr Cooper was being given 12 months. It was submitted that the six months period should be lengthened to 12 months. The Council stated that the reason for the difference was that Mr Wells lived in his caravan by himself but Mr Cooper had two dependants – his wife and adult daughter Chloe (who was 19 years old).

89. The Council also stated that it was far from certain that Mr Wells was actually living on the site at the time of the 2012 inquiry; he had denied living on the site at the time and stated that his home address was in Fairfield Road in Salisbury. The Council had been led to believe that he only came to Sunhill on an occasional basis as a respite during periods of ill health. It was accepted that he had subsequently advised the Council differently but in any event there is only him and his circumstances are different to Mr Cooper.
90. I acknowledge the arguments put forward by the Council but it was made clear in the representations at the Hearing that this site was Mr Wells' home and he could not live in a bricks and mortar home. The Council referred to other sites it owned but it admitted that there were no vacancies and it was not known if a space could be found for Mr Wells as there was also a waiting list of five applicants at the time of the Hearing for Council sites.
91. Whilst I understand that the Council is anxious to clear these sites it has to be taken into account that this is Mr Wells home, that it is accepted that there are no alternative sites and it will be some time before any policy document is produced that identifies where sites might be permitted. The alternative if Mr Wells has to move from here in those circumstances is illegal parking on some other land or at the roadside both of which are highly unsatisfactory alternatives. In my view it would be unreasonable to consider any period for compliance of less than 12 months bearing in mind that Mr Wells would be made homeless. I shall vary the requirement to that effect and to that very limited extent the appeal succeeds.

Overall conclusions

92. For the reasons given above and having regard to all other matters raised, I conclude that all seven appeals should be dismissed. I shall uphold the enforcement notices with corrections and variations.

Formal Decisions

Appeal A (Notice A): APP/Y3940/C/12/2186940

93. I direct that the enforcement notice is corrected as follows:-
- (a) by deleting the words in paragraph 3 entirely and substituting therefor paragraph 3 as set out in Appendix 3A attached to this decision
 - (b) by deleting paragraph 4a) entirely and substituting therefor the words as set out in paragraph 4(a) in Appendix 3A attached to this decision
- I also direct that the enforcement notice is varied as follows:-
- (a) by deleting the words in paragraph 5 and substituting therefor the words as set out in paragraph 5 in Appendix 3A attached to this decision
- Subject to these corrections and the variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals B and C (Notice B): APP/Y3940/C/12/2186944 and 2186945

94. I direct that the enforcement notice is corrected as follows:-
- (a) by deleting the words 'and Hillbilly Acre' in paragraph 2
 - (b) by deleting the words 'attached plan' in paragraph 2 and substituting therefor the words 'Corrected Plan A attached to this decision'

I also direct that the enforcement notice is varied as follows:-

- (a) by deleting the words in paragraph 5c) and substituting therefor the words as set out in paragraph 5(c) in Appendix 3B attached to this decision
- (b) by deleting the word 'permanently' in paragraphs 5a) and 5b)

Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Appeals E and F (Notice C): APP/Y3940/C/12/2186949 and 2186950

95. I direct that the enforcement notice is corrected as follows:-

- (a) by deleting the words 'attached plan' in paragraph 2 and substituting therefor the words 'Corrected Plan B attached to this decision'.
- (b) by adding the words 'which are shown numbered 1 – 5 on Corrected Plan B' at the end of paragraph 3

I also direct that the enforcement notice is varied as follows:-

- (a) by deleting the words 'which are shown at 1-5 on the attached plan' and substituting therefor the words 'which are shown numbered 1 – 5 on Corrected Plan B' at the end of paragraph 5a)
- (b) by deleting the word 'permanently' in paragraphs 5a) and 5b)
- (c) by deleting the words 'by the end of the or;' after the words 'effect or' in the first line of paragraph 6d)

Subject to these corrections and variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of Appeal E.

Appeals G and H (Notice D): APP/Y3940/C/12/2186951 and 2186952

96. I direct that the enforcement notice is corrected as follows:-

- (a) by deleting the words in paragraph 3 entirely and substituting therefor paragraph 3 as set out in Appendix 3D attached to this decision
- (b) by deleting paragraph 4a) entirely and substituting therefor the words as set out in paragraph 4(a) in Appendix 3D attached to this decision

I also direct that the enforcement notice is varied as follows:-

- (a) by deleting the words in paragraph 5d) and substituting therefor the words as set out in paragraph 5(d) in Appendix 3D attached to this decision
- (b) by deleting the word 'permanently' in paragraphs 5(a) to 5(d), 5(f) and (5g).

Subject to these corrections and variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of Appeal G.

D E Morden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms A Heine	Principal, Heine Planning Consultancy
BSc MSc MRTPI	

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Pearce	Principal, Land Development Planning
BSc FRICS	Consultants
Mr S Hawkins	Team Leader (Enforcement) Wiltshire Council
MA MRTPI	

INTERESTED PERSONS:

Mr G Watt	Local resident
Mrs G Higgins	Local resident
Mr I Cole	Local resident
Mr P Viant	Local resident

DOCUMENTS

- 1 Council's letter regarding Hearing arrangements
- 2 Letter from Council to appellant dated 29 November 2012
- 3 Letter from doctor regarding Mrs Alana Courtney dated 2 May 2013
- 4 Appeal decision APP/Y3940/C/12/2178840 & 2178841
- 5 Council's update regarding development plan
- 6 Copy of application for a bungalow at Avon View, Old Southampton Rd
- 7 Article from Country Life regarding St Marie's Grange
- 8 Statement and accompanying plans/photographs from Mr G Watt
- 9 Statement and accompanying photographs from Mr I Cole
- 10 Statement from Mr C Horwood
- 11 Statement from Mr D Sargent
- 12 Statement from Mr P Viant

PHOTOGRAPH

- 1 Photograph of site entrance submitted by appellant.

