

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	6 April 2022
<b>Application Number</b>	PL/2021/08566
<b>Site Address</b>	Land West of Penn Farm, Capps Lane, Heywood, BA13 4NF
<b>Proposal</b>	Provision of 3 gypsy and traveller pitches and associated works including day rooms, parking, turning, septic tank and landscaping
<b>Applicant</b>	Mr Sherrod
<b>Town/Parish Council</b>	Bratton CP
<b>Electoral Division</b>	Ethandune - Cllr Suzanne Wickham
<b>Easting/Northing</b>	390601 153554
<b>Type of Application</b>	Full Gypsy and Traveller
<b>Case Officer</b>	Martin Broderick / Andrew Guest

### Reason for the application being considered by Committee

This application has been 'called in' for Committee to determine at the request of the local division member, Cllr Wickham, for the following reasons:

- Visual impact on surrounding area
- Relationship to adjoining properties and
- Environmental/Highway impact.

### 1. Purpose of Report

The purpose of this 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 should be approved.

### 2. Report Summary

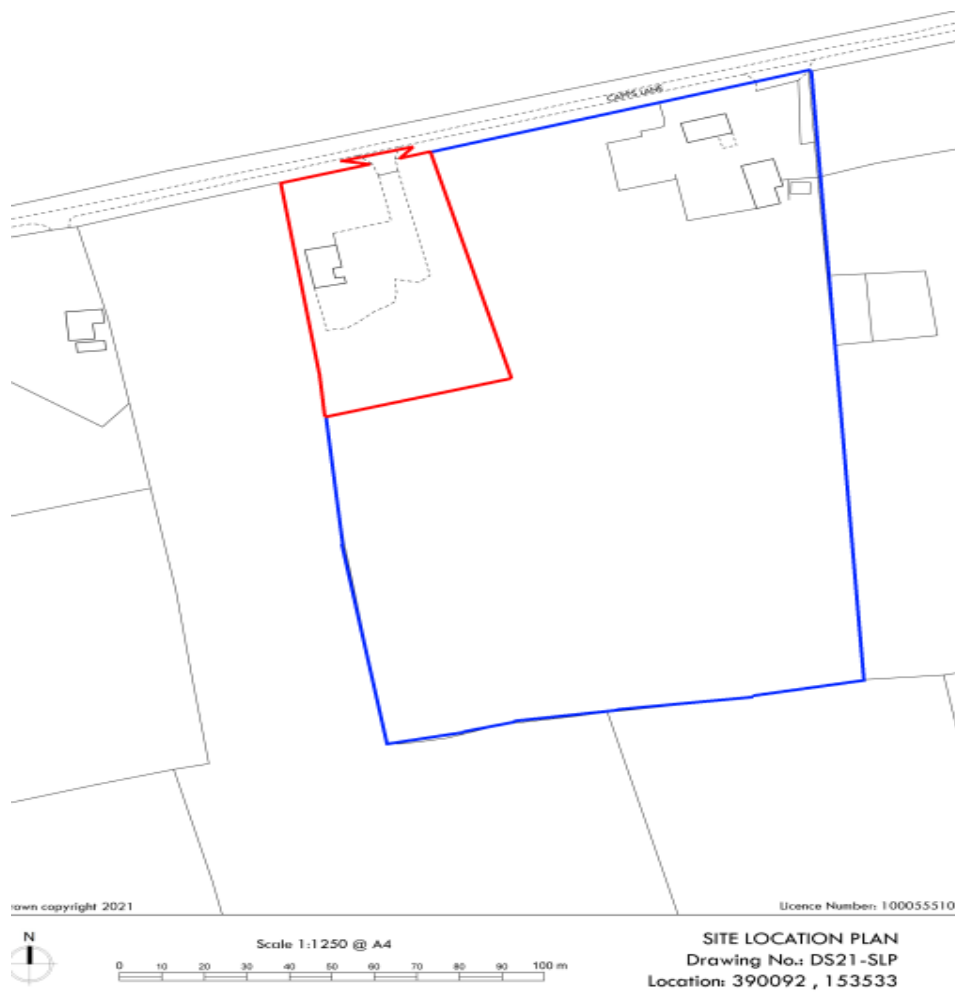
The key determining planning issues are considered to be:

- The principle of development;
- Impact upon the area;
- Neighbouring amenity; and
- Highway impacts.

