

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13/09/2017
Application Number	16/11850/FUL
Site Address	Land At White Horse View, Hisomley, Dilton Marsh, Wiltshire
Proposal	Application for the change of use of land to accommodate two. additional Gypsy pitches comprising, 2 mobile homes, 2 touring caravans, 2 dayrooms and associated works
Applicant	Mr T Ayres
Town/Parish Council	DILTON MARSH
Electoral Division	ETHANDUNE – Cllr Wickham
Grid Ref	385239 149310
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Wickham to consider visual impact upon the surrounding area, the relationship to adjoining properties and environmental/highway impacts. 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.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

2. Report Summary

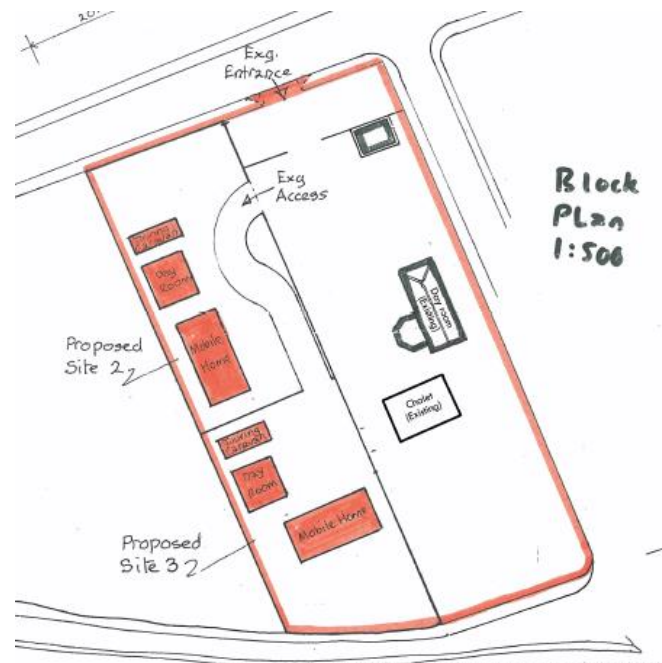
The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Highway Safety
- Residential amenity

Dilton Marsh Parish Council objects to the proposed development. One letter of objection/comment has been received.

3. Site Description

The application site is an extension to a single plot traveller site located to the south of the A3098. The site is located in the hamlet of Hisomley, approximately 600m and 1.6km from the villages of Dilton Marsh and Westbury Leigh, respectively. The plot (including the existing site) is rectangular shaped, approximately 0.31 hectares in area. The new pitches would be located on the western half of the application site. Access would be via the existing access serving the existing traveller pitch.



4. Planning History

Planning permission for the existing site (to include a day room) was granted on appeal in 2009 under reference APP/F3925/C/08/2088696 following the refusal of planning application W/08/01209/FUL. An extension to the day room was granted under application reference 13/05493/FUL.

5. The Proposal

The application seeks planning permission for the change of use of land to accommodate two additional Gypsy pitches comprising a mobile home, a touring caravan and dayroom to each site, and associated works.

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

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 61- Transport and Development

Emerging Development Plan Document:

The Gypsy and Traveller DPD (A new Gypsy and Traveller Accommodation Assessment (GTAA) was published in December 2014 which informs the emerging plan)

National Planning Policy Framework 2012 (NPPF):
Chapter 7- Requiring Good Design
Chapter 11- Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

7. Summary of consultation responses

Dilton Marsh Parish Council object to the application on the following grounds:

- The application is contrary to Core Policy 2, building in the countryside
- The Application is contrary to Core Policy 47 as the condition of safe pedestrian and vehicular access cannot be met

(Note of clarification: Subsequent to this objection the applicant withdrew a proposed extension to the existing dayroom which would, it is considered have been tantamount to converting the building in to a dwelling. It is understood that the Core Policy 2 objection above related to that withdrawn element).

Wiltshire Council Ecologist: Following an initial response wherein the ecologist requested a preliminary ecological appraisal prior to determination. The appraisal was subsequently submitted by the agent, and the Ecologist was re-consulted. The Officer has withdrawn her objection, subject to conditions. The comments are discussed in details in Section 9, below.