APPENDIX 1: APPEALS LODGED & ORIGINAL GROUNDS OF APPEAL MADE

Appeal A: APP/Y3940/C/12/2186940 – Notice A

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr D Cooper against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the material change of use of the land from agriculture to a mixed use for agriculture and for the stationing and residential occupation of a caravan and storage of a touring caravan incidental to such use; stationing and storage of a caravan and use for domestic storage together with; operational development undertaken as an integral part of the material change of use comprising construction of areas of hard surfacing, timber decking, a polytunnel, a storage shed and a partly constructed building.
 - The requirements of the notice are as follows: (a) permanently cease to occupy the land for residential purposes, (b) permanently remove the caravans stationed on the land, (c) permanently remove all domestic paraphernalia from the land, (d) permanently cease to use the land for domestic storage, (e) permanently remove the former lorry bodies from the land, (f) permanently demolish and remove the areas of hard surfacing, timber decking, polytunnel, toy shed, and partly constructed building, (g) permanently remove all of the demolition materials arising from step (f) from the land, (h) reinstate the area of the land formerly occupied by residential mobile homes and decking to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and (i) seed the area of the land referred to in step (h) with grass seed.
 - The period for compliance with the requirements (a) to (h) inclusive is 1 year and for (i) is before 31 March 2014 or before the end of the next planting season following the end of the period for compliance with steps (a) to (f) above, whichever date is the later.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/Y3940/C/12/2186944 – Notice B

Land at Hillbilly Acre and Sunhill, off Southampton Rd, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs J Willett against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the erection of timber fencing on the land adjacent to the highway, exceeding one metre in height.
 - The requirements of the notice are as follows: (a) permanently demolish the timber fencing, (b) permanently remove all of the demolition materials arising from step (a) from the land and (c) after step (b), plant along the length of the frontage of the land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
 - The period for compliance with requirements (a) and (b) is 1 month and for (c) it is one month from the date that the Notice takes effect or before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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Appeal C: APP/Y3940/C/12/2186945 – Notice B

Land at Hillbilly Acre and Sunhill, off Southampton Rd, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Wells against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the erection of timber fencing on the land adjacent to the highway, exceeding one metre in height.
 - The requirements of the notice are as follows: (a) permanently demolish the timber fencing, (b) permanently remove all of the demolition materials arising from step (a) from the land and (c) after step (b), plant along the length of the frontage of the land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
 - The period for compliance with requirements (a) and (b) is 1 month and for (c) it is one month from the date that the Notice takes effect or before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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Appeal D: APP/Y3940/C/12/2186946 – Notice B

Land at Hillbilly Acre and Sunhill, off Southampton Rd, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr D Cooper against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the erection of timber fencing on the land adjacent to the highway, exceeding one metre in height.
 - The requirements of the notice are as follows: (a) permanently demolish the timber fencing, (b) permanently remove all of the demolition materials arising from step (a) from the land and (c) after step (b), plant along the length of the frontage of the land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
 - The period for compliance with requirements (a) and (b) is 1 month and for (c) it is one month from the date that the Notice takes effect or before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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Appeal E: APP/Y3940/C/12/2186949 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs J Willett against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 2 October 2012.
 - The breach of planning control as alleged in the notice is the erection of buildings consisting of a shed, greenhouse, toy shed and a tractor shed.
 - The requirements of the notice are as follows: (a) permanently demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown at 1-5 on the Notice plan, (b) permanently remove all of the demolition materials arising from step (a) from the land, (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and (d) seed the area of the land referred to in step (c) with grass seed.
 - The period for compliance with requirements (a), (b) and (c) is 3 months and for (d) it is 3 months from the date this Notice takes effect or by the end of the or; *[sic]* before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (f) of the Town and Country Planning Act 1990 as amended.
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Appeal F: APP/Y3940/C/12/2186950 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Wells against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705..
 - The notice was issued on 2 October 2012.
 - The breach of planning control as alleged in the notice is the erection of buildings consisting of a shed, greenhouse, toy shed and a tractor shed.
 - The requirements of the notice are as follows: (a) permanently demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown at 1-5 on the Notice plan, (b) permanently remove all of the demolition materials arising from step (a) from the land, (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and (d) seed the area of the land referred to in step (c) with grass seed.
 - The period for compliance with requirements (a), (b) and (c) is 3 months and for (d) it is 3 months from the date this Notice takes effect or by the end of the or; *[sic]* before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the ground (a) appeal and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.
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Appeal G: APP/Y3940/C/12/2186951 – Notice D
Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs J Willett against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 10 October 2012.
 - The breach of planning control as alleged in the notice is the change of use of the land from agriculture to a mixed use for agriculture, stationing and residential occupation of a caravan, storage of caravans and operational development undertaken as an integral part of the material change of use comprising the construction of hard surfacing, retaining walls, materially altering the landform and installation of a septic tank.
 - The requirements of the notice are as follows: (a) permanently cease to occupy the land for residential purposes, (b) permanently remove the caravans stationed on the land, (c) permanently remove all domestic paraphernalia from the land, (d) permanently remove the hard surfacing and retaining walls, (e) reinstate the land to its former contours and profiles, i.e., to match the contours and profiles of adjacent land, (f) permanently remove the septic tank and (g) permanently remove all of the demolition materials arising from steps (a) – (f) above, from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal H: APP/Y3940/C/12/2186952 – Notice D
Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Wells against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 10 October 2012.
 - The breach of planning control as alleged in the notice is change of use of the land from agriculture to a mixed use for agriculture, stationing and residential occupation of a caravan, storage of caravans and operational development undertaken as an integral part of the material change of use comprising the construction of hard surfacing, retaining walls, materially altering the landform and installation of a septic tank..
 - The requirements of the notice are as follows: (a) permanently cease to occupy the land for residential purposes, (b) permanently remove the caravans stationed on the land, (c) permanently remove all domestic paraphernalia from the land, (d) permanently remove the hard surfacing and retaining walls, (e) reinstate the land to its former contours and profiles, i.e., to match the contours and profiles of adjacent land, (f) permanently remove the septic tank and (g) permanently remove all of the demolition materials arising from steps (a) – (f) above, from the land..
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the ground (a) appeal and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.
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APPENDIX 2: THE ENFORCEMENT NOTICES - AS ISSUED

APPENDIX 2A - NOTICE A

2. THE LAND AFFECTED

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing and residential occupation of a caravan and the storage of a touring caravan incidental to such use
- (c) stationing and storage of a caravan and use for domestic storage
- (d) operational development undertaken as an integral part of the material change of use comprising the construction of areas of hard surfacing, timber decking, a polytunnel, storage shed and a partly constructed building

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently cease to occupy the Land for residential purposes
- (b) permanently remove the caravans stationed on the Land
- (c) permanently remove all domestic paraphernalia from the Land
- (d) permanently cease to use the Land for domestic storage
- (e) permanently remove the former lorry bodies from the Land
- (f) permanently demolish and remove the areas of hard surfacing, timber decking, polytunnel, toy shed, and partly constructed building
- (g) permanently remove all of the demolition materials arising from step (f) from the Land,
- (h) reinstate the area of the land formerly occupied by residential mobile homes and decking to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the Land immediately adjacent
- (i) seed the area of the Land referred to in step (h) with grass seed

APPENDIX 2B - NOTICE B

2. THE LAND AFFECTED

Land at Sunhill and Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the erection of timber fencing on the Land adjacent to the highway exceeding one metre in height

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently demolish the timber fencing,
 - (b) permanently remove all of the demolition materials arising from step (a) from the Land and
 - (c) after step (b), plant along the length of the frontage of the Land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
-

APPENDIX 2C - NOTICE C

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission operational development comprising the erection of buildings consisting of a shed, greenhouse, toy shed, wood shed and a tractor shed

