

**Wiltshire Council**

**Strategic Planning Committee**

**13 May 2020**

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**Item 8 – 19/09862/VAR- Tricky’s Paddock, Brickworth Road, Whiteparish, Wiltshire, SP5 2QG**

*Variation of Condition 3 of Planning Approval 18/09609/VAR to allow an additional pitch and changes to the existing pitch to include for each pitch a static mobile home, a family dayroom and tourer for a family member with associated treatment plant.*

**Public Statement – OBJECTION – Peter Claydon, Whiteparish**

Dear Strategic Planning Committee Members,

In common with Whiteparish Parish Council and many residents I have repeatedly objected to the various applications for development of or variations to conditions at this site since 2008. My earlier objections were submitted by me as the Chairman of the Southern Area Group of the Wiltshire CPRE.

It is very important for the Committee members to fully appreciate the detailed reasons that objections have been raised against development of Trickey’s Paddock since 2008. In spite of the various Wiltshire Planning Department decisions, together with Planning Inspectorate decisions, there has been a repetitive stream of vexatious submissions of which this is the latest.

The Planning Application ( S/2012/1307/S73) was refused and the Appeal Decision of 6<sup>th</sup> September 2013 (APP/Y3940/A/12/2188911) stated, in the first two of the very restrictive Conditions, that:

- 1) The use and occupation of the land hereby permitted shall be carried on only by Mr William Clarke, Ms Tammy Beswick and their resident dependants.
- 2) When the land ceases to be occupied by those named in condition 1) above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

In view of this very limited and personal licence it was very disappointing that Wiltshire Council entirely failed to enforce those conditions when the site was subsequently sold to a totally new and unrelated, as far as I am aware, owner. How could this have been allowed to happen?

The land should have been restored to open countryside.

There is no basis for there to be any variation of Condition 3 of Planning Approval 18/09609/VAR and a careful reading of the past history of all the decisions will make this very clear.

I am unsure why Wiltshire Council have not used their discretionary powers to refuse to register or make decisions on repeated planning applications when similar

proposals have previously been refused planning permission either by itself or on appeal within the last 2 years. (Ministry of Housing, Communities & Local Government Guidelines: Paragraph: 055 Reference ID: 14-055-20140306 updated 15/06/18).

My concern is that should this, the latest in the stream of intrinsically similar and contrived applications, be granted this will then open the door to many similar, and unacceptable, uncontrolled developments in open countryside around the County.

The Strategic Planning Committee must make a stand and this application must be refused. It is essential that all applicants and applications must be treated identically within the constraints of a civilised society and the current laws.

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**Public Statement – OBJECTION – Dr Roger M Sherwin, Whiteparish**

Dear Mr Wilmott,

Further to my several letters of objections to this variation, I would report the current usage of this site.

On a permanent basis there is one static type caravan, two touring caravans, a large timber building, two trucks, a white van, numerous cars and two quad bikes which are raced across the front of the site by young children.

There is also an area of deposited waste items on the site.

Clearly this contravenes and shows complete abuse and disregard of the original licence given for this site.

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**Public Statement – OBJECTION – Simon and Hilary Parsons, Whiteparish**

**We wish to object to the above variation to the planning application on the following grounds.**

1. The Site in 2009 was on an open field, in full view of all near neighbouring properties, on **agricultural land in a green belt area**, where permission for a gypsy site has already been refused, and where refusal would be certain if the application was made by a member of the general public. This site over the proceeding 10 years has now become like a residential site **NOT** an agricultural field for the production of food. This is the principle of our objection to this application.
2. The entrance to the Site is unsuitable for constant domestic use or touring caravans as would be the case for permanent occupation, as it is on a very busy fast piece of road. The entrance was designed only for occasional agricultural use and is not suitable for caravans slowly turning onto the site. The road is the busy A27 there is no footpath from the Site to the village amenities which are more than  $\frac{3}{4}$  mile away, and where the traffic frequently travels well up to and in excess of the limit of 60mph. Although the Highways Authority have done some work outside Richmond Farm to alleviate the flooding, it still floods there on occasions.
3. Although the Inspector granted **temporary personal** permission for the family of Mr Clarke, there has been very little evidence of habitation by a family with young children observed during the last three years.

We have seen no young children playing or coming in or out of the property until early summer 2019, when we believe the ownership of this land changed hands. Now we see very young children riding quad bikes along the road boundary of the property without any protective headgear, and appear to be completely unsupervised.

4. As the Site is so open there are a number of neighbouring properties that overlook the Site also additional touring caravans would be seen from the public highway. There have been **THREE** touring caravans on the site for a

number of months which presumably is contrary to the current planning position. Any additional waste and sewerage matter being produced on this site would have an adverse effect on the surrounding countryside. In the planning Application there is reference to 2 dayrooms which will add to the buildings on site.

5. The South of Salisbury area has a large number of designated gypsy sites. 11 of the 12 sites in South Wiltshire are within 7 mile radius of Whiteparish.
6. The Government has stated that gypsies should be treated exactly the same as any other member of the general public. **Not to be given special consideration.**

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**Public Statement – OBJECTION – Phil Hedley, Whiteparish**

I am totally against this planning variation.

Trickeys Paddock was specifically given planning permission for Mr Clarke, a Citizen whose health / life was allegedly in danger. Hence the planning permission included conditions, the relevant one being if he ceases to occupy the site he had to return it to its original condition (agricultural land). The fact that Mr Clarke was a gypsy had no bearing on the permission. The conditions reflect that the site was not suitable for development it was a case based of the special needs of Mr Clarke.