Wiltshire Council Public Protection: No objections.

Wiltshire Council Highways: Notes that the site was subject to a planning application for 1 pitch (08/01209/FUL) which was allowed at Appeal. The agreed access arrangement was constructed and the visibility of 2.4m by 140m was considered acceptable to serve the development. On the basis that the agreed visibility splay is maintained, there is no highway objection to the proposed development.

Wiltshire Council Spatial Plans: The need for new traveller pitches has been met in the North and West Housing Market Area against the development plan requirement for 2016-21; and materially, against the requirement in the Gypsy and Traveller Accommodation Assessment for 2014-19. The Council cannot however demonstrate a five year supply of deliverable sites due to the absence of a DPD that allocates sites. The 2014 GTAA further notes the specific evidence established during the fieldwork. The key issue is whether the proposal complies with locational criteria expressed in WCS Core Policy.

Wessex Water: No objection

8. Publicity

The application was advertised by neighbour letter and site notice. One neighbour letter was received, raising the following issues/observations:

- The neighbour is delighted that Council is considering opportunities to provide static locations for travelling families within Wiltshire in line with your authorised developments. However attention is invited changes of land use in the Hisomley Crossroads and Old Dilton area. In the last 4 years there has been one change of land use 200m metres from Hisomley Crossroads, where a field has been used to accommodate a day room, a mobile home and associated works at what is now called White Horse View. It is noted that this site has to date been sympathetically

enhanced with hedging and gardens. The earlier decision is accepted and the current coexistence between residents is good.

- Further, additionally a two further static mobile homes were given permission to be located beside the railway on the Hisomley to Upton Scudamore road. This plot has somewhat grown and been developed beyond what is in keeping with this rural area.
- The council must ensure that the cohesion within the local community of an extended site would not be detrimental to the current status quo which exists with the existing caravan sites; further development would possibly reduce this coexistence.
- The mobile homes are moveable but the day rooms represent permanent development;
- Have site design plans with exact locations of each dwelling and unit marked with access drive/roads shown been submitted for agreement?
- Does the new application stray away from the original planning application submitted 4/5 years ago and its reasons for building there for one family only currently known as White Horse View? Why is there now a need to increase the numbers of units on this rural site?
- Increase of extra traffic onto the A3098 from one exit into/out of the field/plot creating a highway hazard;
- Additional external lighting and the need to control the type and number of external lights
- Potential noise levels
- Current and proposed aesthetic look, and is it in keeping with a rural location?
- The architectural design of day rooms in keeping with a rural location- is the brick and tile type in keeping?
- Possible increase in the number of kennelled dogs and their subsequent barking issues.
- Additional storage units such as containers which do not need planning permission
- How are these planned and enforced?

9. Planning Considerations

(Note: As noted above, the application originally included a proposed extension to an existing day room. This element was subsequently withdrawn following discussions with the agent and in the light of objection from the Parish. The proposal now relates only to a change of use of land to accommodate two additional gypsy pitches comprising 2 mobile homes, 2 touring caravans, 2 dayrooms and associated works).

9.1 Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area. The National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Government's "Planning Policy for Traveller Sites" (PPTS: DCLG 2015) are material considerations which can be accorded substantial weight.

PPTS provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. The Council's Gypsy and Traveller Development Plan Document is still currently

under preparation. This document will allocate sites to meet the accommodation needs of travellers in Wiltshire to be evidenced in the emerging GTAA.

The Local Development Scheme envisages a consultation on the draft plan to commence in December 2017. The DPD has been delayed due to difficulties finding suitable and available land. This is summarised in reports to the Council's Cabinet Capital Asset Committee in 2015 and Environment Select Committee in 2016. Therefore at this stage no development plan document exists which allocates sites for travellers in Wiltshire. As such the Council cannot demonstrate a five year supply of deliverable sites.