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown at 1-5 on the Notice plan,
 - (b) permanently remove all of the demolition materials arising from step (a) from the land,
 - (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and
 - (d) seed the area of the land referred to in step (c) with grass seed.
-

APPENDIX 2D - NOTICE D

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing and residential occupation of a caravan
- (c) storage of caravans
- (d) operational development undertaken as an integral part of the material change of use comprising the construction of hard surfacing, retaining walls, materially altering the landform and installation of a septic tank

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently cease to occupy the Land for residential purposes
- (b) permanently remove the caravans stationed on the Land
- (c) permanently remove all domestic paraphernalia from the Land
- (d) permanently remove the hard surfacing and retaining walls
- (e) reinstate the Land to its former contours and profiles i.e., to match the contours and profiles of adjacent Land
- (f) permanently remove the septic tank and
- (g) permanently remove all of the demolition materials arising from steps (a) – (f) above from the Land

APPENDIX 3: THE ENFORCEMENT NOTICES - AS CORRECTED AND VARIED

APPENDIX 3A - NOTICE A

2. THE LAND AFFECTED

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing of a caravan used for residential purposes
- (c) stationing and storage of a caravan used for domestic storage
- (d) operational development comprising the construction of timber decking and a storage shed

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breaches of planning control have occurred within the last 4 years and the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) cease to occupy the Land for residential purposes,
 - (b) remove the caravans stationed on the Land,
 - (c) remove all domestic paraphernalia from the Land,
 - (d) cease to use the Land for domestic storage,
 - (e) demolish and remove the timber decking and a storage shed,
 - (f) remove all of the demolition materials arising from step (e) from the Land,
-

APPENDIX 3B - NOTICE B

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the erection of timber fencing on the Land adjacent to the highway exceeding one metre in height

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) demolish the timber fencing,
 - (b) remove all of the demolition materials arising from step (a) from the Land,
 - (c) after step (b), restore the land to its previous condition.
-

APPENDIX 3C - NOTICE C

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission operational development comprising the erection of buildings consisting of a shed, greenhouse, toy shed, wood shed and a tractor shed which are shown numbered 1 – 5 on the Corrected Plan B

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown as 1-5 on the Corrected Plan B,
 - (b) remove all of the demolition materials arising from step (a) from the land,
 - (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent,
 - (d) seed the area of the land referred to in step (c) with grass seed.
-

APPENDIX 3D - NOTICE D

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing and residential occupation of a caravan
- (c) storage of caravans
- (d) operational development comprising the construction of a day room, hard surfacing, retaining walls, materially altering the landform and installation of a septic tank

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breaches of planning control have occurred within the last 4 years and the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) cease to occupy the Land for residential purposes,
 - (b) remove the caravans stationed on the Land,
 - (c) remove all domestic paraphernalia from the Land,
 - (d) remove the day room, hard surfacing and retaining walls,
 - (e) reinstate the Land to its former contours and profiles i.e., to match the contours and profiles of adjacent Land,
 - (f) remove the septic tank,
 - (g) remove all of the demolition materials arising from steps (a) – (f) above from the Land
-

Annex to Appeal Decision - Corrected Plan A

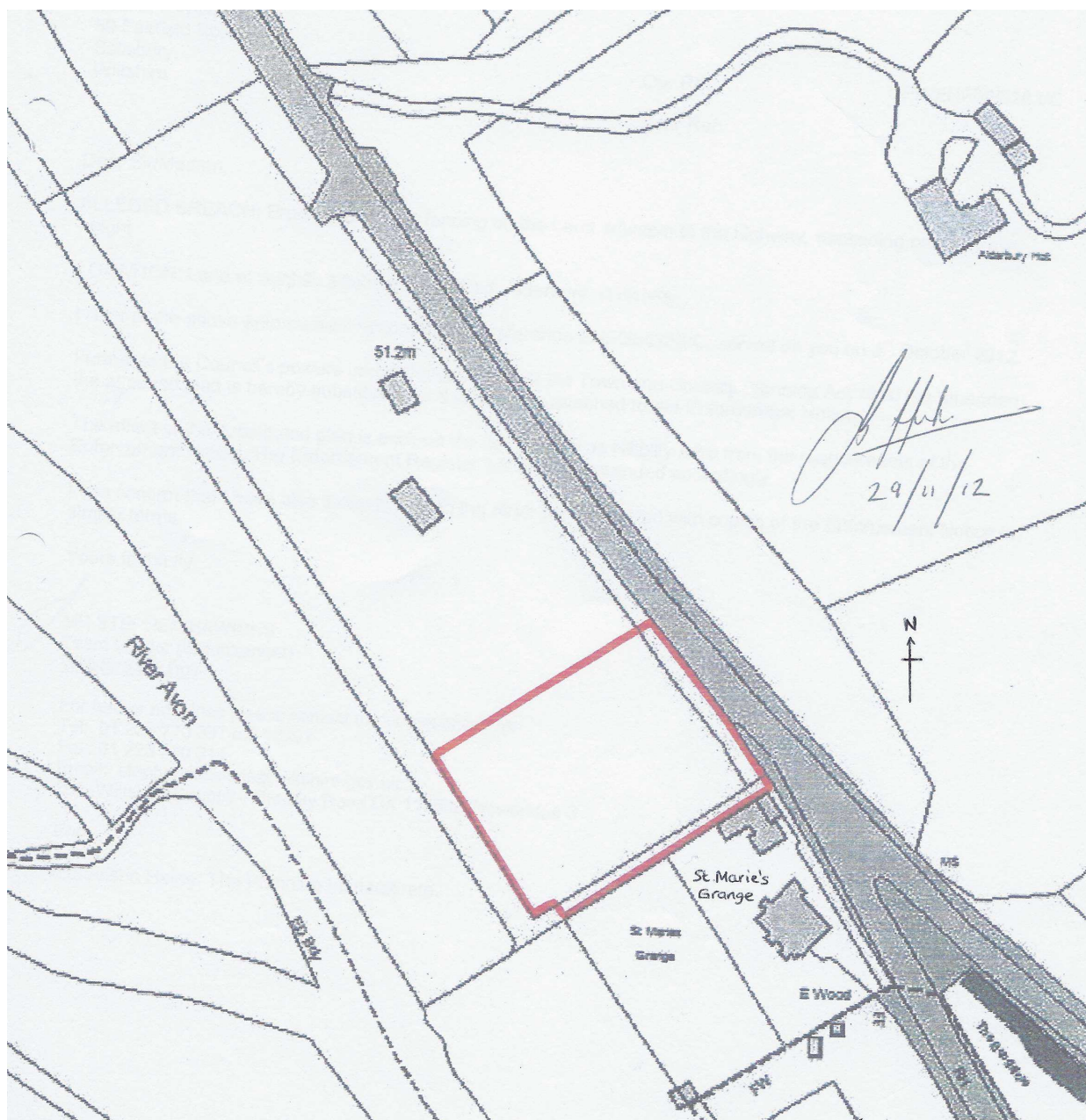
This is the plan referred to in my decision dated: 10.02.2014

