

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

14 April 2011

Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ

Purpose of Report

1. To seek the Committee's authority to make an Article 4 Direction in respect of this site.

Background

2. Members will recall that at the last meeting (24th March 2011), they resolved to confirm an Article 4 Direction in respect of this site, subject to expiry of the (extended) consultation period and no further representations being received which raised material new issues.
3. Following the meeting, eight representations were received, mainly from businesses objecting to the adverse effects of the Direction on tourism and the local economy as well as a perceived lack of landscape impact. Additionally, the Council received letters from the owner's solicitors, threatening a judicial review on various procedural and other points.
4. The above has necessitated a further report being brought before Members on this subject.

Considerations

5. Following legal advice, it has been concluded that ambiguities in the wording of the Council's constitution render Officers' original decision to make the Direction under delegated powers open to challenge and may therefore lead to the Council being engaged in extended litigation with the owner.
6. Therefore it is considered that the most expedient way forward in this case is to discontinue the current Direction and seek Members' instructions with regard to the making of a new Article 4 Direction, the purpose of which would be substantially the same as the previous Direction, i.e. to remove 'permitted development' rights under Parts 4B,

5 and 27 of the GPDO –i.e. all rights relating to camping and caravanning, relating to a similar extent of land as that previously sought.

7. Members will recall the reasons advanced by the landscape officer in the previous report as to why the withdrawal of permitted development rights at this site may be considered expedient:
 - The relatively enclosed nature of the valley, with its settlement Winterbourne Stoke shrouded in woodland and small pasture fields, is highly sensitive to any development that would erode its strong rural character.
 - The Rally Field is the most visually prominent part of the site and the pitching of caravans, coloured tents and associated cars and portable toilets stand out and are at odds with the rural landscape character of the River Till valley.
 - When the site is occupied views along the valley from the north and across the valley from the west appear cluttered with caravanning and tenting paraphernalia which is contrary to the Management Objectives of the LCA (Landscape Character Assessment). Even when the site is unoccupied the portable toilets remain visually prominent.
8. Additionally in the previous Committee report, it was noted that the landscape officer had also recorded that the site is located within a Special Landscape Area in a visible location. Officers concluded that unregulated 'permitted development' camping on different parts of the site in such a visible location is harmful to the scenic quality, character and appearance of the SLA.
9. In the above regard and in the light of representations received prior to the previous meeting, it is anticipated that by the date of the meeting further clarification will be available from the landscape officer as regards the extent of the site over which the Direction should be sought. This is so that Members can consider the expediency of seeking the Direction over the whole site or the alternative of restricting only part thereof.
10. In the event that a Direction is made, following the undertaking of statutory consultations and publicity and in the light of representations received, a report would be brought before Members at a later date in order that they can determine whether the Direction should be confirmed.

Recommendation

A: That the Southern Area Planning Committee authorises the Head of Legal Services to make a Direction under Article 4 (1) of the Town And Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010), to remove 'permitted development' rights under Part 4 Class B, Part 5 and Part 27 of the 2nd Schedule to the Town and Country Planning (General Permitted Development) Order 1995.

Report Author:

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Date of report 4th April 2011.

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None
