

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	06 December 2017
Application Number	17/08217/FUL
Site Address	Land at A361, Blossom Hill, Trowbridge Road, Seend
Proposal	Change of use of land with associated ancillary development to single traveller pitch
Applicant	Mr W Sherred
Town/Parish Council	SEEND
Electoral Division	SUMMERHAM AND SEEND – Councillor Jonathan Seed
Grid Ref	393553 160530
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Jonathan Seed due to the nature and impact of the application on neighbours and the environment, and because of the demonstrable public concern, with over 150 representations

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission subject to planning conditions.

2. Report Summary

The key issues for consideration are:-

- Status of the Applicant
- Assessment of Need
- Alternative Gypsy & Traveller Sites
- Principle of Development within the Countryside
- Compliance with Core Policy 47 of the Wiltshire Core Strategy
 - Highway Safety
 - Environmental Impacts
 - Ecological Impacts
 - Design, Layout & Impact on Landscape Character
 - Impact on Neighbour Amenities
- Quality of Agricultural Land

3. Site Description

The site lies on the northern flank of the A361 Trowbridge Road to the south-west of the village of Seend. The site lies approximately 380m away from the Limits of Development for Seend as identified on Inset Map 34 of the former Kennet Local Plan. The established use of the site is for agricultural purposes and the site is not allocated for a specific future use within the local development plan. The site is therefore identified as open countryside for development management purposes.



The site has no identified planning constraints i.e. flood zone, Green Belt etc., however it is located approximately 80m away from the Seend Ironstone Quarry & Road Cutting Site of Special Scientific Interest (SSSI). A public footpath (ref SEN53) is located over 100m from the west side of the site.

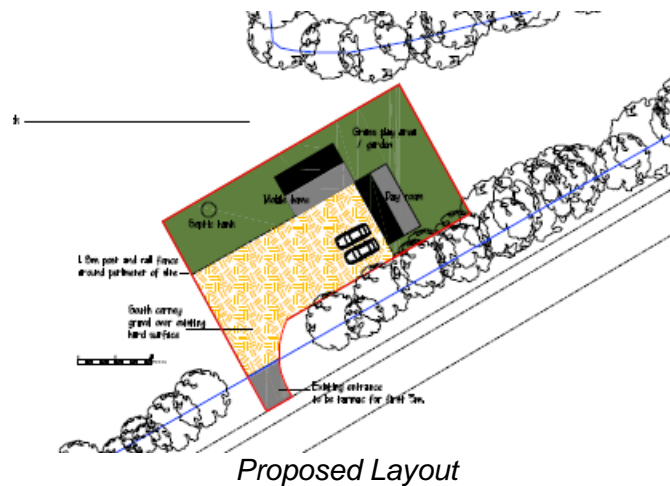
The following planning applications have been received on the application site and are a material planning consideration as the most recent permission for an agricultural building was implemented, through the laying of foundations, and therefore remains live:

- Planning Application K/53256/F - Erection of a barn and creation of hardstanding – Granted 16.02.06
- Planning Application K/52351/F - Erection of a barn and creation of hardstanding – Refused 28.07.05
- Planning Application K/36355 - Erection of a dutch barn - North side of A361, Bell Hill, Trowbridge Road, Seend – Granted 01.06.99

4. The Proposal

The application seeks full planning permission for the change of use of the agricultural land to create one gypsy and traveler pitch with associated ancillary development. The site area is clearly defined on the location plan and comprises a rectangular area of land measuring 35m in length by 18m in width.

The proposed site plan shows that the site will be accessed via the existing vehicular access from the A361 and will accommodate a caravan / mobile home, a day room and a parking area. The day room will be a single storey building with a footprint measuring 9.6m in length by 5m in width. The walls will be finished with timber cladding and the roof with green corrugated sheeting. There will be a 1.8m post and rail fence around the perimeter of the site.



5. Planning Policy

The **National Planning Policy Framework (NPPF)** (March 2012) with particular regard to Chapters 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring good design', 8 'Promoting healthy communities' and 11 'Conserving and enhancing the natural environment'.

Planning Policy for Traveller Sites (PPTS) (August 2015). The document indicates 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 Government outlines that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally.

The adopted **Wiltshire Core Strategy**, in particular:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 15 Spatial Strategy: Melksham Community Area;
- 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 & Development.
- Core Policy 68 Water Resources.