### 3. Site Description

The site lies 2.4km north-west of the centre of Bratton Village where there is a post office, doctors, pre-school, recreation ground and a public house. The site is also approximately 4.8km north-east of the market town of Westbury which has schools, supermarkets, and employment as well as other essential services. However, there is no public transport in this location so trips would be most probably taken by private car. A public right of way known as BRAT28 runs adjacent to the application site.

Within the 'blue-edged' land to the east of the current application site there is an existing gypsy & traveller site with one pitch, established since 2007; the current application site lies within the area permitted for use as a gypsy and traveller site for this existing pitch. To the west of the application site is a further site with one pitch, permitted in 2009. The application site itself supports a yard and stable building, with vehicular access.



The site is within Flood Zone 1 (low risk of flooding). The site is in the open countryside for planning purposes.

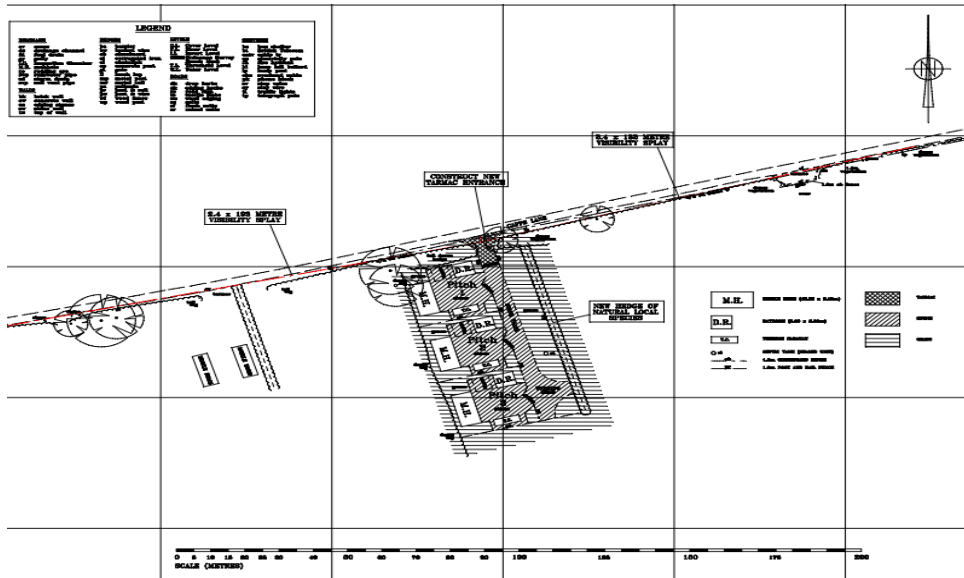
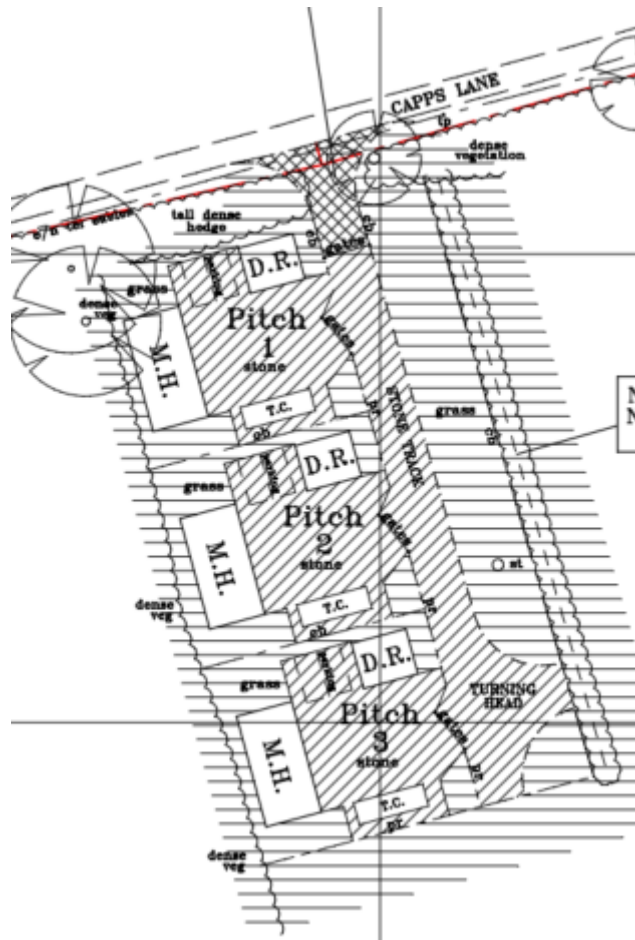