Nonetheless, the Council completed a new Gypsy and Traveller Accommodation Assessment (GTAA) in late 2014 which is published on the Council's website. The GTAA provides evidence on need for new pitches and showpeople plots for 2014-29; and forms part of the evidence supporting the emerging DPD. In terms of overall need Core Policy 47 in the WCS states that in the North and West Housing Market Area for the period 2014-19, 21 additional pitches are required. Council's monitoring data suggests that as of July 2017, this need has already been met through grant of permissions. This is due to an 'oversupply' from the previous five years. Consequently PPTS paragraph 11 is engaged which states that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

Core Policy 47 in the WCS provides locational criteria as follows:-

Criterion i) requires that 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.

The application site is within Flood Zone 1, the zone with least likelihood of flooding in accordance with Environment Agency classifications. The new pitches would be an extension of an existing site which has been in situ for a number of years onto an immediately adjacent portion of agricultural land. No issues of drainage or instability are evident.

Criterion ii) requires that the site is served by a safe and convenient vehicular and pedestrian access.

The existing access as approved under Appeal Ref APP/F3925/C/08/2088696 would continue to be utilised. The highway officer states that, provided the agreed access arrangement and visibility splay are maintained, there are no highway objections to the proposed development. It should also be noted that 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.

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

It is proposed that that the site will be serviced by mains water and power (as an extension of the existing site). The existing site is serviced by a septic tank and it is considered reasonable to impose a condition requiring details of foul water disposal.

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

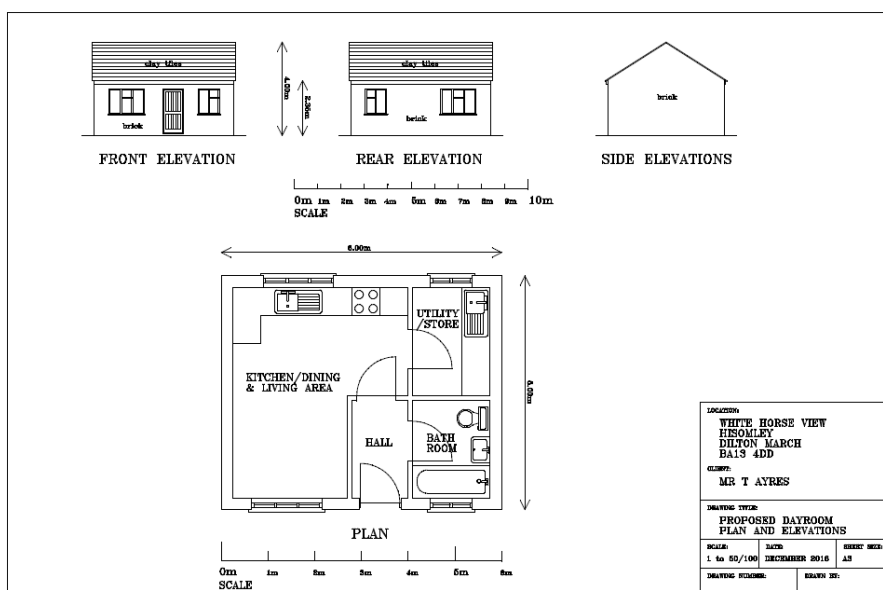
As above, the highway officer is satisfied with the proposal. Each pitch would be some 750m² in extent, providing wholly adequate amenity space and parking provision.

Criterion v) states that a site 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.

At the earlier appeal decision on this site in 2009, this was a key issue and the Inspector found that the site is 'generally compatible with the principles of sustainability, satisfying the relevant criteria on this issue'. Westbury provides for key services and facilities and can be reached by car within short travel time. Dilton Marsh which has limited facilities and a school can be reached via public footpaths in 10-15 minutes. (Public right of way DMAR22 lies immediately to the east of the site). There is no public transport available but, as noted by the Inspector, this would not be a consideration of sufficient weight to justify refusal. Furthermore, at a subsequent appeal decision for two gypsy and traveller pitches at nearby Sand Pit Lane in 2014, the Inspector, in allowing the appeal, found that the site 'is not located away from existing settlements'. (W/12/00832/FUL).