Topic Paper 16: Gypsies and Travellers (Wiltshire Core Strategy Consultation January 2012).

The Wiltshire Gypsy and Traveller Accommodation Assessment (GTAA) (2014).

The emerging Seend Neighbourhood Plan. The Neighbourhood Area was designated by Wiltshire Council on 29 July 2016. At this stage the emerging Plan carries no weight as it has not progressed beyond local consultations at parish level.

6. Consultations

Wessex Water – No objection.

Wiltshire Council Highways – No objection subject to conditions.

Wiltshire Council Landscape Officer – No objection to the amended scheme.

Wiltshire Council Housing Renewal Team – No objection.

Seend Parish Council – Objection.

“Seend Parish Council wishes to inform Wiltshire Council that they are opposed to the granting of planning application on the following grounds:

1. Seend Parish Council are not satisfied that there does not exist an adequate reserve of land, within the North and West Housing Market Areas of Wiltshire, with the necessary allocation or planning permission to accommodate the form and scale of development sought by the Applicant in this application. Without such information the Parish Council considers this is a harmful and inappropriate form of development within the countryside.
2. The site is located in open countryside beyond the built-up limits of Seend wherein new housing development is strictly controlled in accordance with national and local planning policies. The Applicant has not provided sufficient information to enable the Parish Council to conclude that there are any special circumstances to justify the grant of a planning permission which would conflict with the established objective of protecting the quality and character of the countryside.
3. The proposed site is outside of the settlement boundary, in the countryside, where there is a presumption against residential development (Core Strategy Policy 48) and therefore is in an area where other forms of housing, except that required to house an agricultural or other rural worker, would be resisted.
4. This application is for non-essential development in the countryside and does not clearly relate to either agriculture, forestry, recreation or a change in use of existing buildings. The former applications for agricultural barns do not set the precedent for residential or traveller accommodation.
5. The site has not been previously developed for buildings and therefore does not meet the definition of either previously developed or brownfield land (NPPF definition). In the opinion of Seend Parish council, this proposal would have an unacceptable impact on the character and appearance of this part of the countryside (Core Policy 47 vi page 253).
6. The site lies within an important green gap that separates Seend from the cluster of dwellings around Cleeve House. Any form of residential development in this location may therefore set a precedent for future expansion and encourage unacceptable linear development either side of the A361. This would result in the erosion of this green gap and the sense of leaving Seend and entering the countryside. This would be to the detriment of the character and setting of the village (Core Policy 51).
7. Whilst the proposal retains the existing vegetation, it would also result in the loss of an historic green field parcel (a key component of landscape character) and which overall forms part of a wider landscape gap. If this application is approved it will be very difficult for Wiltshire Council to resist expansion of the site to include additional pitches, as has been seen in Semington and elsewhere in this part of Wiltshire.
8. This section of the A361 Class 1 road carries a large amount of fast-moving traffic, in both directions. Seend Parish Council believes that this proposal would result in a

significant hazard, not only to other road users, but also to people regularly accessing the site (Core Policy 47 ii page 253). The pedestrian footway along the A361 into Seend is in relatively poor repair and is un-lit for its entire length and therefore poses a potential risk to regular users, particularly the elderly or those with special needs. The granting of planning permission would result in the increased use of an existing agricultural access onto a section of a Class I Road the A361 where traffic speeds are high and where additional traffic turning movements, involving slow moving vehicles including those towing trailers and caravans, will be likely to be harmful to the interests of highway safety.

9. There exists a requirement in meeting the needs of Gypsies and Travellers (Core Policy 47 iii page 253) that the site is properly serviced and is supplied with essential services such as water, sewerage, drainage and waste disposal. There is no evidence that the site has a water supply.
10. The Applicant has failed to provide sufficient information to enable Seend Parish Council to be satisfied that the development would not be harmful to the interests of ecology and/or archaeology, wildlife, flora and fauna on and adjoining the site - in particular that of the registered Special Site of Scientific Interest (SSSI) of Seend Ironstone Quarry and Road Cutting and the former quarry to the west. Details may be found here:

<https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=Quarry&countyCode=48&responsiblePerson>

8. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. As a result of the publicity 155 letters of objection have been received on the following grounds:

- The site in question can only be accessed off the busy A361. The entrance is set back from the road and obscured in both directions by an avenue of trees.
- The A361 is a busy road and motorists are frequently observed driving at excessive speed either coming out of the village and down the hill or accelerating hard to go up the hill.
- Concern is that if the application is approved then any vehicle, particularly one towing a caravan, exiting or entering the site may be obscured from motorists on the A361. This could result in a very serious accident.
- Core Policy CP47 is a permissive policy allowing proposals within sustainable locations to be considered favourably subject to satisfying a number of criteria. It is not felt that the proposal complies with section 2 which states that the site should be served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.
- Allowing an access point from the proposed site would be encouraging further accidents.
- There appears to be sufficient traveller sites in this part of Wiltshire already, in line with government guidelines / directives.
- The nearest existing traveller's site is at Semington, a few miles away from the site of this application.
- An additional access off of the main A361 presents another hazard on this stretch of road.
- Seend Cleeve already caters for a large travelling community from narrow boats on the Kennet and Avon canal.

- The proposed building / caravans will have a detrimental impact on the existing rural setting and landscape.
- Close proximity to Cleeve house, a listed building, will be detrimental to this building's setting.
- Two previous planning applications have granted Mr Sherrad the right to occupy other two sites Wiltshire, namely W/12/01412/FUL in December 2012 at Land South of Four Winds 81 Yarnbrook Road, West Ashton and 07/03063/FUL Land West of Penn Farm, Capps Lane, Bratton in November 2007. Therefore Mr Sherrad is not in any need of further accommodation as he already been granted permission to use not just one, but two sites.
- The current level of provision of traveller sites in Wiltshire (which accommodates 169 semi-permanent residents and a further 48 residents - assuming full occupancy - at the transit site) is a nominal total of 217 Gypsies and Travellers overall. A breakdown of these figures is: North Wiltshire(1 site): 55, East Wiltshire (0 sites): 0, South Wiltshire (3 sites): 87, West Wiltshire (2 sites): 27. The review of the overall permanent pitch requirement for Wiltshire and its three Housing Market Areas (North and West, East and South) is being informed by a Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA published in December 2014 and covering the period 2014-29 was conducted by independent consultants in line with government guidance and concludes that overall there is a requirement for 90 traveller pitches between 2014 and 2029; and 7 additional plots for travelling showpeople.
- The DPD should be the mechanism by which identified need is delivered, through a plan-led and holistic approach to ensure the most suitable and sustainable locations are identified. This site is not only unsuitable for habitation due to the lack of utilities and presence of a highly dangerous, super-fast, accident-prone road right beside it but granting permission for another site in the area could prejudice the outcome of the Wiltshire Gypsy and Traveller Site Allocations DPD.
- The site is within approximately 100m of three SSSI sites.
- The site is outside the building line of the village and no previous buildings exist on the site. The development is within the countryside.
- This is an area of natural beauty with listed buildings nearby, it is agricultural land and not designated for housing in the Wiltshire Plan or the Seend Plan.
- There are 4 travellers sites between Seend and Semington plus numerous travellers sited along the Kennet and Avon Canal between Seend Cleeve and Sells Green.
- If this application is approved, further applications may be granted for additional pitches. As there is no evidence that the site is to be properly serviced, there is concern on the impact of a potentially snowballing development (with inadequate servicing) upon the local environment.
- This application is for non-essential development in the countryside - the proposed site is outside of the settlement boundaries and would encourage further development. The proposed entrance onto the A road will be a danger - additional traffic entering and leaving what is a very fast moving traffic road.
- The site does not satisfy Wiltshire's Core Strategy to meet the needs of Gypsies and Travellers as the site is not properly serviced and supplied with essential services such as water, sewerage, drainage and waste disposal. It will not have a safe and convenient vehicular and pedestrian access and will result in being a significant hazard to other road users.
- Noise of a possible generator and barking of dogs
- Whilst the Seend Neighbourhood Plan has not reached the referendum stage, there has been much work carried out assessing potential development sites put forward by local residents and canvassing local opinion on the future of the Parish. This site lies within an important green gap that separates Seend from the cluster of dwellings around Cleeve House. Any form of residential development in this location may therefore set a precedent for future expansion in this location and would result in the

erosion of this gap, the sense of leaving Seend and entering the countryside and the potential for future unacceptable linear development either side of the A361.