Figure 1 Site Plan



#### 4. Relevant Planning History

The relevant planning history for the blue-edged area is set out below:

07/03063/FUL – ‘Site for one Gypsy family – twin mobile unit and day room’, permission granted 19/11/2007

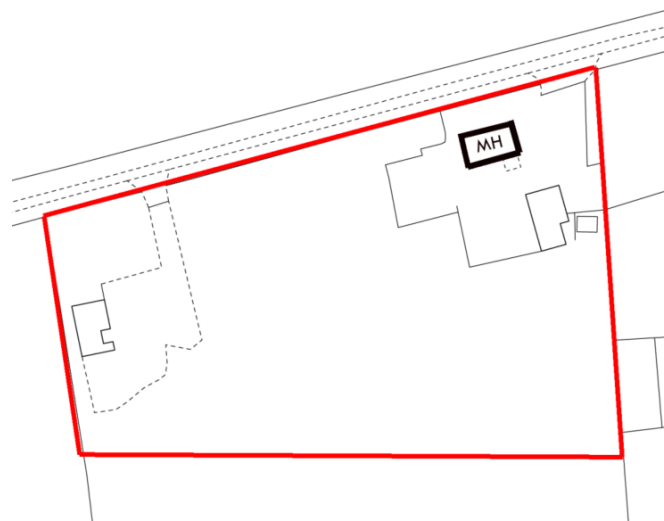
10/01753/S73 – ‘Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy/traveller occupation only’ (Variation of condition), granted with conditions on 25/08/2010.

11/01174/FUL – ‘Variation of condition 1 to permission under reference W/10/01753/S73 to provide for the occupation of the site to be carried on only by Mr Sherrod his family and their resident dependents’, granted with conditions on 9th May 2011.

12/01413/FUL – ‘Change of use of land from agricultural to equestrian. Erection of private stable block and associated hardstanding and creation of vehicular access’, granted with conditions on 14/09/2012