Wiltshire council failed in their fiduciary duty of care by not enforcing that condition when Mr Clarke vacated the site.

Since Planning was granted to Mr Gammell the permission and conditions have been continually ignored on the site since before the 6th July 2019, no action has been taken and the number of caravans has increased with now 2 caravans and a timber building all of which are outside the hedged area.

This appeal for variations to the conditions should be rejected and the council should enforce the conditions. If Mr Gammell cannot work within the constraints of the planning permission and conditions then the planning permission should be invalidated.

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**Public Statement – SUPPORT – Keith Smith, Agent**

The Variation to Condition 3 of the Planning Approval 18/09609/VAR will allow the Applicant and his family to be safe, secure within more suitable accommodation and continue to allow the required care for Mr and Mrs Gammell provided by their son. For more detail, please refer to the Applicants Statement. It is understood that Conditions 1 and 2 of the Planning Approval will remain in place.

Every effort has been made by the Applicant to comply with the requirements and conditions set out by the Head of Services and the Case Officer representing the Local Authority Planning Department. Specifically, to reduce the overall environmental impact of the development the Applicant has reduced the physical size of the proposed pitches. Also, he has agreed (on approval) to plant a tree and hedge screen facing onto Brickworth Road and to further enclose the new pitches with hedging. All new planting to consist of semi mature native species, taking advantage of a real opportunity to provide enhancements to landscape character, biodiversity, and connectivity to wider habitats. Furthermore, all requirements of the Highways, Water Authority and Environmental Health Departments have been met, who offer no objection.

It is noted that out of the around 1,504 population (in 2011) of Whiteparish, there were 14 objections to the application that have been registered from local residences, together with the Parish Council and 1 from the Ward Councillor. Regardless of this I would respectfully request that the Strategic Planning Committee approve the application in question.

Thank you.

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**Public Statement – SUPPORT – James Gammell, Applicant**

At present I have lawful occupation on the Tricky’s Paddock site and live there together with my wife, son, and his family. My physical and mental health has recently deteriorated likewise my wife to the extent that we have a need for constant care which is currently being provided by my son. I have obtained a letter from my GP, the full contents of which has been made available to the Case Officer. We have a need for more suitable accommodation as we struggle to keep warm in cold weather which has an impact on our health. As such we have no bathing facilities as access to local leisure centres where we were able to take a shower is now no longer possible due to the coronavirus outbreak.

My son and his family also live in unsuitable accommodation the variation would enable me and my family to continue to live on the site but in more suitable safer accommodation. Unfortunately, if I am unsuccessful with the application my son and his family will have to look for another site as close to Tricky’s Paddock as possible to enable him to provide me with the care we require.

Another consideration is that my son has two school aged children who at present are not receiving an education due to the uncertainty of where they will be living. It is essential for the children to attend school as soon as possible to lessen any long-term harm caused by this period of no formal education. Should the application be approved there is a good local school within Whiteparish, which is close to the site and once the lockdown has eased, they would be able to attend.

Statement prepared by Keith Smith 05/05/2020

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**Public Statement – OBJECTION – Whiteparish Parish Council**

This statement is further to the Parish Council response submitted by the Parish Council on 12<sup>th</sup> November 2019.

Variation of Condition 3 of Planning Approval 18/09609/VAR to allow an Additional Pitch for Family Member. (Variation/removal of Conditions 1 & 2 of permission S/2012/1307/S73 relating to the personal use of the site) resubmission following refusal of application 19/04590/VAR.

The planning committee will be aware that this is yet another in a long line of vexatious and inappropriate applications for the expansion of residential and multiple residential uses of what is open countryside, not near the Settlement Boundary, within a Special Landscape Area.

The application was refused under 19/04590/VAR, and nothing in the resubmission changes the rationale for that refusal.

The proposed development is larger in scale and more permanent than that refused under 19/04590/VAR and will be even more likely to result in an undue and detrimental visual impact on the character of the surrounding Special Landscape Area. It is discordant with criteria vi and viii of Core Policy CP47 of the adopted WCS, national planning guidance contained within the PPTS and the aims and objectives of the NPPF & NPPG.

Furthermore it was considered as part of the determination of planning application 18/09609/VAR, the application which originally gave permission for the applicant to use the land, that the retention of the personal condition (amended to reflect the current occupiers) would still be a reasonable and necessary measure to enable the Council to have control over the subsequent use of the land should Mr Gammell and his family vacate, and this continues to be the case.

Since the refusal of 19/04590/VAR, the applicant, or other occupants of the site, has taken advantage of the seeming inability of Wiltshire Council planning enforcement to police this site to erect structures and install additional touring caravans on the site ahead of any approvals.

The original permission laid out a number of conditions in addition to those the applicant seeks to reverse. One of these, condition, No 4, states that “no vehicle

over 3.5 tonnes shall be stationed, parked or stored on the land". Local residents report that this condition has regularly been flouted.

The application should be refused under the same grounds as 19/04590/VAR. Previously imposed occupancy conditions should be enforced and the appropriate enforcement action undertaken by Wiltshire Council. This is an abuse of the Planning System and if this application is permitted in any way it will be seen as an open route to future unrestricted and undesirable development in open countryside against all the current planning guidelines.

Whiteparish Parish Council unanimously agreed that this planning application should be refused.