by **D E Morden MRTPI**

Land at: Sunhill, off Southampton Road, Alderbury, SP5 3DG

Reference: APP/Y3940/C/12/2186944 and 2186945

Scale: Not to scale



Annex to Appeal Decision - Corrected Plan B

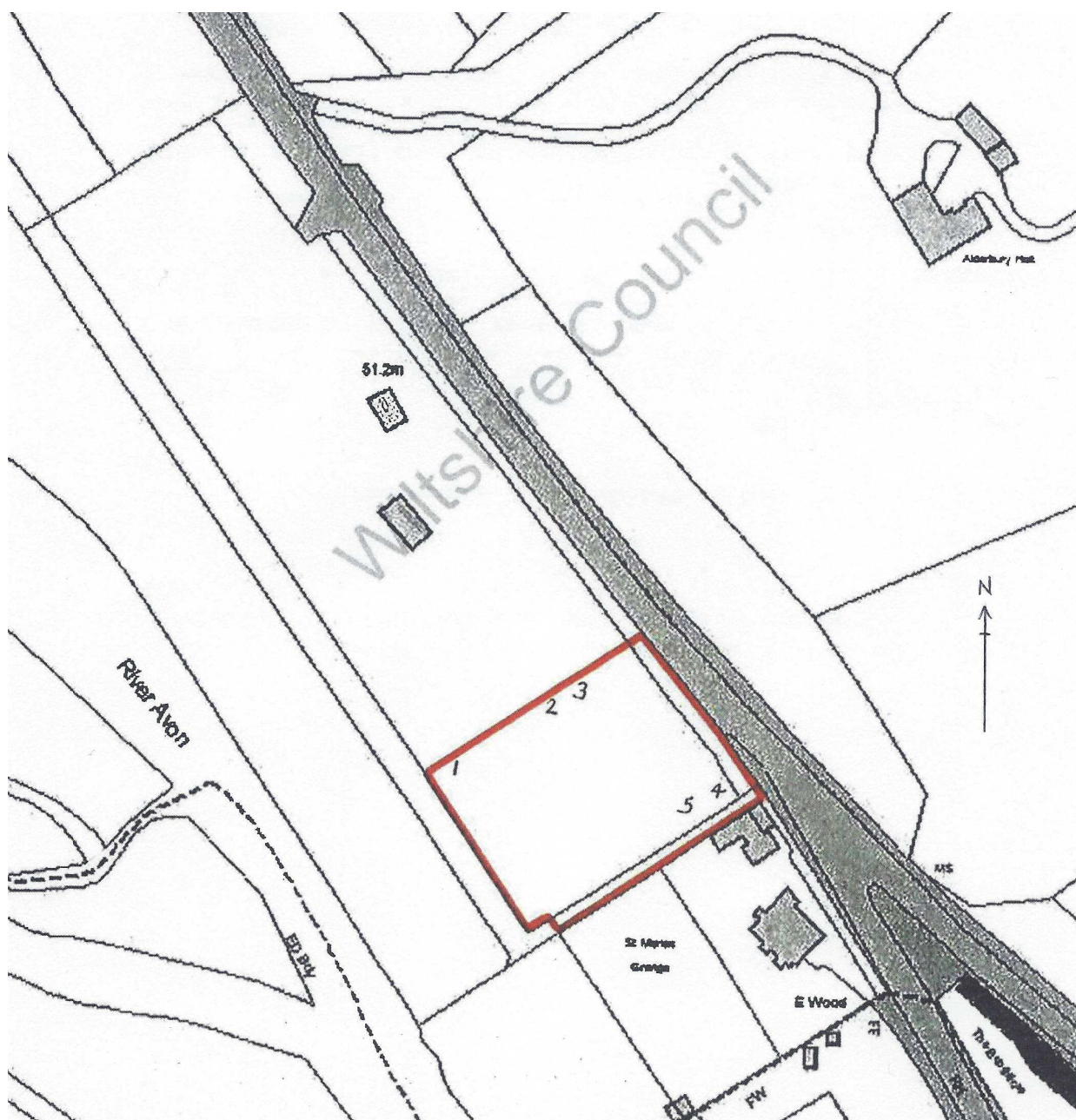
This is the plan referred to in my decision dated:10.02.2014

by D E Morden MRTPI

Land at: Sunhill, off Southampton Road, Alderbury, SP5 3DG

Reference: APP/Y3940/C/12/2186949 and 2186950

Scale: Not to scale



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 May 2015
Application Number	14/10457/FUL
Site Address	Land adjacent to 89 Bath Road Warminster Wiltshire BA12 8PA
Proposal	Change of use of land to 4 Romani Gypsy pitches and associated works including 4 mobile homes, 4 dayrooms, 4 touring caravans, 1 septic tank, hard standing and new access
Applicant	Mr J. Barney
Town/Parish Council	WARMINSTER
Ward	WARMINSTER WEST
Grid Ref	386699 145648
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Ridout for consideration of the visual impact on the surrounding area, relationship to adjoining properties, design, environmental impact and flooding, and because the site is outside of development limits.

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

Whilst the Core Strategy has now been adopted new traveller sites will remain as a strategic issue rather than a local issue until the Gypsy and Traveller DPD currently being worked on is adopted.

1. Purpose of Report

To assess the merits of the proposal and to recommend that planning permission be granted.

2. Report Summary

Wiltshire Council has published a Gypsy & Traveller Accommodation Assessment (GTAA) which inter alia estimates the pitch need in Wiltshire and will be part of the evidence base for the forthcoming Traveller Development Plan Document (DPD) which itself is due for consultation during June-July 2015 as per proposed Local Development Scheme (LDS).

The GTAA identifies that up to 2019 the Council has an outstanding need for traveller pitches in this housing market area. Furthermore the issue of need has been considered by Inspectors on a number of recent traveller planning appeals and the Council's assessment of need has been repeatedly criticised.

The proposals are considered in terms of the development plan which is formed by the Wiltshire Core Strategy that was adopted in January 2015. The key policy is Core Policy 47. This must also be read in conjunction with national policy in the form of the Planning Policy for Traveller Sites and the National Planning Policy Framework.

Neighbour objections and Consultee response are considered with the recommendation for approval based on the conclusion that the site is acceptable where the proposals would not give rise to significant harm to planning interests. The traveller status of the applicants has been satisfied and there is a demonstrable need for further accommodation.

Neighbourhood Responses: 14 objectors submitted responses, some with several items of correspondence.

Warminster Town Council - Objects to the proposals for the reasons cited within section 7 below.

3. Site Description

The application site of some 0.5 ha in extent is situated to the south of Bath Road, Warminster. Access would be directly off of Bath Road. Coldharbour Lane passes to the south of the site, extending westwards and serving the adjacent playing fields which are separated from the site by a hedge and well-established trees.