Criteria vi), vii) and viii) relate to landscape and visual amenity, requiring that a site 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, adequate levels of privacy should be provided for occupiers and that development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

The extension to the existing site would be within an existing triangular field bounded by highways to the north and south west. Boundary hedges exist on all sides with the existing dayroom being visual in passing at the entrance to the site and not prominent to the wider surrounds. The site does not have any special landscape designation. The nearest dwelling is some 70m from the closest of the new sites, with screening vegetation in the intervening space. Whilst the site would be visual from within the field itself (from the western side, this is not within the public realm and, where the development would be low-profile, the planting of a hedge to the western boundary in accordance with a landscaping plan as the subject of a condition would soften the appearance from that side. The proposed day rooms (an issue raised by the neighbour) would be modest buildings of a form which has generally been accepted by Council on other traveller sites:



PPTS acknowledges that traveller sites in rural or semi-rural settings may be acceptable subject to scale (para. 14) but that there should be a very strict limit on new traveller site development in open countryside (para. 25). A number of traveller sites in open countryside have been permitted by the council either through delegated decision, at committee or through appeal. This proposal is of limited extent, providing for two new pitches. It would therefore be unreasonable to refuse planning permission on ground of scale alone in this location. It is considered that the two-pitch extension to the existing site would not introduce any unacceptable visual impact in this locality. The site is furthermore located some 115m east of Hisomley Farmhouse with Barn and Railings (Grade II Listed), with the road and hedge screening in the intervening space. The setting would therefore not be harmed. The site would not be prominently visual to views affecting the Special Landscape Area that lies beyond the road to the south. Whilst noting the neighbour comments, therefore, landscape and setting are not considered to comprise grounds for refusal.

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

The site does not fall within any recognised landscape designation and landscape is discussed above. The ecologist has considered the submitted Preliminary Ecological Appraisal and notes that the proposed site is considered to be of local ecological value and it is considered that the proposed development will not have a negative effect upon protected species.' The PEA proposes avoidance, mitigation and enhancement measures and it is apparent that it has been undertaken on the basis that the existing site boundaries comprising hedgerow and trees, will be retained as the PEA states: *'Hedgerows will be retained and protected during the development and enhanced in the long-term.'* In terms of ecological enhancement at the application site, the PEA stipulates: *'The proposed development site has the potential for ecological enhancement. The client is keen to ecologically enhance the site and has re-laid the northern hedgerow with native species and is in agreement to maintain the native species planting with minimal management along the boundaries of the site.'* And that the *'The site will be enhanced for bats; one Schwegler 2F bat box will be installed within the mature ash tree on the northern perimeter of the site.'*

Further, Section 4.7 to 4.8 of the PEA sets out requirements for lighting at the site and suggests that a lighting specification is secured via condition. The Officer notes: *"This would be required in the event that the proposed development would entail the installation of new external artificial lighting, in which case the details of the proposed lighting must be submitted to Wiltshire Council for approval prior to the commencement of development work."*

The avoidance, mitigation and enhancement measures together with the conclusions set out in the PEA are considered by the Ecologist to appropriate and no ecological objection to the proposal is raised. However, relevant Conditions and informatives are recommended.

9.4 Status of the Applicant

According to the supporting documentation the applicant is a Romany Gypsy who occupies the existing site and fulfils the definition of Gypsies and Travellers in Annex one of Planning Policy for Traveller Sites (PPTS). The additional pitches would be for his son and daughter. The Council has no other evidence to contradict the statement. On balance it is considered that the information is in this instance acceptable to allow the LPA to conclude that the application is associated with a gypsy or traveller.

The GTAA report further notes the evidence established during fieldwork and states at para. 5.15: *"Staff from ORS visited the Land adjacent to Hisomley Farmhouse site in April/May*

2014. At the time of fieldwork there was 1 family living on the site comprising 3 adults and no children. The owner wants 2 additional pitches on the site for his son and daughter and there is room to accommodate this. There was no evidence of concealed households or overcrowding on the site.”

Moreover, planning permission runs with the land and not the applicant. A condition is proposed to ensure that the Council retains control so that any future occupiers satisfy the definition of a traveller as set out in national policy. The proposal therefore accords with the PPTS in this respect.