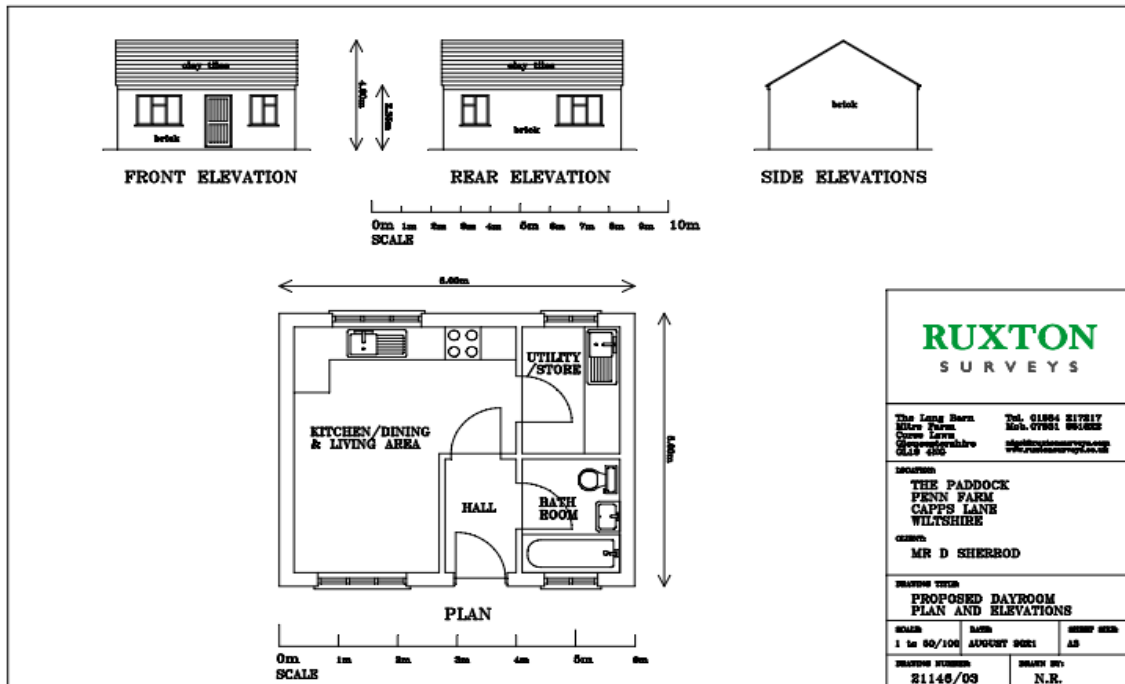
21/00610/VAR - Variation of condition 1 and removal of condition 2 on W/10/01753/S73 to allow for any Gypsy or Traveller occupation, granted with conditions, 28/04/21

The application site for 21/00610/VAR is shown on the following plan. The current application site lies largely within this red line.



#### 5. Proposal

This application is for the provision of 3 Gypsy and Traveller pitches and associated works including day rooms, parking, turning, septic tank and landscaping. Each pitch is proposed to have two caravans – a static and a tourer.



## 6. Planning Policy

Wiltshire Core Strategy (adopted Jan 2015):

CP47 – Meeting the needs of gypsies and travellers

Other:

National Planning Policy Framework July 2021 (NPPF)

Planning Practice Guidance (PPG)

Wiltshire Car Parking Strategy

Planning Policy for Traveller Sites August 2015

Gypsy and Traveller Accommodation Assessment (GTAA) June 2020.

Wiltshire Council Gypsy and Traveller DPD – Regulation 18 consultation closed on 9th March 2021.

## 7. Consultations

Bratton Parish Council: Objection.

The PC is seeking clarification as to whether the lack of receipt of consultation documents invalidates the grant of a previous planning permission. Members also identified some inconsistencies in the Case Officer's report (distance to village centre and the provision of mains electricity). The PC queried whether this affects the validity of the previous planning permission granted.

Members considered the application, having regard to the principles relating to the relevant Wiltshire Council strategy – Core Policy 47 (CP47):

1. Flooding, drainage and ground stability: ... request an appropriate survey be carried out before the application is determined, to see if the land is suitable for proposed development.

2. Vehicular and pedestrian access: .... noted that additional traffic will be generated as a result of the development.
3. Services - .... there is no mains electricity connected to the site.
4. Parking, residential amenity and play areas – no comment.
6. Impact on character and appearance of landscape and amenity of neighbouring properties – the potential noise and emissions from generators would have a negative impact on neighbouring properties; mitigating measures would need to be agreed.
7. Location of site, privacy, relationship to neighbouring residences and maintenance of existing and proposed hedgerows – no comment.
8. Scale and character – no comment.
9. Designation, adverse effect on river quality, biodiversity or archaeology – .... need to ensure that the method of waste disposal is appropriate to the site and will not have an adverse impact on the local environment.

