

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 September 2019
Application Number	18/11739/FUL
Site Address	The Paddock ,Hook, nr Royal Wooton Bassett Wiltshire SN4 8EA
Proposal	Change of use of land to a residential caravan site consisting of 4 pitches each containing 1 mobile home, 1 touring caravan, 1 semi-detached utility building, car parking, access and children's play area.
Applicant	Mr & Mrs C L Richards
Town/Parish Council	LYDIARD TREGOZE
Electoral Division	Councillor Groom
Grid Ref	407749 184726
Type of application	Full Planning
Case Officer	Eleanor Slack

Reason for the application being considered by Committee

The application was called into Committee by Councillor Groom to consider the visual impact upon the surrounding area; the relationship with the adjoining properties; the bulk, height and general appearance of the proposal; the environmental or highway impact; the disposal of surface water and sewage, and the building line of the village.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of development
- Impact on the context and character of the surrounding area
- Impact on neighbour amenity
- Parking/highways
- Drainage

As a result of the consultation exercise, 40 letters of objection were received across two consultation periods. The Parish Council also raised a number of concerns regarding the application.

3. Site Description

The application relates to land to the rear of 'The Paddock', a residential dwelling in Hook which includes two residential caravan pitches with permitted mobile homes, touring caravans and day rooms to the rear of the property. At the time of the case officer's site visit, this area was partially hard surfaced, with the remainder covered with grass. To the north and west of the site are agricultural fields, and to the east are the residential dwellings known as Elm House and Willow House. Elm House is a detached 2.5 storey dwelling which is separated from 'The Paddock' by a wooden fence, and the dwelling is sited less than a metre from the boundary. To the south of the site are Nos. 5 and 28 Windsor Close which are set at a slightly lower level than the application site.

The site is located adjoining the village of Hook which is defined as a small village in the Wiltshire Core Strategy. Although Hook does not have a settlement boundary, the site falls outside of the previously defined settlement boundary in the North Wiltshire Local Plan that has since been deleted. It is situated to the north of the M4 Motorway and is arranged around the C4141 which runs between Royal Wotton Bassett and Purton. The properties in Hook are of a wide range of ages but the majority are fairly contemporary. Surrounding the village is open agricultural land without significant mature vegetation although the site itself features mature boundary planting which screens part of the site from some neighbouring properties to the south. The landform rises in height in a northward direction.

4. Planning History

N/12/00625/FUL	Siting of two mobile homes, two dayrooms and hardstanding (refused; and dismissed at appeal on amenity grounds only in 2012)
13/05525/FUL	Siting of 2 mobile homes, 2 dayrooms, two touring caravans and hardstanding (revised application to 2012 proposal that addressed the amenity issues raised in previous appeal) Approved 2014

5. The Proposal

Permission is sought to change the use of the land to a residential caravan site consisting of 4 pitches, each containing 1 mobile home, 1 touring caravan, 1 semi-detached utility building, car parking, access and a children's play area. The Agent confirmed in writing that the occupants of the site are part of the same extended family of Romany Gypsies as the Applicant.

6. Local Planning Policy

Wiltshire Core Strategy (2015):

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 19: Royal Wootton Bassett and Cricklade Community Area

Core Policy 47: Meeting the needs of Gypsies and Travellers
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 67: Flood Risk

National Planning Policy Framework (2019):

Paras 2, 11, 12, 38, 46

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes including paras 59 and 61

Section 9: Promoting sustainable transport including paras 108, 109 and 110

Section 12: Achieving well-designed places including paras 127 and 130

Section 14: Meeting the challenge of climate change, flooding and coastal change including para 163

Section 15: Conserving and enhancing the natural environment including para 170

Planning Policy for Traveller Sites (2015)

7. Summary of consultation responses

These are based on the revised plans submitted during the course of consideration of the application, including a landscape plan and drainage strategy

Wiltshire Council Drainage

No objection

Lydiard Tregoze Parish Council

Objection raised. The site entrance is near a blind bend and the proposal would increase vehicular movements to and from the site which would increase the risk of an accident. The site is outside the village boundary and the village structure plan. Development should be contained within these boundaries to avoid creeping development. There is a sewage flooding issue in Hook, and the proposal would exacerbate this. The access width by the side of The Paddock is not suitable for multiple vehicles. Some of the conditions that were applied to the Applicant's previous Planning Application (13/05525/FUL) have not been complied with. Landscaping and screening has not been carried out and touring van numbers are often exceeded. Hook experiences low water pressure and this will be made worse with the addition of a possible further eight households.