- Once development permissions have been granted then 'Precedent' has been set, which would result in further planning applications for more and more resident developments within the village. This will in the end destroy the village of Seend.
- The impact on the local environment - this is a farming community and fields should be used for essential agricultural or other farming use.
- There are three SSSIs that surround the proposed development site. Development on the site could harm wildlife, flora and fauna on and adjoining the site.
- The site has not been previously developed for buildings and therefore does not meet the definition of either previously developed or brownfield land (NPPF definition).
- The application is for non-essential development of the countryside (essential development in this context includes agriculture, forestry, recreation and change of use of existing buildings).
- The granting of planning permission for this area would increase the pressure on the countryside surrounding Seend to accommodate further development. This would be to the detriment of the character and setting of the village.
- This site lies within an important green "belt" that separates Seend from the cluster of houses around Cleeve House. Any form of development in this location might set a precedent for future expansion in this location. This would result in an "erosion" of the green gap and could open the door to unacceptable development either side of the A361.
- This section of the road has fast-moving traffic in both directions (speed limit is 50 mph). Slow moving cars/trailers using the proposed entrance would be in danger of causing accidents.
- There are three SSSIs that surround the proposed development site. Development on the site could harm wildlife, flora and fauna on and adjoining the site.
- There is no need for this harmful development to take place because of the availability of vacant pitches on other Gypsy and Traveller sites in the area (ie the two sites a couple of miles away in Semington).
- If this application is approved, it will be difficult for the Council to resist expansion of the site to include additional pitches as has been seen in Semington and other parts of Wiltshire.
- There is a caravan and portable toilet on site indicating that the site is occupied in breach of planning regulations. This could infer that further breaches will take place if the application is approved.
- The application does not mention the number of people and caravans that will occupy the site. Hence, there will be no control over this issue. Note: The site occupies 0.07 hectares, which is large enough to accommodate a number of caravans.
- This collection of caravans, vehicles, buildings and hard standing will sit in the approach to the historic village of Seend and have a significant impact on the visual quality of the entry into the village.
- The site is currently being occupied residentially without the appropriate permission. This approach raises concerns about future compliance with conditions that may accompany any permission. Wiltshire Council compliance officers are already very stretched and a development here will result in more work.
- The applicant has an existing property which was approved specifically for himself and his family. In this event, this negates the requirement for this present application.
- The five acre site is not in the settlement boundary where there is no Core Strategy scheduled for residential settlement, neither is it a brown field site.

9. Planning Considerations

9.1 Status of the Applicant

The Design and Access Statement by Thurdleigh Planning Consultancy Ltd submitted in support of the application states that the traveller pitch is to be occupied by the applicant, Mr Sherrad who meets the definition of a traveller as set out in the PPTS. The Council has evidence to support this conclusion. Moreover, planning permission, unless expressly made personal, runs with the land and not the applicant. A condition can be imposed on any planning permission to ensure that the Council retains reasonable control so that any future occupiers satisfy the definition of a traveller as set out in national policy.

9.2 Assessment of Need

The WCS outlines that “provision should be made to help meet the accommodation needs of all of Wiltshire’s communities, including the Gypsy and Traveller community and travelling showpeople, who normally reside in or travel through the county. In March 2012 the government published the National Planning Policy Framework and ‘Planning Policy for Travellers Sites’ [updated August 2015]. These documents include the general principle of aligning planning policy on traveller sites more closely with that for other forms of housing. Core Policy 47 reflects this approach by introducing a set of criteria which define broad locations where sites would be appropriate and against which potential sites will be tested, and also identifies a requirement for new pitches to 2021” (par 6.54).

Topic Paper 16: Gypsy and Travellers (including the addendum) provides an outline of how the requirement for new pitches has been determined and the basis for the criteria proposed.

The site is located within the Wiltshire Council North and West Housing Market Area (HMA). The WCS advises that the requirement in the North and West HMA for the period 2016-21, is 22 additional pitches. The Council’s monitoring data suggests that as of September 2017, this need has already been met through grant of permissions.

The Core Strategy Inspector endorsed the Council’s approach to traveller planning and states in paragraph 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 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 initially to inform the development of the Gypsy and Traveller Development Plan Document (DPD), although the latter document has since been dropped from the Local Development Scheme, with the decision to address relevant policies in the forthcoming Wiltshire Local Plan.

The GTAA was undertaken by independent research consultants Opinion Research Services in spring 2014. The final report was published on 16 January 2015. The GTAA provides evidence on need for new traveller pitches and showpeople plots for 2014-29; and was to inform the emerging DPD. While the DPD will now be subsumed into the new Local Plan, the GTAA remains the most up to date piece of evidence on need and remains materially relevant as it provides evidence on need beyond 2021.

The 2014 GTAA outlines that for the period 2014-19, that 21 pitches should be provided in the North and West Wiltshire Housing Market Area. Against that requirement, 33 pitches have been permitted since 2014 (as of September 2017).

While the requirement(s) have been met national planning policy provides that where there is no identified need, proposals which nevertheless come forward, will be assessed against criteria in the development plan. The PPTS advises that “criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward (par 11). The proposed development must therefore be assessed against the general criteria of Core Policy 47 ‘Meeting the Needs of Gypsies and Travellers’ of the WCS.

9.3 Alternative Gypsy & Traveller Sites

The Design and Access Statement states that the applicant is currently residing temporarily outside of the area with his mother but also states that he does not have a permanent site elsewhere to live. The applicant has previously secured planning permission for sites within the Wiltshire Council area as highlighted within the third party observations; however the agent has confirmed that the applicant has no legal interest in these sites and they are no longer available to the applicant.

9.4 Principle of Development within the Countryside & Sustainability

Core Policy 1 ‘Settlement Strategy’ of the WCS outlines a settlement strategy which identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 15 ‘Spatial Strategy: Melksham Community Area’ identifies Seend as a Large Village. Within Core Policy 1, Large Villages are defined as settlements with a limited range of employment, services and facilities. The WCS outlines that at the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. “At Large Villages development will predominantly take the form of small housing and employment sites within the settlement boundaries” (par 4.15).

Core Policy 2 ‘Delivery Strategy’ of the WCS outlines that there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances. The ‘exception policies’ are outlined within par 4.25 of the WCS and include specialist accommodation provision, Core Policy 47 is referenced which deals with Gypsy and Traveller accommodation.

The principle of siting Gypsy and Traveller developments outside the defined limits of development is therefore accepted and well established, and in accordance with the PPTS. Policy C, paragraph 14 of the PPTS makes it clear that traveller sites in the countryside may be permissible subject to their scale and ensuring that they do not dominate the nearest settled community.

It is recognised that the PPTS goes on to advise that “local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan” (para 25). The site in question however is not considered to be ‘away from existing settlements’ and is considered to be in relatively close proximity to the settlement of Seend, as discussed further below.

The national policy guidance within the PPTS has been interpreted by Inspectors at appeal and it is clear that the Planning Inspectorate consider that rural or semi-rural settings may be acceptable subject to scale but there should be a strict limit of new traveller site development in isolated locations within the open countryside. The Inspector’s comments within an appeal decision dated 8th March 2013 (ref APP/Y3940/C/12/217884 & 2178841 / 12/0136/ENF) at

Land at Poplar Tree Lane, Southwick, Wiltshire, BA1 9NB is one example. Within this appeal the Inspector also recognises that Core Policy 47 does not impose a bar on gypsy sites being located in the countryside (par 11).

Core Policy 47 does not require new Gypsy and Traveller development to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities. The following section will establish whether the proposed site is within a reasonable distance of a range of local services and community facilities.

In an appeal dated 7th January 2014 for a gypsy and traveller site at Littleton Stables, Littleton, Semington, Trowbridge, BA14 6LF (ref APP/Y3940/A/13/2196160 / W/12/02050) the Inspector highlighted the concerns of the local community in relation to the acceptability of gypsy and traveller sites within the countryside. The Inspector said “The Parish Council also pointed to the disparity between the treatment of applications in the countryside for residential gypsy pitches and those for housing for the settled population. However gypsies have a lifestyle that would generally be out of place within the built up area of villages and towns and gypsy sites are normally found outside settlement development boundaries. National planning policies recognise this cultural distinction but nonetheless require sites to be in sustainable locations and to satisfy locally specific criteria.” (par 22).

The principle of siting the proposed development within the countryside is therefore considered acceptable; however the suitability and sustainability of the site itself will be discussed further below and assessed against the locally specific criteria within Core Policy 47.

9.5 Compliance with Core Policy 47 of the Wiltshire Core Strategy

Core Policy 47, criteria i.

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

The site does not lie with a flood zone as it is not at risk of flooding from either rivers or groundwater. The site itself comprises an area of agricultural land with no known land stability or contamination issues.

In light of the above, the proposed development is considered to be in compliance with criteria i of Core Policy 47.

Core Policy 47, criteria ii.