Heywood Parish Council: Objection.

The application form for PL/2021/08566 is full of inaccuracies regarding the site and the surrounding area and should have been refused as a consequence and a resubmission made with the correct boxes ticked.

The application clearly does not meet with the Wiltshire Core Policy, CP47 'Meeting the needs of Gypsies and Travellers'. The policy states that "Where proposals satisfy the following general criteria they will be considered favourably" there are two stand out points where this application does not meet the criteria and therefore should not be considered favourably. They are:

- a. "It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users"
- b. "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 Parish Council would further request that an environmental survey is conducted to fully understand the impact of the nine areas of construction (3 per pitch) and the associated vehicular requirements, energy requirements and waste management.

Wiltshire Council Highways: No objection subject to condition

Wiltshire Council Spatial Planning: No objection

Wiltshire Council Drainage: No objection

## **8. Representations**

The application was advertised by:

- site notice – 10<sup>th</sup> November 2021,
- publication to the Council's website,
- neighbour notifications, and
- notification of interested local organisations and parties.

The deadline for representations was 8 December 2021. This is a summary and does not purport to be a full recitation of all comments made.

22 letters of objection were received. The comments made are summarised as follows:

- Lack of visibility of the Site Notice
- Does not comply with CP47
- Highway safety
- Littering
- Over provision of Gipsy & Traveller sites in the area
- Ecology
- Noise from generators
- Potential damage to Grade II listed pillars
- Nitrate run off

## 9. Planning Matters

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### The Principle of Development

CP47 confirms that provision should be made for 66 permanent pitches for gypsies and travellers during 2011-2016. A further 42 permanent pitches should be provided over the period of 2016-2021. With regards to the North and West Housing Market Area 26 permanent pitches should be provided during 2011-2016 and 22 permanent pitches in 2016-2021. It states that for the North and West Housing Market Area (HMA) this proposal falls into, and for the period December 2016-December 2021, an additional 22 pitches are required. The Council's monitoring data shows that as of March 2022, this need has been met and exceeded.

The gypsy and traveller five-year supply statement which was published in 2019 states that the North and West HMA has a 12.3 year supply of pitches as of January 2018.

The emerging Gypsies and Travellers Plan is at an early stage in the plan-making process. Wiltshire Council consulted on the intention to prepare a Gypsy and Traveller Development Plan Document between 13 January and 9 March 2021. To inform the development of the Plan, the Council has now published a new Gypsy and Traveller Accommodation Assessment (GTAA) on its website, dated March 2022. The GTAA now forms the most recent and up to date assessment of need and will inform the emerging Plan. For the period 2022-38 the report proposes a requirement of:

- 120 new pitches for travellers who meet the planning definition in Planning Policy for Traveller Sites (PPTS) Annex 1
- 61 pitches for households who do not meet the definition but may be protected under the Equality Act and
- up to 18 pitches for households who could not be determined.

All findings are expressed for the whole of Wiltshire Council.

There is no evidence of need at this site as no contact could be made with the occupants during the fieldwork. The application does not provide any evidence of need at the existing site.

PPTS para 11 states that where there is no identified need, but proposals come forward nevertheless, they should be assessed against the locational criteria in the development plan. In Wiltshire, Core Policy 47 in the adopted Core Strategy provides these:

CP47 continues to say that proposals for new pitches will only be granted where there is no conflict with other planning policies and where no barrier to development exists. It then goes on to provide a set of criteria which is as follows:

*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 proposed development is situated in Flood Zone 1. Furthermore, the site in question already has planning permission for a personal gypsy site albeit with a personal tie.

*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 will be safely accessed via the existing access but there are no pedestrian accesses to or from the site.

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

The site is serviced by mains water. Foul drainage is dealt with by means of a septic tank. A mains power connection would of course be desirable in the interest of sustainable development but cannot always be viably achieved for a number of reasons, including long distance to nearest connection points or because no wayleave consent can be obtained from third parties.