Wiltshire Council Spatial Planning

Core Policy 47 states that for the North West Housing Market Area for the period December 2016 – December 2021, an additional 22 pitches are required. The Council's monitoring data shows that as of December 2018, this need has been met. In accordance with paragraph 11 of Planning Policy for Traveller Sites, where there is no identified need, proposal should be

assessed against locational criteria. The criteria in Core Policy 47 should therefore be applied.

The Gypsy and Traveller Accommodation Assessment (2014) states that in the North and West Housing Market Area there is a net requirement of 68 pitches for 2014-29. For the first five years of this period (2014-2019), 21 pitches are required. Since 2014, 50 pitches were permitted in the North and West Housing Market Area, with a further 7 pending consideration including this application. There is no need for additional pitches based on that assessment as the requirement has already been exceeded by 29 pitches.

There is sufficient evidence to conclude that the applicants meet the definition in Annex 1 to PPTS

Wiltshire Council Highways

The information provided by the applicant indicates that anticipated daily vehicular movements would be less than 20 per day. The expected number of vehicular movements would not produce a severe highways impact. Visibility and the proposed parking arrangement are adequate

Wiltshire Council Public Protection

Recommend that ground works/noisy works are carried out between specified hours only. They suggested that no burning should occur on the site during the works.

Wiltshire Council Private Sector Housing (Site Licence matters)

No objection. However the officer noted that if planning permission is granted, the Applicant will be required to apply for a site licence.

Wiltshire Council Landscape

No objection. If the landscaping scheme is successfully implemented, then the soft landscape proposals would be acceptable for the purpose of helping to screen and soften views of high solid timber perimeter fencing from local countryside receptors..

8. Publicity

Publicity of the application was by way of a site notice and neighbour notification letters. The first public consultation period was extended as the development description was changed. A second public consultation took place following the receipt of revised plans and this was advertised by way of neighbour notification letters.

Public Consultation – original plans

29 letters were received in objection to the proposal. The main points raised were as follows:

- The previous consent restricted the site to close family. It is not therefore an authorised caravan site.
- The Core Strategy does not set out a requirement for any traveller sites in the parish.
- The proposal would elongate Hook, contrary to planning policy
- The proposal is contrary to the Mobile Homes Act 2013
- Harm to the character and appearance of the area
- There would be increased light pollution
- The proposal would increase noise coming from the site.
- Loss of privacy
- Increased traffic would disturb the adjacent residential dwellings
- Loss of views. *Case Officer note: this is not a material planning consideration and cannot be taken into account in the determination of the application.*
- The views gained from the public footpaths will be affected.
- Increase in traffic exacerbating existing highways safety issues
- The access is unsuitable for the additional traffic which could be generated
- Hook is a quiet hamlet which has few amenities and services. The proposal does not constitute sustainable development.
- Occupants of the site would be reliant upon private vehicles for transport.
- There is no footpath on the west side of the road, and pedestrians would be required to cross the busy road.
- Local infrastructure would not be able to support additional residents. Water pressure is low in the area.
- The rubbish created could impact the environment.
- Harm to wildlife
- The proposal would exacerbate existing drainage and flooding issues in the locality
- It is unclear how storm and foul water would be managed.
- There are other caravan sites in the locality which could be occupied rather than developing the site.
- The proposal would put people off buying properties in Hook, and would devalue existing properties. *Case Officer note: this is not a material planning consideration and cannot be taken into account in the determination of the application.*
- The land is being used for commercial purposes and it has been partially hardsurfaced. Queried whether the site is registered for business use.
- The conditions attached to the previous consent have not been adhered to.
- There has been extensive tree, hedging and grass removal.
- The proposal would create a precedent for development which would not be compatible with this location.
- The plans and the application form are not accurate.
- The information submitted with the application is inadequate. The intended use of the accommodation is unclear, as is the extent to which mobile caravans will be present on site. The duration and extent to which caravans will be occupied is unclear, as is the impact on the existing access and infrastructure.
- An elevation plan along the southern boundary was requested, showing the heights of the structures in relation to the land, trees, fencing and hedges. *Case officer note: the height of the proposed structures is indicated on the proposed plans and it is not reasonable to require the submission of additional information in this respect.*
- It was requested that fast growing trees be planted around the site.
- Concern that there may be hazardous waste on the site.