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 site benefits from an existing vehicular access point onto the A361 Trowbridge Road which will be used to serve the traveller pitch. The Council’s Transportation department has no objection to the use of the existing access provided the required visibility splay is secured and improvements made to the existing access arrangement.

The agent submitted a plan on the 6th November 2017 demonstrating that the required visibility splay of 2.4m back from the edge of the carriageway to the points on the edge of the carriageway 215 metres in both directions can be achieved. It is evident from various site visits that the visibility splay is entirely on highway land and can therefore be secure. It will be a condition of any planning permission to secure and maintain the visibility splay in perpetuity.

The proposed site plan shows that the first 5m of the entrance will be tarmacked in accordance with the requirement of the Transportation department. It was also recommended that the width of the access be increased to 10m with any gates set back 10m from the highway. The need to increase the width of the existing access was questioned by the agent and on reflection the Highways Development Control Officer accepts the existing width of 4.5m would be sufficient to accommodate the vehicular movements associated with a single traveller pitch. A condition was however recommended in order to ensure the existing width is retained for the first 5m with radii curves of 3m, with gates set back at 4.5m (opening inwards). The existing gateway is set back 9.4m from the edge of the carriageway so the required access arrangements can easily be secured via condition.

Core Policy 61 'Transport & Development' seeks to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people through Wiltshire. The site can be accessed via a footpath which runs alongside the A361 up to the village and the bus stops adjacent to the crossroads with the A361, Bolland Hill and Bell Hill on the edge of the village. The site can therefore be accessed via public transport and the development is therefore capable of meeting the aims of Core Policy 61.

The NPPF advises that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (par 32). The Council's Transportation department is satisfied with the level of parking provision being proposed and the proposed access. The residents of the proposed site may walk to Seend to access local and public transport facilities via a footpath.

In light of the above, it is considered that the site can be *served by a safe and convenient vehicular and pedestrian access* and is in compliance with criteria ii of Core Policy 47.

Core Policy 47, criteria iii.

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

Wessex Water has no objection to the proposed development and has provided a plan showing their apparatus within the area. The nearest connection to an existing public water main is 350m away but it is feasible. The intention of the applicant however is to obtain an electric and water connection from the nearest neighbouring property on the southern flank of the A361 Trowbridge Road (R And L Cars, Cleeve House Trowbridge Road, Seend, Wiltshire, SN12 6PG).

Surface water will be discharged via a soakaway which due to the nature and scale of the site is not considered be a problem. Foul waste will be disposed to a new on-site septic tank which is considered acceptable as the site is away from the nearest foul sewers located within the village. Full details of the surface water scheme and septic tank can be secured via a condition of any planning permission prior to the occupation of the site.

Waste is collected from existing residential properties along the A361 Trowbridge Road; as such the collection of domestic waste from the site will be possible.

In light of the above, the proposed development is considered to be in compliance with criteria iii of Core Policy 47.

Core Policy 47, criteria iv.

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

The proposed site plan (drawing no.TP2 RevA) demonstrates that there is ample space for vehicle parking and a turning area within the site along with amenity and play areas. The parking and turning area will be on a gravel surface. The parking and turning area will be secured via a condition as requested by the Council's Transportation department.

In light of the above, the proposed development is considered to be in compliance with criteria iv of Core Policy 47.

Core Policy 47, criteria v.

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 lies approximately 380m (0.24miles) away from the Limits of Development for Seend as identified on Inset Map 34 of the Kennet Local Plan. The limits of development end near the crossroads with the A361, Bollands Hill and Bell Hill on the edge of the village at the top of the hill.

Core Policy 15 'Spatial Strategy: Melksham Community Area' identifies Seend as a Large Village as it has a limited range of employment, services and facilities. The higher order settlements of Trowbridge, Devizes and Melksham provide all key services and facilities, including supermarkets and cultural establishments etc.

As the site is located in an area from which any future resident(s) would be able to access a broad range of services and facilities, the location would broadly satisfy criteria v. of Core Policy 47.

The policy does not require new Gypsy and Traveller developments to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities. The following examples demonstrate what the Planning Inspectorate considers to be within a 'reasonable distance' of a range of local services and community facilities:

- Within and appeal decision dated the 15th April 2014 (ref APP/Y3940/A/14/2211452 / 13/03834/FUL) at Dillons Farm, Dean Road, East Grimstead, Salisbury, SP5 3SD for a gypsy and traveller site the Inspector considered criteria v of Core Policy 47. It was stated "there are two parts to it: firstly, a site is to be located in or near to existing settlements; and, secondly, a site is to be located within reasonable distance of a range of local services and community facilities, in particular schools and essential health services" (par 17). The site was 0.3 kilometre from East Grimstead which is identified as a Small Village within the WCS. The Inspector noted that the site is located near to an existing settlement which addresses the first criterion, and secondly it is located within a 'reasonable distance' (which is not defined within the WCS) of some facilities and services approximately two to three miles from the site. The Inspector noted that "to resist development in principle unless it is located close to a settlement offering a good range of services does not recognise that the emerging Plan (now adopted) specifically provides for some modest development of Small Villages such as East Grimstead to respond to local needs and to contribute to the vitality of rural communities (WCS para 4.15 and policies CP1, CP2). Such development would have a similar relationship to a good range of services as the appeal site".
- Within and appeal decision dated the 14th January 2014 (ref APP/Y3940/A/13/2192339 / 12/00832/FUL) at Land between railway line and Sand Pit Lane, Dilton Marsh, Wiltshire for a small private gypsy site the Council and Inspector considered that the site was within reasonable reach of a range of local

facilities, being 2km from Dilton Marsh and Westbury. These facilities would be accessible on foot via a narrow, unlit, winding country road (with a 60mph speed limit). The Inspector noted that “it is likely that occupiers of the appeal site would be reliant to a great extent on private motor cars for travelling to and from these facilities. However, this applies to other rural dwellers nearby, it is not unusual in such areas and the distances are short, involving drive time of less than 10 minutes. The Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas” (par 7).

- Within the appeal decision dated 8th March 2013 (ref APP/Y3940/C/12/217884 & 2178841 / 12/0136/ENF) at Land at Poplar Tree Lane, Southwick, Wiltshire, BA1 9NB, referred to above, for a gypsy and traveller site the Inspector noted that “the land in question is outside any settlement boundary in open countryside. Nevertheless, it is only a short distance from the village of Southwick (over 1km), which contains a number of local services and on a regular bus route along the A361 Frome Road. It is about 2 miles from the centre of Trowbridge, a large town with a comprehensive range of shops, services and schools. On this basis I find that the land is not in an unsustainable location, distant from services” (par 12).

In light of the above the site is considered to be located near to an existing settlement within reasonable distance of a range of local services and community facilities and is therefore in general compliance with criteria v. of Core Policy 47.

Core Policy 47, criteria vi.

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

In order to be able to carry out a detailed assessment of the proposed landscape and visual impacts the Council’s Landscape Officer requested further information in relation to the site levels, boundary trees and layout of the proposal. Following the submission of a revised plan on the 27th October 2017 and confirmation that the site levels will not be altered the Officer provided the following updated observations:

“The site comprises a small parcel of rough ground with scrubby vegetation bounded by a dense roadside hedgerow with trees along the A361 Trowbridge Road. The road follows the rising ground of the greensand outlier to the south west of Seend. The adjacent field boundary and roadside vegetation provide screening in summer and a filtering effect in winter such that the site is not unduly prominent within the wider countryside to the south and west. There may be limited intervisibility with Cleeve House Cottages and Stables approx. 500m to the south west on lower ground. A PROW follows a field boundary approx. 100m to the west of the site.

The revised Block Plan shows an area of hardstanding (gravel) with mobile home and day room (timber clad). Boundary fencing to the pitch is proposed as timber post and rail fencing at 1.8m high. The entrance will use the existing field entrance to the site with 2m high timber entrance gates. No roadside trees will be removed to achieve the required visibility splays for access and existing ground levels are to be retained. ...

Given the scale of the development the potential effects on landscape character and visual amenity will be very limited”.

In relation to the impact on the amenity of neighbouring properties, it is considered that due to the separation distance between existing neighbouring properties the proposed development will not have an adverse impact on the residential amenity of neighbouring

residents. The site will be used for a residential use only and therefore there will be very little potential to impact on the residential amenity of neighbouring residents.

In light of the above, the proposed development is considered to comply criteria vi of Core Policy 47.

Core Policy 47, criteria vii.

vii. adequate levels of privacy should be provided for occupiers

The site is not prominent within the landscape and well screened from public vantage points which will ensure an adequate level of privacy is provided for future occupiers of the pitch.

In light of the above, the proposed development is considered to be in compliance with criteria vii of Core Policy 47.