As national planning policy affirms that traveller sites can be acceptable in open countryside away from settlements (or grid connections), off-grid solutions can be supported. A solar installation (with back up) is welcomed as it is not just diesel generators that are used to provide power to the development.

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

The site includes adequate parking and circulation space, as well as informal areas for play.

*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 2.4km north-west of the centre of Bratton Village where there is a post office, doctors, pre-school, recreation ground and a public house. The site is also approximately 4.8km north-east of the market town of Westbury which has schools, supermarkets and employment as well as other essential services. However, there is no public transport in this location so trips would a most likely to be taken by private car. A public right of way known as BRAT28 runs adjacent to the application site.

*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*

Planning Policy for Traveller Sites (PPTS)- Policy C and paragraph 25 states 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. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure”.*

From a planning policy perspective any impacts on the nearest settled community would have to be relevant in planning terms. By setting respective policy (PPTS Policy C), the Government acknowledges in principle that traveller sites can come forward in countryside locations. The site itself is well screened by mature hedgerows and trees and is an existing site that does not impact on the amenity of neighbouring properties or the wider landscape.

*vii. adequate levels of privacy should be provided for occupiers*

The location of the site, its relationship to neighbouring residences, and the maintenance of existing and proposed hedgerows will ensure that the occupiers are provided adequate levels of privacy.

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

The proposal is appropriate to the scale and character of its surroundings due to it being an existing site.

*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.*

The site does not fall within any such designations.

The proposal is therefore considered to comply with CP47.

#### Impact upon the Area

From a planning policy perspective any impacts on the nearest settled community would have to be relevant in planning terms. By setting respective policy (PPTS Policy C), the Government acknowledges in principle that traveller sites can come forward in countryside locations. The site itself is well screened by mature hedgerows and trees and is an existing site that does not impact on the amenity of neighbouring properties or the wider landscape.

#### Neighbouring amenity

The proposal is appropriate to the scale and character of its surroundings due to it being an existing site.

#### Highway Impacts

The site will be safely accessed via the existing access but there are no pedestrian accesses to or from the site. Wiltshire Council Highways officer has no objection subject to conditions.

### **10. Conclusion (The Planning Balance)**

The site has been an established gypsy & traveller site since 2007. The benefits of the proposed development is that the site could contribute to the supply of traveller sites in

Wiltshire. The proposal is considered to comply with CP47. This is accorded substantial weight.

The potential harm arising from the proposals arise from effects on:

- Impact upon the Area and neighbouring amenity

The site itself is well screened by mature hedgerows and trees and has been an established gypsy & traveller site since 2007 that does not adversely impact on the amenity of neighbouring properties or the wider landscape. The proposal is appropriate to the scale and character of its surroundings due to it being an existing site. This is accorded neutral weight.

- Highways

The highways officer has confirmed no objection subject to conditions.

### **Overall Balance**

On balance, it is considered that the adverse impacts identified do not substantially and demonstrably outweigh the benefits that the development would provide. Therefore, in accordance with the provision of paras 11 and 12 of the framework permission is recommended.

### **RECOMMENDATION**

**That planning permission be granted, subject to planning conditions.**

#### **Conditions –**

- 1 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety

- 2 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 Gypsy and Travellers is not normally permitted and must therefore be defined for use as a Gypsy and Traveller site only

- 3 No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which only one caravan shall be a static caravan, shall be stationed on each pitch at any time.

REASON: in order to define the terms of this permission and avoid proliferation of caravans at the site.

- 4 Contaminated water shall not be discharged into any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution to the water environment.

- 5 No controlled waste shall be burnt on site.

REASON: In order to minimise nuisance.

- 6 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.

- 7 All soft landscaping comprised in the approved details shall be carried out in the first planting and seeding season. The hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock and if within a period of five years, if it should die, be 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.

REASON: To ensure a satisfactory landscaped setting

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

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