Site levels rise towards the west by approximately 1.2m from a low point on the eastern boundary and has hedges/vegetation/trees to the Bath Road and Coldharbour Lane boundaries. To the south-east there is a dwelling and across Bath Road a linear arrangement of dwellings lies to the south-east of Furnax Lane, the access to the industrial estate. To the south beyond Coldharbour Lane there are agricultural fields.

The site is not within the Environment Agency designated Flood Zones 2 or 3 which indicates a low risk of flooding, and an area of Archaeological Interest. Warminster town development limits lie some 250m to the west.

4. Planning History

W/80/00772/HIS	One dwelling	Refused August 1980
W/92/01029/OUT	Residential development	Refused September 1992, dismissed on Appeal

5. The Proposal

The proposal is for 4 pitches, to be occupied by Gypsies/Travellers. Each pitch would be occupied by a mobile home, day room and touring caravan. The layout provides for parking and turning areas. The proposals include a shared septic tank.

The dayrooms of brick under clay tiles would occupy footprints of 6m x 5m and have ridge heights of 4m.

6. Planning Policy

Wiltshire Core Strategy (adopted January 20th 2015):

Core Policy 1: Settlement Strategy;
Core Policy 2: Delivery Strategy;
Core Policy 3: Infrastructure Requirements;
Core Policy 47: Meeting the needs of Gypsies and Travellers;
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape;
Core Policy 57: Ensuring high quality design and place-shaping;
Core Policy 60: Sustainable Transport;
Core Policy 61: Transport and development; and
Core Policy 67: Flood Risk.

Appendix D saved policies of the West Wiltshire District Plan 1st Alteration (2004)

U1a: Foul Water Disposal is relevant.

Emerging Gypsy & Traveller DPD and the completed Gypsy & Traveller Accommodation Assessment (GTAA).

National Policy

National Planning Policy Framework (NPPF)
Planning Policy for Traveller Sites (PPfTS 2012)

National Planning Practice Guidance (PPG) is also a material consideration

7. Consultations

Warminster Town Council

The town Council was consulted twice. Following the initial consultation, additional information on flood risk and archaeology was obtained from the applicant, hence the second consultation.

Initial Consultation: Refusal recommended on the grounds of major flooding issues in the area, the location of a gas main and that the site does not conform to gypsy site planning criteria or regulations in relation to highway safety, public transport and shops.

Second Consultation: The Town council maintains the recommendation that this application still be refused on the same grounds as when the application initially came before them 8th December 2014. Additional comments re-stated are that the gas and flooding issues remain a concern and that the site does not conform to gypsy site planning criteria and regulations in relation to highway safety, public transport and shops.

Wiltshire Council Archaeologist

The Officer initially requested an archaeological assessment of the site. This was conducted and follow-up works were undertaken. In a final comment the officer confirmed that the archaeological evaluation was carried out and the report was submitted. "A total of six trenches were excavated across the site, four of which were negative. In two trenches there

was evidence for post-medieval activity which possibly represents former quarrying and infilling in the 19th and 20th century.”

Based on the evaluation results the officer does not consider that any further archaeological investigation is necessary, and no further recommendations were made.

Wiltshire Council Drainage

Following re-consultation that included the Flood Risk Assessment officers have come to the conclusion that septic tank use for the site is not realistic as the soakaway required for a septic tank would be unlikely to work. A connection to the public foul sewer to the south east down the road is suggested and there are various means of achieving this.

Officers advise that the site itself will not flood from storm water as it is outside of the FLZ 2 area. Discharge to a local water course could be an issue and a restricted connection with storage could be considered to the water course. The site may be within a source protection zone, again militating against the use of soakaways for disposal. Finally, should the West Warminster development go ahead then this site would fall within the urban area and non mains drainage disposal within a sewered area is not desirable.

Wiltshire Council Ecologist

The officer advises that the main ecological issue is the loss of the roadside hedgerow along Bath Road due to the visibility splays required for the proposed site entrance. No hedgerow assessment has been carried out. There is also a bat roost for Brown long-eared and Serotine bats in close proximity to the eastern boundary of the site. The roadside hedgerow may therefore be a significant ecological feature at this location for foraging and commuting bats. The site is 4km from the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) and this buffer has been identified as being core area for Greater horseshoe bats in the Council's Habitats Regulations Assessment (HRA) of the Wiltshire Core Strategy. The mature hedgerow trees may also provide suitable roosting features for bats and the officer therefore recommends that any trees on site with potential are also assessed and surveyed as necessary for use by bats. The officer recommended that a bat activity survey and a tree assessment/survey for bats were carried out before determination as well as an ecological appraisal of the site to identify features of ecological importance and to inform mitigation and compensation requirements.

Wiltshire Council Environmental Health

No objections. However the officer recommends that it be clarified as to whether or not a non-mains sewerage system is appropriate and practicable taking into account ground conditions / surface water / ground water conditions throughout the year.

Environment Agency

No objection. The site lies within Flood Zone 1, and is therefore outside an area at risk of fluvial flooding (flooding from the river – The Were). The site is less than 1 ha in area and the NPPF does not require proposals in such locations to be supported with a Flood Risk Assessment. However, the LPA can reasonably request the developer to submit information about the flood hazard from local sources of flooding at the site of the proposed development. This is a decision for the LPA in consultation with their drainage / flood risk engineers. An informative regarding pollution control during development is suggested.

Wiltshire Council Highways

The Officer notes that it is physically possible to provide the visibility splays indicated on the submitted plans, although this will involve replacement of some sections of the existing hedge on a new alignment. Those splays comply with published standards. Although there is no footway on the development side of Bath Road, the proposed visibility splay will also enable pedestrians to safely cross to the footway on the other side. Ample parking and turning facilities are proposed on site. In view of these considerations there is no highway objection to this application subject to conditions in relation to the splay, gates and surfacing of the access being imposed.

Wiltshire Council Rights of Way Officer

No objections

Wiltshire Council Spatial Plans

The Officer response considers the issues of the development plan, site provision in Wiltshire and the site constraints and concludes that the proposal is generally in accordance with the requirements of the development plan as expressed Core Policy 47 in the Wiltshire Core Strategy.

An update has been obtained on current Gypsy and Traveller accommodation requirements at the time of writing this report, and more detailed consideration of the Spatial Planning issues are contained in Section 9 below.

Wessex Water

Notes that new connections will be required and that a 3m easement applies from a water pipeline on the western edge of the site.

8. Publicity

The following is a summary of the objections received:

- The site is outside Warminster's development limits in terms of strategic plan; development.
- Site was not included as a gypsy site in the town strategic plan;
- Not an allocated site in Wiltshire Council strategic plan for Romani Gypsy sites
- Any changes to Warminster / County strategic plans would require significant review.
- No consultation with local residents;
- Existing plans cannot be adjusted without review;
- Site is completely inappropriate due to its proximity to current residents;
- Previously Wilts Council have refused applications from Warminster School and Eric Toms for new accesses to Bath road on highway grounds, Same highway concerns exist;
- Question whether there is an established need for more gypsy sites
- Site will become a business - not shown in Core Strategy as such;
- The road is extremely busy and previous Highways surveys close to this location have shown vehicles significantly exceed the 30mph speed limit;
- Hazard of touring caravans using the access;
- Likely overcrowding;
- Cost of monitoring and maintenance;

- lack of sustainability and low design standard;
- Site is within area for domestic housing and industry;
- Site is not part of local development plan;
- providing screening from the site would suggest occupants trying to isolate themselves from neighbours;
- Loss of hedge and habitat and lack of supporting ecology documentation;
- Previous applications for access refused;
- Site is green belt and outside town limits;
- Flood risk, dwellings in surrounding area flooded in recent times;
- No proposals for surface water drainage scheme;
- Septic tanks not appropriate for the site;
- local schools full;
- loss of privacy at 16, 18 and 89 Bath Road, light pollution including from vehicles exiting site;
- harm to street scene, loss of hedgerow and replacement with low hedge/fence;
- no pedestrian walkway on side of road where development would occur;
- concerns that archaeology of site has not been addressed
- Hazard for school pupils (Warminster School) using Bath Road/Coldharbour Lane to reach grounds during construction phase;
- Dispute highway conclusions on access;
- Following the Flood Risk Assessment the findings were disputed.

9. Planning Considerations

The National Planning Policy Framework states that *'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*.

The NPPF also states that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 32 of the NPPF confirms that local planning authorities should only refuse applications on transport/highway safety grounds where *"the residual cumulative impacts of development are severe"*.

The Planning Policy for Traveller Sites (PPTS) comprises the national policy for the determination of proposals for traveller sites and states (Par. 3) that *"...the Government's overarching aim 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."*

The Spatial Plans Officer has confirmed that Council has undertaken a full 2014 Gypsy and Traveller Accommodation Assessment (GTAA) to update the evidence underpinning the Core Strategy; to inform its review post adoption; and the development of the Gypsy and Traveller DPD which will allocate sites to meet that accommodation need. The DPD is under preparation. It is noted also that the Core Strategy Inspector endorsed the council's approach to traveller planning and stated in para. 128 of his report that *"...until such time as the intended DPD is complete and to ensure flexibility, the pitch requirements are best considered as minimums. This would be prudent and would introduce flexibility within the plan which would aid the effectiveness of its delivery."*

The Spatial Plans Officer also notes that: *"... the pitch requirements in the GTAA are also informed by household formation rates. So while the application for 4 pitches appears to be too high in meeting the need of the landowner, the development would contribute to meeting identified need for this Housing Market Area more generally for 2014-19."*

At the time of writing an update on Gypsy and Traveller site need has been obtained from the Spatial Planning Officer. It is confirmed that, whilst in terms of the adopted development plan the 2011-16 requirement in CP47 has now been met, in terms of the Gypsy and Traveller Accommodation Assessment there is a requirement for the 2014-19 period of 21 units, with a residual requirement of 5 units at this point in time. This is a material consideration and takes account of approvals subsequent to the completion of the GTAA. Members will recall the “Ernie’s Yard” permission, which Spatial Planning advises would not count towards the GTAA requirement for 2014-19; nor the Core Strategy requirements for 2011-16, since that permission only confirms the quasi-lawful status of the site which has been in existence for almost 10 years. “The site was listed as ‘tolerated’ in the GTAA and all tolerated sites were deemed as not being in need because they have been in existence for a long time.” The further approval of the 6 pitches at the Greenacres Mobile Park at Semington at the last meeting of the Strategic Planning Committee has been factored into the latest monitoring in order to reach the residual requirement figure.

The site is currently vacant land within 250m of Warminster development limits and is set within the context of the semi-rural periphery that includes a mixture of housing, the sports field, open land to the south, and the nearby industrial estates. The proposal is for four Gypsy pitches and associated works to allow for the siting of four mobile homes, four dayrooms, and four touring caravans.

The Council is satisfied that the applicant, Mr Barney has traveller status, from pre-application discussions. It is understood that Mr Barney was also previously resident at “Ernie’s Yard”. Moreover, planning permission, unless expressly made personal, runs with the land and not the applicant. A condition can be imposed to ensure that the Council retains effective control so that any future occupiers of all of the pitches satisfy the definition of a traveller as set out in the PPTS.

The application thus falls to be considered under the locational criteria applicable to Core Policy 47.

Locational criteria

The adopted Core Strategy provides 9 locational criteria in CP47 (Meeting the needs of Gypsies and Travellers) which guide development:-

i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable

Flooding is a matter that has been strongly raised in neighbour responses and the Town Council objection. A number of photographs were submitted showing flooding of Bath Road, nearby properties and the lower sections of the site during sustained wet periods. This was discussed with Council’s drainage officer, who requested the submission of a Flood Risk Assessment, albeit that this is not a requirement in terms of NPPF criteria, as confirmed by the Environment Agency. An FRA was prepared and further consultation was carried out.

Whilst objectors have disputed the FRA, the drainage officer has assessed it and in response has not raised an objection but has advised that septic tank/soakaway systems will not be acceptable:

“- We do not think septic tank use for the site is realistic as soakaway required for septic tank unlikely to work (trial holes in adjacent planning application site could not manage any soakage) – we recommended a connection to the public foul sewer to the south east down

the road and suggested several means of how to achieve this from the developer doing himself to requisition from the sewerage undertaker

- The site itself will not flood from storm water, it is just outside of the FLZ 2 area, however as above soakaway disposal unlikely to work*
- Discharge to local water course could be an issue as we already have recorded flooding issues to the south east – a restricted connection with storage could be considered to the water course – could be laid in same trench as foul connection to help reduce costs*
- It would appear site may be within Source protection zone thus again more issues for soakaway use for foul/storm disposal”*

The applicant has agreed that a connection to the public sewer would be an acceptable alternative. In view of this, and drainage officer response, it is considered that conditions should be imposed on any approval requiring the submission of details in respect of foul drainage which shall be to the public sewer and in respect of surface water drainage from the site. Such conditions would also address concerns raised in this regard by objectors. Members will be aware that Government advice is that where matters can be satisfactorily dealt with by a condition, such a condition should be applied and permission granted.

ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users

The access and highway safety were also matters strongly raised by objectors and the town Council. The highway officer confirmed the acceptability of the proposed visibility splays. This was in turn disputed by an objector whose input was referred to the highway officer. It is understood that the officer responded directly to the objector. The officer did not revise any comments. Objectors have also referenced previous application refusals in the vicinity on highways grounds. In planning terms each case must be considered on its merits. The current Policy environment is also a consideration, with the NPPF, introduced in 2012, in Paragraph 32 asserting that local planning authorities should only refuse applications on transport/highway safety grounds where “*the residual cumulative impacts of development are severe*”. The highway officer is also satisfied with the visibility splays as they relate to allowing pedestrians to cross to the pedestrian walkway, as well as on-site arrangements for parking and manoeuvring of vehicles. (Pedestrian safety was an issue raised in objections). It is thus considered that there are no highway grounds for refusal.

iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

The site is the proximity of established residential urban development and related services. There is an issue with drainage as discussed above, but this can be addressed by appropriate conditions.

With regard to the issues of the water and gas pipelines crossing the site, Wessex Water has only advised that agreement will be required if any building is undertaken within a 3m statutory easement. Plans show the line close to the western boundary and this does not appear to be likely to affect the siting of the day room buildings. From the Wessex Water response it nevertheless is evident that agreement would be possible in the event that there is an impact. Consultation and repeat reminders were sent to National Grid on the Gas Pipeline, without response. Following direct contact the company advised that infrastructure in this area is under the control of Wales & West Utilities. Consultation was sent with a request for urgent response but at the time of writing, no response has been received. However, in terms of the information available it appears that the line would run under the

proposed mobile homes and not any buildings, although being in proximity of one of the day rooms. Any response received from the utility company will be reported to Committee.

iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas

As noted above the highway officer is satisfied with on-site parking and manoeuvring spaces.

v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

The site is set in the context of existing urban fringe development with residential and industrial uses beyond to the east across Bath Road and a dwelling to the east, with the school sports ground to the west and farmland to the south.

The site falls outside of development limits in terms of Core Policy 1 and 2 in the Core Strategy. Again, this was an objection that was raised. It is however noted that Core Policy 47 is an “exception policy” (Core Policy 2, par 4.25) where development may be permitted outside of development limits.

The site is furthermore roughly 900m away from Warminster town centre, and is therefore within walking or cycling distance of essential services including schools and health services. The site is therefore not ‘away from existing settlements’ and is considered to be in a sustainable location. In this regard a number of recent planning and appeal decisions have approved sites in more remote localities.

vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

The site is largely surrounded by hedging or mature trees, barring the south eastern boundary where a ditch and wire/post fence define the edge of the property. Ordnance Survey sheets show a sliver of land between the site and the neighbouring property on which a dwelling is located.

The proposals indicate the planting of a new landscaping belt of natural species as a buffer and screen between the ditch and the neighbouring property. The vegetation to the Bath Road boundary would be replaced where relocated to provide for the visibility splay and the existing screening to the properties across the road would be largely maintained, barring views through the access point itself, with the road in the intervening space between the site and dwellings. The nearest mobile home unit would be some 36m from the dwelling to the east. Thus, although the units would be set on rising ground relative to the neighbouring dwelling and there would be a degree of impact on outlook, the separation distances would be wholly adequate in terms of privacy, and this would be enhanced by the planting proposals. In accordance with best practice for Gypsy and Traveller Site Design, a children’s play area is indicated beyond the proposed 6m wide landscaping belt to the north west of the dwelling, but this should be seen in the context of an open garden area and not a formalised play space that would be associated with a public playground. Use would therefore be anticipated to be during normal daylight hours as would be associated with a residential garden.

The site has no special landscape designation, not being Green Belt or within an Area of Outstanding Natural Beauty). The proposals include replacement hedging to the road frontage (further discussed in ecology section below). This would result in the loss of trees to the road boundary which it is proposed to replace with an indigenous species hedge, effectively continuing the hedge line from the property to the east but in order to provide the sight lines necessary for safe access. In light of local objections and the ecologist comments it is recommended that relevant conditions are imposed to require a construction method statement that addresses planting and ecological mitigation, with no site clearance or development being permitted prior to submission and approval of the plan. The statement should also include details of root system protection for any trees that may be affected by development, it being noted that hard surfacing is not proposed for the individual pitch areas, but porous stone surfaces.

One neighbour objection was that the site would be used for commercial business purposes. An appropriate condition would ensure that the residential use only is permitted. Design issues were also raised, but the proposal involves a change of use where standard mobile home and touring caravan criteria would have to be met, and the proposed day rooms are of a design widely accepted in the County. Potential light pollution can be addressed by way of a condition.

The access to the site would be opposite No's 16 & 18 Bath Road and the question of light pollution from vehicles is raised as a potential issue. The proposal is effectively for residential accommodation and it would therefore be anticipated that the access would function in terms of traffic levels and hours to serve the units as would be the case in a residential cul de sac with four properties exiting onto a lit roadway. On balance this is not considered to constitute a reason for refusal.

vii. Adequate levels of privacy should be provided for occupiers

As noted above, although the site is set on rising ground relative to the nearest dwelling, separation distances are wholly adequate. The orientation of the mobile home siting is furthermore such that side elevations of the nearest units would face the dwelling, with windows orientated to face at 90 deg away from the dwelling. Given current and proposed screening in conjunction with these factors, no unacceptable privacy issues are therefore anticipated for occupants.

viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements

The site would be effectively occupied by four residential mobile homes with the only permanent structures being the day rooms, which accord with similar designs accepted elsewhere within the County (maximum ridge heights would be 4m). The site would be well screened from the surrounds upon completion of planting and in terms of existing hedges and trees. The site is within the semi-urban fringe of Warminster and a residential use is not incompatible with the surrounds to the north and east. Core Policy 47 is an "exception policy" in the Core Strategy, where encroachment on land outside of development limits can be allowed provided that the relevant criteria are met.

ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The proposals would involve the relocation of the hedging to the Bath Road boundary but existing vegetation and trees to the other boundaries would be retained. A new 6m wide

band of indigenous planting is proposed to the eastern side of the site. The site does not have any national/international designation, but the Ecologist has noted the potential presence of protected species, particularly bats. The issue of ecology was also raised by objectors. Whilst the officer recommended studies prior to determination it is considered that an appropriate approach would be to treat the potential bio-diversity enhancements inherent to the new and replacement planting as a single project. As noted above, it is considered reasonable in the light of the comments received, to impose a condition not allowing for any site clearance or removal of hedges or trees prior to the completion of appropriate surveys which should link into proposed mitigation measures for any loss of habitat to be included in a Construction Management plan so as to secure bio-diversity enhancements and tree protection.

The drainage officer has addressed matters of drainage and the archaeologist has confirmed, in the light of studies already carried out, that no archaeology conditions are required.