Core Policy 47, criteria viii.

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

The application is for one gypsy and traveller pitch only with the site area measuring approximately 35m in length by 18m in width. It is considered that the will not be out of character with its surroundings as there are a number of residential properties along the A361 Trowbridge Road.

The amount of accommodation on site will be controlled via a planning condition and the amount of people on a single traveller pitch will not have a significant impact on the existing public facilities and services within the village.

In light of the above, the proposed development is considered to be in compliance with criteria viii of Core Policy 47.

Core Policy 47, criteria ix.

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

The application site does not form part of a national or international recognised designation and has no recognised constraints to development.

The Seend Ironstone Quarry and Road Cutting SSSI lie within 50m to the north east of the site. The Seend Cleeve Quarry SSSI lies to the north-west of the site but over 300m away. The development, due to its location, scale and nature will not have any impacts on either of the SSSI.

The site forms part of an agricultural field and therefore it has not been considered necessary or reasonable to request an Ecological Survey. The grass has been cut within the site area therefore there is limited potential to have any adverse ecological impact.

There are no records of archaeological remains within the area and the development itself will only involve minor excavation works to construct the proposed day room. This area has also been disturbed due to the foundations that have been laid for the agricultural building. It has therefore not been considered necessary or reasonable to request an archaeological desk based assessment or ground investigation works survey.

In light of the above, the proposed development is considered to be in compliance with criteria ix of Core Policy 47.

9.6 Quality of Agricultural Land

The NPPF which advises that “local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality” (par 112).

Natural England’s Technical Advice Note TIN049 ‘*Agricultural Land Classification: protecting the best and most versatile agricultural land and for guidance on soil protection*’ explains that “the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system.” The ALC system classifies land into five grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by the NPPF.

The application site is classed as Grade 3 Agricultural Land. The specific grade (3a or 3b) is unknown based on available data but it must be recognised that the site is not of a significant scale. The application site measures approximately 35 x 15m and already has an area of hardcore and foundations for the agricultural building. The remainder of the field within the applicant’s ownership will remain undeveloped. The proposal will therefore only result in the loss of a very small area of agricultural land not a significant amount of agricultural land.

10. CONCLUSION

The proposal seeks permission for a single gypsy and traveler pitch. The applicant meets the definition of a traveller as set out in the Planning Policy Traveller Sites. The site lies within the Wiltshire Council North and West Housing Market Area where the need for traveller pitches identified within the Wiltshire Core Strategy has been met through grant of permissions. However, national planning policy provides that where there is no identified need, proposals which nevertheless come forward, will be assessed against criteria in the development plan i.e. Core Policy 47 ‘Meeting the Needs of Gypsies and Travellers’.

The principle of the development within the countryside is considered acceptable and the site is considered to be within reasonable distance of a range of local services and community facilities. The proposal will not result in a severe impact on highway safety or adverse ecological, landscape or environmental impacts.

No statutory consultees have objected to the proposed development. Whilst the concerns of the Parish Council and local residents have been carefully considered, the proposed development is considered to comply with both national and local planning policies and it is therefore recommended that planning permission be granted.

RECOMMENDATION

That planning permission 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:

- Drawing no.TP1 RevA, Location Plan, received 27.10.17;
- Drawing no.TP2 RevA, Block Plan, received 27.10.17;
- Drawing no.TP3, Site linesDay room details, received 08.09.17;
- Drawing no.TP4, Block Plan, received 06.11.17.

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

3 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (DCLG, 2015).

REASON: The site is in an area where residential development other than accommodation for gypsies and travellers would not normally be permitted therefore the permission must be restricted to gypsies and travellers only.

4 No more than 2 caravans, of which no more than 1 shall be a static 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.

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

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 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.

7 The development hereby permitted shall not be first occupied until an access measuring 4.5m in width for the first 5m with radii curves of 3m, with gates set back at 4.5m (opening inwards), surfaced in a consolidated material (not loose stone or gravel) for the first 5m has been laid out. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

8 No part of the development shall be occupied 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 centre line of the access, to the points on the edge of the carriageway 215 metres to the south west and 215 metres to the north east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 9 No part of the development hereby permitted shall be occupied until the 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.

- 10 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), 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 the foul and surface water drainage schemes have been constructed in accordance with the approved scheme.

REASON:

The application contained insufficient information to enable this matter to be considered prior to granting planning permission. 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 that the development can be adequately drained.