Public Consultation – revised plans

11 letters of objection were received. The main comments raised were as follows:

- The site is not suitable for the proposed development.
- A previous objector was not notified of the second public consultation period.
- The infrastructure and services in and around Hook are unable to support the proposal which is a change of a residential house into a business.
- Would exacerbate existing drainage issues and the surface water drainage arrangement would flood two other properties.
- Increase in traffic which the road cannot accommodate.
- Increase in traffic would have a detrimental impact upon the nature of the village.
- The proposed siting of the proposal is ill considered.
- The chalet style properties are out of keeping with the village and the proposal would impact the existing rural nature of the area.
- The revised plans show trees which do not exist
- The previously approved landscaping has not been implemented.
- The proposal would have a detrimental impact on wildlife, green space and the rural aspect of the area.
- Homes are now struggling to sell and the proposal would have a detrimental impact on property value. *Case Officer note: these are not material planning considerations and cannot be taken into account in the determination of the application.*
- The location of the site boundary is confusing.
- Harm to the hedgerow adjacent to Windsor Close.
- Loss of the village's culture, tradition, value set, ethos and character.
- Loss of privacy for neighbouring properties.

9. Planning Considerations

9.1 Planning History

A previous application (N/12/00625/FUL) for the siting of two mobile homes, two dayrooms and hardstanding on the site was refused for the following reasons:

“The proposed development by reason of its scale, siting and location would result in an unacceptable loss of privacy and amenity to both existing occupants of Slough House, Elm House and no. 28 Windsor Close by reason of noise and nuisance from comings and goings to the pitches, but also in terms of loss of privacy and overbearing impact. Further the development would not provide an acceptable level of privacy and amenity of the proposed occupants who would be overlooked by Elm House. The proposed development thus fails to accord with Policies C3 and H9 of the adopted North Wiltshire Local Plan 2011 as well as Core Policy 47 of the emerging Wiltshire Core Strategy Pre-submission document 2012.”

This decision was the subject of an appeal which was dismissed by Inspector's decision letter dated 4/9/2013. The Inspector dismissed the appeal due to the harm caused by the

proposal to the living conditions of the occupiers of Elm House and Willow House. The Inspector noted that:

“The appellants have the opportunity of submitting a revised application which seeks to address the harm and there appears to be a willingness to do so having regard to the concerns of the Council and local residents. I have taken account of the other considerations of need and personal circumstances but find that they do not justify permitting the development in the form that is before me. I have considered whether the harm found could be addressed by the imposition of conditions but find that this would require a fundamental re-design of the scheme which goes beyond the scope of what could reasonably be achieved by condition, altering the nature of the development.

I am conscious of the human rights of the appellant family and the best interests of the children. This is not an enforcement case so they are not threatened with having to vacate the land at present or in the near future. There is also a desire of all affected parties to reach a solution which could lead to planning permission for an alternative scheme. In these circumstances I consider that the dismissal of this appeal is a proportionate course of action in terms of the rights engaged and that no violation of these rights would occur in doing so. I will therefore dismiss the appeal.”

An application for the construction of two mobile homes, two day rooms, two touring caravans and hardstanding was subsequently approved in 2013 (13/05525/FUL). The mobile homes approved by this consent were to be occupied by the Applicant’s son and daughter, and the consent was restricted via conditions to occupation by close family. The land to which the current application relates was shown as a meadow on the site location plan accompanying the 2013 consent.

9.2 Principle of development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the ‘saved’ policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Hook is defined by the Wiltshire Core Strategy CP1, CP2 & CP19 as a small village which does not have a settlement boundary. In planning terms, the site is therefore located in the open countryside. It is noted that when the previous application on the site was refused (13/05525/FUL) Hook had a settlement boundary. Although the application site falls outside of the previously defined settlement boundary, this has now been deleted.

An objection was raised to the Agent’s reference to the site as an authorised caravan site. Although this term is included in the development description, it is clear that the proposal seeks to provide accommodation for specified individuals who are Travellers. As such Core Policy 47 is relevant. CP47 states that for the North and West Housing Market Area, in which the site is located, for the period December 2016 to December 2021, an additional 22 pitches are required. As highlighted by their consultation response summarised above, the

Council's Spatial Planning team consider that the need has now been met. This is confirmed by the Council's published 2018 five year supply statement for Gypsy and Traveller Sites which relates to the pitch requirement set out in Core Policy 47. This statement confirmed that the five year requirement from January 2018 to December 2022 has effectively been met by historic completions, and that there is at least 5 years supply up to December 2022. It concludes that the Council can demonstrate a supply of 12.3 years in the North and West HMA as of 1st January 2018.

However as is made clear in the Inspector's report accompanying the Core Strategy examination, the Council agreed that immediately following the adoption of the Core Strategy, a new Gypsy and Travellers Needs Assessment (GTAA) would be undertaken to inform a review of Core Policy 47 as part of a Gypsy and Traveller DPD. The Inspector stated that '*until such time as the intended DPD is complete and to ensure flexibility, the pitch requirements are best considered as minimums*'. The required DPD has not been completed, the decision having been made by the Council to address this instead in the forthcoming Wiltshire Local Plan, and therefore the pitch requirements set out in Core Policy 47 must be treated as a minimum. It is therefore considered that the pitch need cited in the Core Strategy is out of date. This is further demonstrated by the high number of applications for new Gypsy and Traveller pitches currently being received by the Council within this Housing Market Area, particularly from existing families as is the case with the current application.

In accordance with Paragraph 11 of Planning Policy for Traveller Sites, where there is identified need, proposals should be assessed against locational criteria. In Wiltshire, Core Policy 47 contains the relevant criteria and it states that:

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 area*
- 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.*

In assessing sites for Travelling Showpeople or where mixed-uses are proposed, the site and its surrounding context are suitable for mixed residential and business uses, including storage required and/or land required for exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.

With regard to **criterion i.** it is noted that several comments received during the public consultation highlighted drainage and flooding issues in the locality, and in particular it was felt that the surface water drainage arrangement would cause two properties to flood. Although the Drainage Engineer initially raised an objection to the proposal, this objection was revoked following the submission of the proposed drainage strategy. The drainage strategy indicates that surface water would be disposed of by discharging to the existing ditch and through the installation of a sub-base storage sustainable urban drainage system. Moreover, it indicates that foul water would be discharged to the on-site private foul drain which connects to the foul sewer in Hook Road, which Wessex Water have confirmed has capacity to accommodate the proposed flows. It also confirmed that the connection to the existing on-site foul drain would not require access to third party land. It is therefore considered that an appropriate drainage strategy is achievable on site and it would not be reasonable to recommend the refusal of the application on this basis. The proposal is also considered to be in accordance with Core Policy 67. It is noted that there are no other significant barriers to development in terms of poor ground stability or proximity to other hazardous land.

Several objections were received during the public consultation period which relate to **criterion ii.** It was felt that the proposal would increase traffic and exacerbate existing highways safety issues, that the adjacent road could not accommodate the increase in traffic associated with the proposal and that the access was unsuitable for the additional traffic which would be created by the proposal. It was also highlighted that there is no footpath on the west side of the road, and as such pedestrians would be required to cross the busy road. Although the Highways Officer noted that the proposal would result in a total of seven residential units at the site which would be served by a single access, they considered that the information provided by the Agent indicated that the daily vehicular movements from the site would likely be less than 20 per day. The Highways Officer advises that this number of vehicular movements would not produce a severe highways impact, and that the visibility from the access in addition to the proposed parking arrangement were adequate. It is therefore considered that the proposal would not have a severe detrimental impact upon the surrounding highway network, nor pose any significant risk to highway safety. Whilst it is noted that occupants would be required to cross the road in order to access the pavement, this is the existing situation for the existing residential units on the western side of the road and given this existing arrangement it would not be reasonable to recommend the refusal of the application on this basis.

Criterion iii. requires that the site is properly serviced and is supplied with essential services. As outlined above, the proposed drainage/sewage arrangement is considered to be acceptable by the Drainage Engineer. The Parish Council highlighted that Hook experiences low water pressure and they considered that this would be worsened by the proposal. This concern was also expressed during the public consultation period. However Thames Water was consulted as part of this application and they made no objection or other comment on the proposal. On balance, there is no evidence that water supply services or electricity supply would be significantly or severely undermined by the development proposal. As such, there is no sound and defensible basis for a refusal of the application on these grounds. Although no details of the proposed waste disposal arrangement have been provided, it is not considered to be necessary to request further information in this respect. The occupants of the proposed units could share a waste collection point with the existing dwelling, and given that the site would serve a single family unit, this arrangement is considered to be appropriate. The proposal therefore complies with criterion iii.

With regard to **criterion iv.** the Highways Officer was satisfied with the proposed access and parking arrangement. The submitted plans indicate that each of the plots would contain a mobile home, a touring van, two parking spaces and a semi-detached amenity block. The proposed units would have adequate private amenity space, and it is noted that a play area is also proposed on the site. The proposal is therefore considered to comply with criterion iv.

Concern was raised during the public consultation period that occupants of the site would be reliant upon private vehicles for transportation. However in the appeal against application N/12/00625/FUL, the Inspector addressed the issues relevant to **criterion v.** With regard to services, he stated that:

'Hook only has a modest range (pub, restaurant, hotel – no shops) but the town of Wootton Bassett, containing a wide range of shops, services, surgeries and schools, is only a short distance away (about 2km to the centre). There are some bus services to this town and Swindon during the day (excluding Sundays). The Council do not dispute that the appeal site is in a sustainable location and given the relatively close access to services I tend to agree.'

Although the site is now located in the open countryside in planning terms, given the above it would not be reasonable to refuse the proposal on this basis. The factors relevant to this criterion have not materially altered since the appeal. It is also noted that CP47 allows sites to come forward outside of defined settlements, whilst CP1 and CP2 allow for limited small scale residential infill in such locations. It is therefore considered that the proposal complies with criterion v.

Several comments were received during the public consultation period which relate to **criterion vi.** It was felt that the style of the properties was out of keeping with the area, that the proposal would impact the existing rural nature of the area, and that the previously approved landscaping scheme had not been implemented. Although these comments are noted, it is considered that the proposal would not have an unacceptable impact on the character and appearance of the landscape. It is accepted that the previously approved landscaping scheme has not been implemented. However, this does not provide a sound basis on which to refuse the current proposal. The Landscape Officer confirmed that even when assessed against the landscaping scheme approved as part of the 2013 consent, the

harm to the landscape would be localised to the loss of the meadow and trees, and that this harm would be limited. A landscaping scheme was subsequently submitted and the Landscape Officer considered that if the submitted landscaping scheme were successfully implemented, the soft landscape proposals would help to screen and soften views of the proposal from local countryside receptors. Compliance with the submitted landscaping scheme can be secured by condition and on balance it is not considered that the proposal would cause such harm to the rural character of the area or the landscape that the proposal could reasonably be refused on this basis. It is also noted that consent exists and has been implemented for the construction of two pitches on the site (13/05525/FUL). Therefore the proposed development is not entirely out of character with the locality. In broader terms, there are a wide variety of plot sizes, building age and style, building line and materials in Hook. The built form in the wider locality is therefore of a mixed nature, and within this wider context the proposal is considered to be acceptable.

Criterion vi. also requires that the proposal will not have an unacceptable impact upon the amenity of neighbouring properties. A number of concerns were raised during the public consultation period regarding the impact of the proposal upon the amenity enjoyed by neighbouring properties. It was felt that the proposal would increase noise, result in loss of privacy for neighbouring properties and would increase traffic which would disturb the adjacent residential dwellings.

Whilst it is accepted that the proposed development would be visible from the neighbouring properties known as Elm House, Willow House and Nos. 5 and 28 Windsor Close, it is not considered that the proposal would cause such harm to the amenity enjoyed by these properties that the proposal can reasonably be refused on this basis.

With regard to the impact upon Elm House and Willow House, revised plans were submitted and the proposed mobile home within Plot 4 has been re-orientated. As such, only the side elevation of the mobile home, which would not contain any windows, would face towards Elm House. The amenity block serving plots 3 and 4 would be positioned beyond this mobile home and the primary windows contained within it would be orientated away from Elm House and Willow House. Although the proposed mobile homes sited within Plots 2 and 3 would be orientated towards Elm House and Willow House, the proposed block plan indicates that the front elevation of these mobile homes would be over 36 metres from the boundary line with Elm House. Given this significant distance, combined with the fact that the mobile homes would only be of a single storey, they would not erode the privacy enjoyed by these occupiers. With regard to the proposed amenity block serving plots 1 and 2, the main windows within this building would be located in its northern elevation, with only small windows being located in its eastern and western elevations. The block plan indicates that this amenity block would be located approximately 27 metres from the boundary line with Elm House, and given its orientation, it is considered that it would not give rise to any significant loss of privacy for Elm House or Willow House such that the proposal could reasonably be refused on this basis. Finally, the proposed mobile home within plot 1 would be approximately 10 metres from the boundary line with Elm House. The plans indicate that one of the windows contained within the eastern elevation would be obscurely glazed. Although there would be other non-obscurely glazed windows in this elevation, due to the position of the proposal in relation to Elm House, and the scale of the proposed mobile home, it is considered that no significant loss of privacy would occur. The proposed

landscaping scheme would also provide some level of mitigation in this respect. A 2.25 close boarded fence would be erected along the boundary line with Elm House and Willow House in addition to three silver birch trees which would provide a further degree of screening and privacy.

It is considered that the relationship between the proposed development and both Elm House and Willow House as described above, would not be of an overbearing nature. Similarly, the proposed development would not give rise to any overshadowing or loss of light.

The supporting information indicates that the proposal would be occupied by the Applicant's extended family, and this would be controlled by condition. As such, it is not considered that the proposal would give rise to a significant number of additional vehicle movements along the boundary line with Elm House. In their report on the 2013 appeal, the Inspector noted that the side elevation of Elm House contains no windows to habitable rooms. They considered that although the previous proposal would increase comings and goings to/from the site, *'in the prevailing circumstances this is unlikely to add significantly to the levels of noise experienced by neighbour'*. It is considered that the same applies to the current proposal and it would not be reasonable to refuse the application on this basis.

It is considered that the proposal would have an acceptable impact upon the amenity enjoyed by Nos. 5 and 28 Windsor Close. The Inspector considered this issue in the 2013 appeal and concluded that *'due to the dense screening vegetation and fences on the boundary... no harm to the living conditions of the occupants' of these dwellings would arise'*. The same is considered to apply in the case of the current proposal.

It is considered that the proposal would also not have an unacceptable impact upon the amenity enjoyed by The Paddocks and the adjacent existing mobile homes. The western most existing mobile home does not contain any windows in its side elevation and given the location and scale of the proposed mobile home within plot 1, it is considered that there would be no unacceptable overshadowing or overbearing impact for this adjacent occupier. The mobile home in plot 4 would be orientated away from the aforementioned existing mobile home and it is therefore considered that there would not be any unacceptable overlooking between the two units. The occupants of the proposed units would drive past the two existing mobile homes and the dwelling known as The Paddocks. However the units would be occupied by the extended family of the occupants of the wider site, and there would not therefore be significant additional vehicle movements associated with the proposal. The proposal is therefore considered to be acceptable in this regard.

Criterion vii. requires that adequate levels of privacy should be provided for occupiers. There is considered to be adequate privacy between the four mobile homes, amenity blocks and touring vans as indicated on the site plan.

With regard to **criteria viii.** permission is sought for four additional pitches to provide accommodation for the Applicant's family. As outlined above, the development of a small family site is considered to be in-keeping with the scale and character of the locality. It is noted that concern was raised during the public consultation that the proposal would increase traffic which would have a detrimental impact upon the nature of the village.

However as outlined above, it is not considered that the proposal would produce significant additional vehicle movements to or from the site, and therefore the proposal would not have any significant impact upon the nature of Hook in this respect.

The proposal would not conflict with **critterion ix.** as there are no nationally or internationally recognised designations on the site or in its vicinity. The proposal would not be in close proximity to a river, nor would it cause harm to biodiversity or archaeology.

In summary, the proposal is considered to be acceptable in principle as it complies with criteria i. to ix. of Core Policy 47.

9.3 Other matters

A comment was received during the public consultation period that the proposal would increase light pollution. The proposal does not indicate that any external lighting is proposed, however a condition is suggested to control the installation of external lighting on the site. Moreover the existing and proposed landscaping would provide some level of mitigation, particularly in respect of any small domestic lights emitted from the mobile homes themselves.

It was also felt that the proposal and the rubbish created by it would harm wildlife and the environment. There are no ecological constraints on the site, and there is no indication that the proposal would have any adverse impact upon protected species or the environment in a broad sense. Moreover, given the nature of the site and the proposal, it is not likely that its construction would produce a significant amount of waste or rubbish or any evidence that the residential accommodation proposed would produce any more waste than any other form of residential accommodation.

Reference was made during the public consultation period to other caravan sites in the locality which could be occupied as an alternative to the current proposal. However as the proposal is considered to comply with relevant policy, it is not reasonable to refuse permission on the grounds of alternative sites which may be available in the locality. Moreover, this application seeks to provide accommodation for extended family members. Other sites are often similarly constrained by condition as to occupancy and cannot therefore be readily occupied. Concerns were also raised during the public consultation period that the proposal would set a precedent for future development. Although this concern is noted each application must be assessed on its own merits.

Concern was raised during the public consultation period that the site is being used for commercial purposes. There is no evidence to suggest that the site is being used for commercial purposes, and the current proposal would not grant consent for any commercial uses per se on the site. However if any member of the public has any concerns in this respect, they are able to report these to the Council's Planning Enforcement Team to investigate. Concern was also raised that there may be hazardous waste on the site. However, as above there is no evidence to indicate that there is hazardous waste on the site. Moreover, the Public Protection Officer reviewed the proposal and raised no concerns in this respect.

It is noted that comments received during the public consultation period suggested that the plans and application form submitted in support of the application were not accurate. It was felt that the revised plans showed trees which did not exist, and it was felt that the location of the site boundary as shown on the plans was confusing. Based upon the available information, the plans and application form appear to be accurate. The landscaping plan does show trees which do not currently exist as it is proposed to plant additional trees and vegetation as part of the current proposal. The boundary of the site is considered to be sufficiently clear, and is consistent across the plans submitted. However, for the avoidance of doubt it should be noted that the grant of planning permission would not override any third party property rights which may exist.

10. Conclusion

The proposal is considered to be acceptable on its planning merits. The proposal is considered to comply with Core Policies 47, 51, 57, 60, 61 and 67 of the Wiltshire Core Strategy and sections 4, 5, 9, 12, 14 and 15 of the NPPF (2019). With no material planning considerations indicating otherwise, the application is recommended for approval.

RECOMMENDATION

Grant 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:

01551/5 Rev 1 - Proposed fencing; 01551/4 Rev 1 - Double amenity block;

01551/1 Rev 1 - Existing layout - Received 22/01/2019

01551/2 Rev 4 - Site development scheme - Received 14/06/2019

BW/AM/H/L1R1 - Landscaping plan - Received 15/07/2019

01551/3 Rev 2 - Static Van - Received 19/07/2019

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, 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 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 buildings 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.

- 5 The fences shown on the approved plans shall be erected prior to the first occupation of the residential units hereby permitted and shall be retained and maintained as such at all times thereafter.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans without the prior grant of planning permission from the local planning authority.

REASON: To safeguard the character and appearance of the area.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site without the prior grant of planning permission from the local planning authority.

REASON: In the interests of visual amenity.

- 8 No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted, and shall not exceed 3.5 tonnes in weight.

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

- 9 Except for the keeping of commercial vehicles as defined in condition 8, above, no commercial activity or use, including the storage of materials and waste, shall be

carried out on the site.

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

- 10 Occupation and use of the Mobile homes and touring caravans hereby permitted shall be limited solely to and by family members of the occupants of the property known as The Paddocks and their respective partners, children and dependents.

REASON: In the interests of residential amenity.

- 11 No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than four shall be a static caravan) shall be stationed on the site at any time. At no time shall the four touring caravans hereby permitted be used as permanent occupation.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance Core Policy 57 of the Wiltshire Core Strategy.

- 12 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 13 There shall be no more than four permanent pitches on the application site.

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

- 14 Before any of the mobile homes are first occupied, the drainage facilities for the foul and surface water disposal proposed in the Drainage Strategy shall be provided and shall thereafter be retained.

REASON: To ensure the adequate provision of necessary infrastructure.

- 15 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic

importance, available access and the ground conditions appertaining to the sewer in question.

16 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

17 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.