10. Conclusion

The proposals are considered to accord with Core Policy 47 of the Wiltshire Core Strategy in terms of the applicable criteria, and appropriate conditions would address issues of drainage, highway safety and ecology. The site is in a sustainable location in terms of NPPF policies, and the proposals accord with the government's policies in the Planning Policy for Traveller Sites and its relevant matters. There is a need for the development as identified in the GTAA (with due allowance for recently granted permissions.) The Council's earlier evidence base has been substantively criticised by the Core Strategy Inspector and the GTAA is therefore considered to be the key material consideration in terms of supply. The applicants meet the definition of travellers as set out in the PPTS and there is access to local services, education and health care facilities in relatively close proximity to the site. A number of local objections have been received, in particular in relation to flooding and highways matters, but also in relation to other issues. However, it is considered that, provided appropriate conditions are made applicable, the application can be recommended for permission and there is no reasonable reason to conclude otherwise.

RECOMMENDATION

Permission subject to the following conditions:

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

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

2. The site shall not be occupied by any 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.

3. There shall be no more than 4 pitches on the site and on each of the pitches no more than 2 caravans shall be stationed at any time and of these, only 1 caravan on each pitch shall be a static caravan, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

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

4. No commercial activities shall take place on the land, including the storage of materials and no burning of materials shall take place on open ground.

REASON: In order to define the terms of this permission, protect the rural scene and character of the area, and protect the amenities of the area and neighbour uses.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

REASON: In order to define the terms of this permission and protect the rural scene and character of the countryside.

6. Notwithstanding the submitted details no development shall commence on site until a scheme for the discharge of foul water from the site to the mains sewer has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

7. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

9. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

10. Prior to the first occupation of the development hereby approved, details of any external lighting shall be submitted 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 preventing light pollution and nuisance.

11. No site clearance, site preparation or development work shall take place until a bat activity survey and a tree assessment/survey drawn up in accordance with the Bat Surveys Good Practice Guidelines (Hundt, 2012) and an Ecological Appraisal of the application site to identify features of ecological importance and protected species have been submitted to and approved in writing by the Local Planning Authority. The appraisal shall include a hedgerow assessment of the entire boundary.

REASON: In the interests of maximising ecological and biodiversity interests.

12. No site clearance, site preparation or development work shall take place until a construction management plan based on the survey and ecological appraisal required in terms of Condition 9 has been submitted to the Local Planning Authority for approval in writing. The plan shall include details of precautionary measures that will be implemented during site clearance and development for the avoidance of impacts on protected species including but not limited to bats, and proposals for mitigation and/or compensation in line with Core Policy 50 of the Wiltshire Core Strategy as well as proposals for the protection of root systems of trees that may be affected by development. Site clearance and development shall then take place in accordance with the construction environment management plan.

REASON: In the interests of maximising ecological and biodiversity interests.

13. Notwithstanding the submitted details no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development as may be required under Condition 12;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) means of enclosure;
- e) car park layouts;
- f) all hard and soft surfacing materials.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to include any landscaping requirements arising from Condition 10.

14. 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 development 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.

15. The development hereby permitted shall not be first brought into use until the first 12.5m of the access, measured from the edge of the carriageway, 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

14. Any gates shall be set back 12.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety

16. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

17. No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided, with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

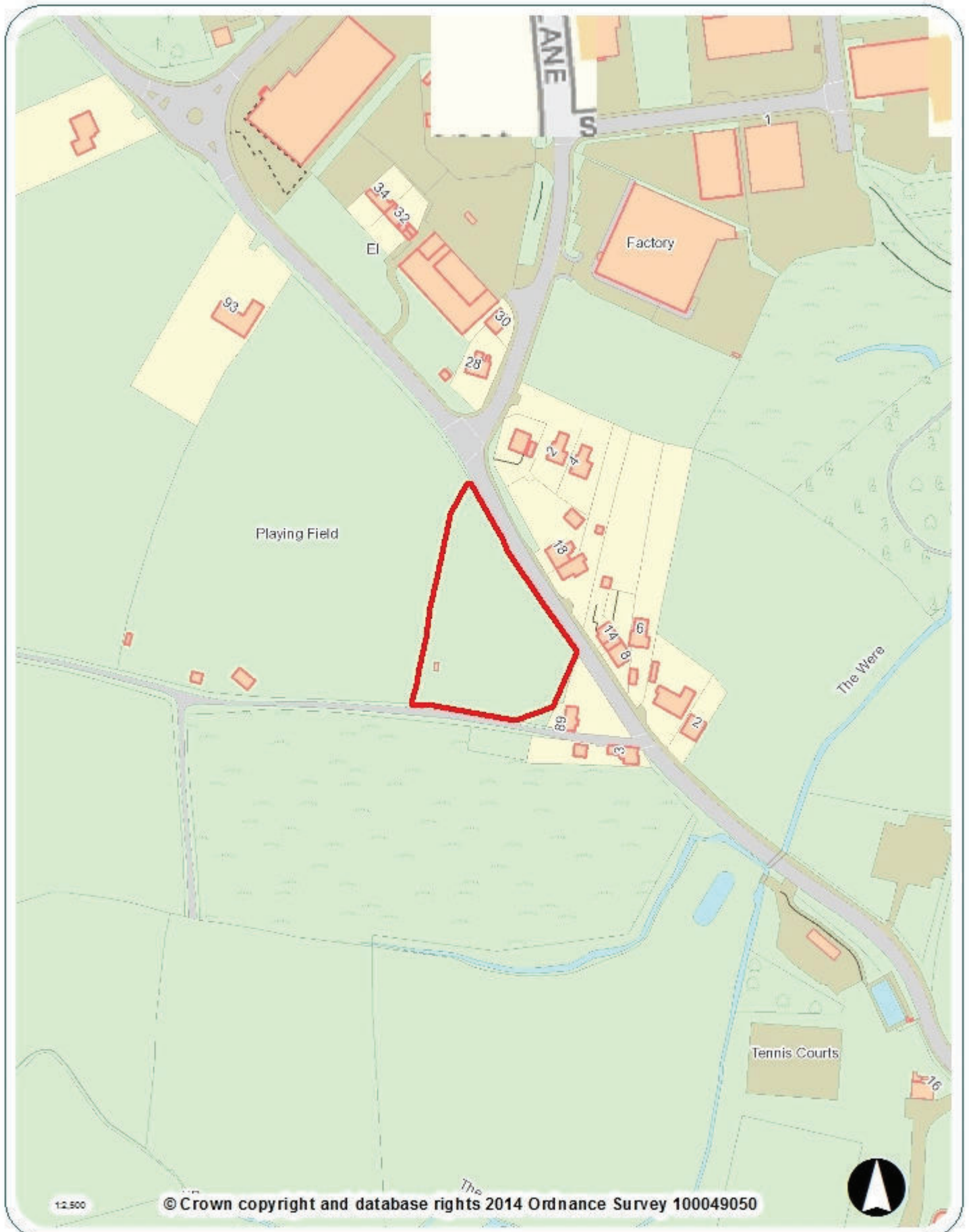
18. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 1450/01A; 1450/02A; 1450/03A read in conjunction with the landscaping plan required under Condition 11.

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

INFORMATIVE

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes



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