10. Conclusion

The proposal seeks permission for change of use to allow for two gypsy/traveller pitches. The applicant is considered to meet the definition of a traveller as set out in the PPTS. The adopted WCS outlines that there is a requirement for pitches within the North and West HMA, albeit that the DPD has not been completed which is required to add detail to the interpretation and implementation of Core Policy 47 and identify specific sites to deliver the pitch requirements set out within the policy. As this has yet to be adopted, the proposal has been assessed against the criteria within Core Policy 47 and National Policy.

The principle of the development at this location is considered acceptable and the site is considered to be within reasonable distance of a range of local services and community facilities with no adverse ecological or environmental impacts have been identified.

The increased use of the existing access together with the generation of additional traffic movements resulting from the proposed development is acceptable to the highway officer.

The proposal is therefore considered to be in accordance with both local and national Planning policies.

RECOMMENDATION

planning permission should be **GRANTED** 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:

Location and Block Plan 2361/1 REV B received on 5 June 2017; and

Proposed Dayroom Plan and Elevations registered on 19 January 2017.

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

- 3 No development shall commence on site until the details of the materials to be used for the external walls and roofs of the 'Day Rooms' have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be

considered prior to granting planning permission.

- 4 Prior to the commencement of development a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

- details of hard and soft surfacing with on-site parking and turning provision.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 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 site 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.

- 6 The access to the existing and new sites shall be maintained in accordance with Condition 4 to the Planning Inspector's Appeal Decision issued under reference No, APP/F3925/C/08/2088696 dated 23 February 2009.

REASON: In the interests of highway safety.

- 7 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites, August 2015.

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

- 8 Occupation and use of the Mobile home and touring caravan hereby permitted for each pitch shall be limited solely to and by close family members of the occupants of the application site. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore

necessary to keep the site available to meet that need

- 9 There shall be no more than three permanent pitches on the application site, including the existing pitch.

REASON: In the interests of visual amenity and the amenity of occupants of the site.

- 10 No more than one commercial vehicle shall be kept on each of the three sites for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 11 There shall be no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968 on each of the three sites, of which no more than one shall be a static caravan or mobile home and no more than one shall be a touring caravan, shall be stationed on the site at any time.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.

- 12 Prior to the commencement of development details of the extension to the works for the disposal of sewerage shall be submitted to and approved in writing by the Local Planning Authority. The approved sewerage details shall be fully implemented in accordance with the approved plans prior to the first occupation of either of the new pitches.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 13 The development shall be carried out in strict accordance with the recommendations stipulated in section 4 of the Preliminary Ecological Appraisal (TP-Ecology Ltd, 23rd July 2017) and the ecological enhancement measures proposed in section 4.19 shall be implemented.

REASON: To ensure adequate protection, mitigation and enhancement for protected and priority species and priority habitats.

- 14 Prior to the installation of any new external artificial lighting a lighting plan shall be submitted to Wiltshire Council for approval in writing. The lighting plan shall illustrate the location of proposed external lighting and shall specify the type, height and position of luminaire(s) and other fixtures/fittings such as cowls, louvres or baffles; and shall demonstrate that the proposed lighting will not illuminate the hedgerows and treelines along the site boundaries through provision of a lux plot/lighting contour plan.

REASON: To minimise light spillage and to maintain dark foraging and commuting

corridors for bats.

15 INFORMATIVES:

For the avoidance of doubt the requirements of Condition 4 to the Planning Inspector's Appeal Decision issued under reference No, APP/F3925/C/08/2088696 dated 23 February 2009 were as follows:

"No development shall commence and no caravans shall be brought onto the site until a new vehicular access has been constructed and laid out as follows:

i. The new vehicular access shall be constructed to a width of 5m from the western boundary of the site;

II. Any gates to this access shall be set back 5m from the edge of the carriageway and hung to open inwards;

iii. Visibility splays with intervisibility between points on X and Y axes at a height of 600mm above the adjacent carriageway/drive level shall be provided at the new point of access; the X distance measured into the site from the edge of the carriageway on the centreline of the new access shall be 204m and Y distance measured along the carriageway in both directions shall be 140m.

The access shall be retained as such thereafter."

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist.