

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	25 <sup>th</sup> April 2023
<b>Application Number</b>	20/07643/FUL
<b>Site Address</b>	Land at Janes Oaks Farm, Mere, Warminster, Wilts, BA12 6LH
<b>Proposal</b>	Change of use of land to use as a residential caravan site for 4 gypsy families. Laying of hardstanding, access improvements and erection of two amenity buildings.
<b>Applicant</b>	Mr Andrew Taylor
<b>Town/Parish Council</b>	Mere
<b>Electoral Division</b>	Cllr George Jeans
<b>Grid Ref</b>	419371 137033
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lynda King

### Reason for the application being considered by Committee

This application has been called to Committee by the Local Member, Cllr George Jeans, in view of the scale of the proposed development, its visual impact on the surrounding area, design, environmental or highway impact and the need to make the decision in public to satisfy Core Policy 47.

#### 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

This application has been the subject of a statutory public consultation period and has attracted representations of objection from 50 individual members of the public, as well as from Mere Town Council and Gillingham Town Council in Dorset.

The Key Issues for consideration in respect of this proposal are:

- The Principle of the Development
- Impact on Highways
- Impact on character, appearance and visual amenity of the locality

#### 3. Site Description

The application site, which is 0.4ha in extent, is currently an overgrown parcel of land that was previously used for agriculture.

The site lies approximately 1 km to the south of the small historic town of Mere and approximately 2.2km south of the Cranborne Chase AONB. The distant Cranborne Chase escarpment can be seen from the northern boundary of the site. The site is accessed via a country lane to the immediate northern boundary of the site. The site is within the Blackmore Vale Special Landscape Area (SLA) which is a non-statutory saved local plan policy (C6) under the old Salisbury District Local Plan.

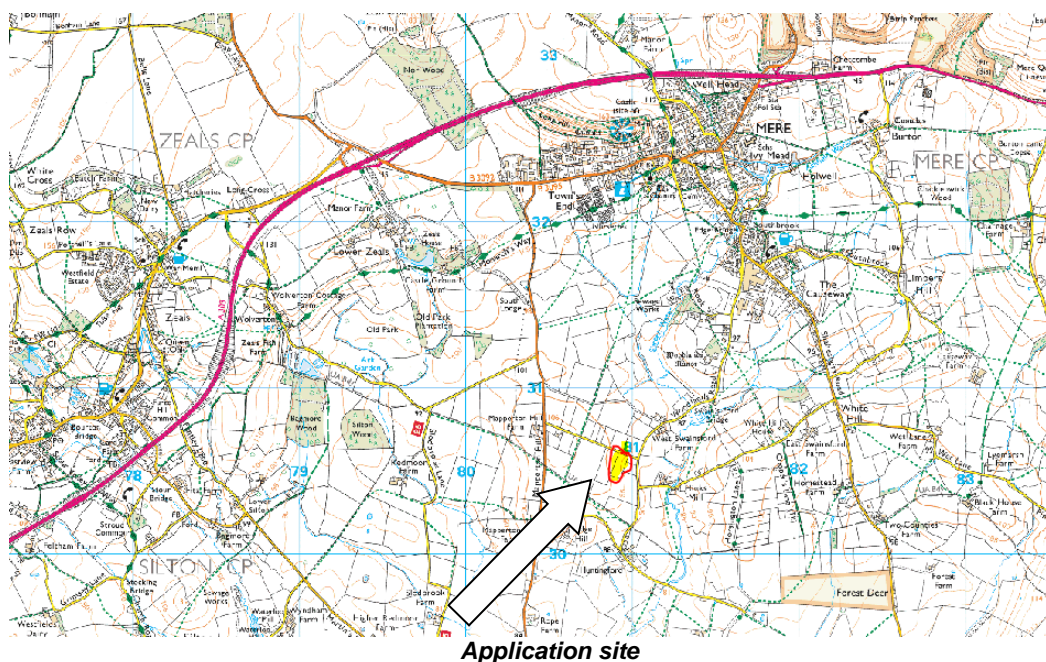
The surrounding landscape context of the site is rural farmland consisting of varying sizes of fields with strong hedgerow field boundaries interspersed with mature trees. Development in this area consists of isolated farmsteads and cottages surrounded by fields. The nearest houses to the proposed development site are West Swainsford Farm and the Grade 2 Listed Hinckes Mill Farm. Both are situated approximately 240m away from the development across fields with intervening hedgerows and trees breaking up the view to these properties. The hedgerows in the surrounding fields are generally well maintained to a height of 1.5 – 3m and consist predominantly of hawthorn with some additional native species along with isolated mature oak and other mature native tree species.

The field boundaries of the site itself have not been as well managed over the years and therefore the screening value of the hedging has been negated somewhat, especially along the northern boundary by the country lane, where gaps in the hedging have, in the past been infilled with close boarded fencing and metal sheeting in places leading to a reduction in visual amenity to the lane itself.

There is a substantial oak tree adjacent to the existing access, which is the subject of a TPO. There is an area of existing hardstanding on the land adjacent to the site access, along with a dilapidated former farm building and an amount of waste comprising former agricultural equipment and associated detritus which was on the site prior to the submission of the current application. It gives the appearance of not being used for many years.

The land is generally flat, with a slight fall towards the south-east. There are no neighbouring dwellings within the vicinity of the site, with the majority of activity in the locality being agricultural. The site is within an area with no risk of flooding from any source.

The site is marked approximately in red on the plan below:-



#### 4. Planning History

The site has no planning history.

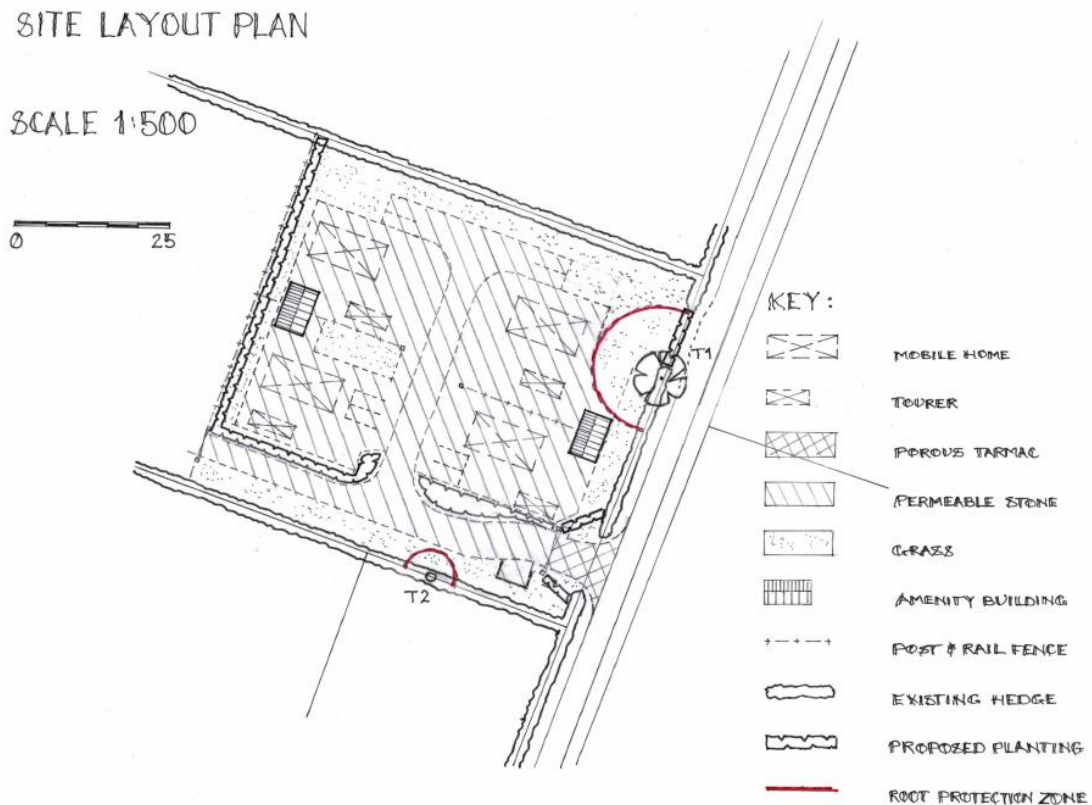
#### 5. The Proposal

This application seeks full planning permission for the change of use of land from agriculture to use as a residential caravan site for four Gypsy families, each with two caravans including no more than one static/mobile home, together with the laying of hardstanding, the erection of two dayroom buildings and the installation of a package sewage treatment plant, along with the alteration of the access to avoid damage to the TPO tree on the boundary. Additional hedging would be planted to further enclose the pitches and to reinforce the existing planting.

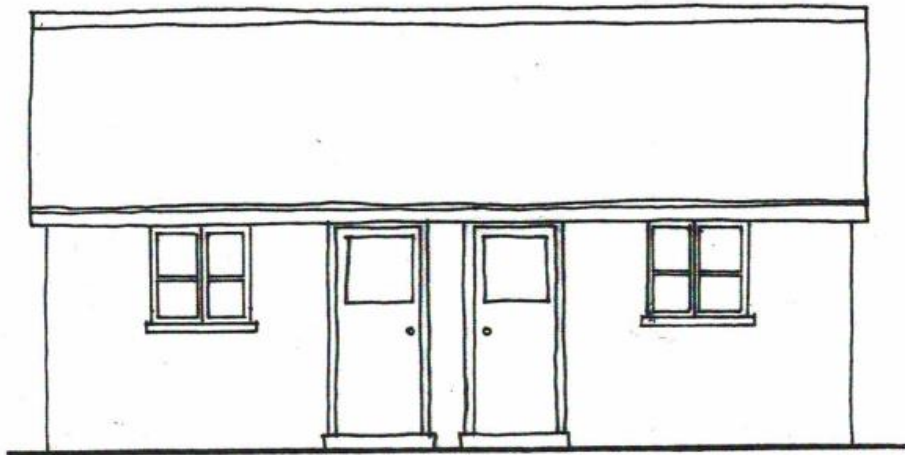
The two proposed amenity buildings measure 7.5m by 5m and would be 4.15m to the ridge. Each comprises a pair of utility rooms and shower rooms to serve the individual family pitches.

The site is proposed to be occupied by the applicant and his immediate family, including parents and adult children who have or who are about to get married.

The site layout plan is set out below:-



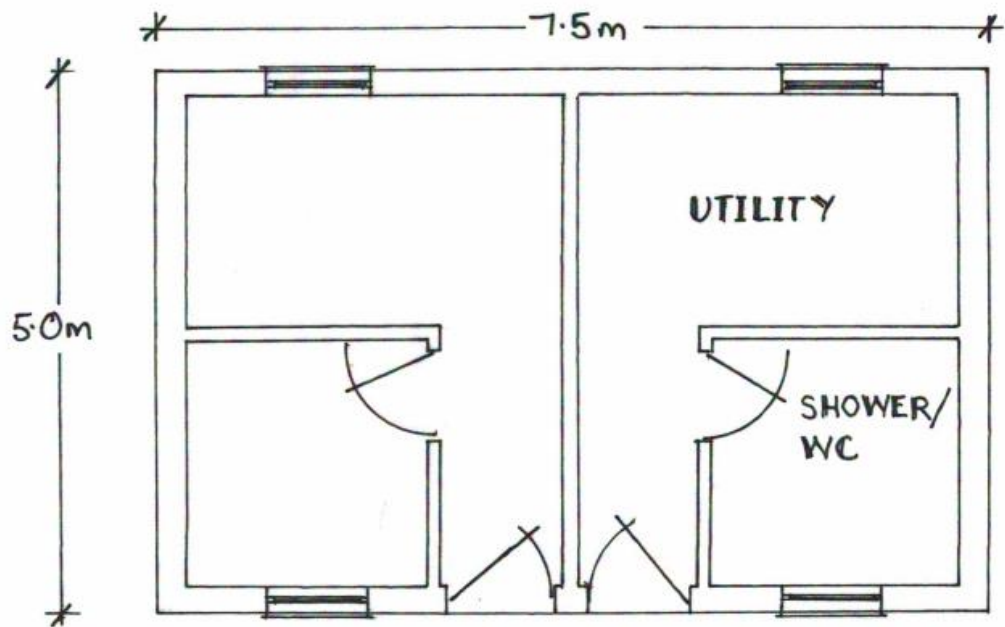
The proposed amenity buildings are as set out below:-



FRONT ELEVATION  
1:50

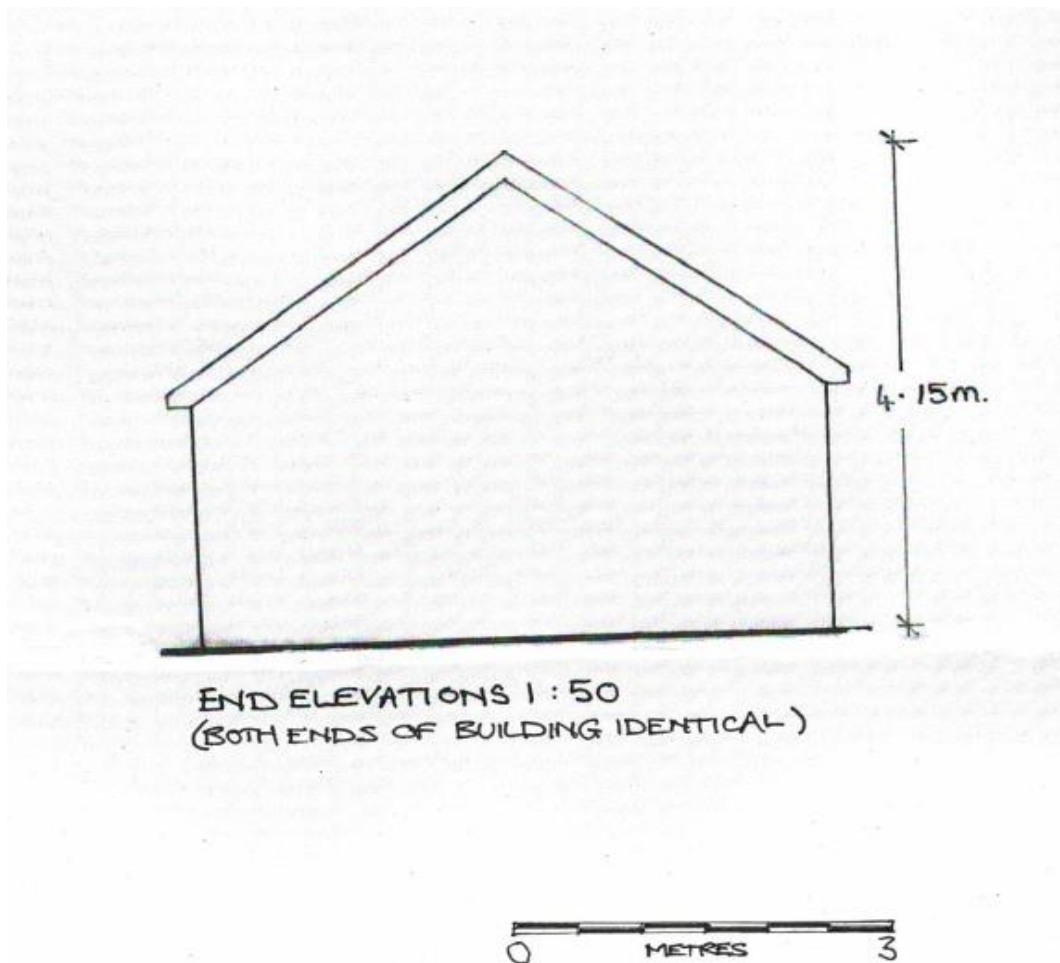


PROPOSED AMENITY BLOCK



FLOOR PLAN  
1:50





## 6. Local Planning Policy

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Wiltshire Core Strategy (2015) and saved policies from the Salisbury Local Plan (2003).

Wiltshire Core Strategy-

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP17 – Spatial Strategy for the Mere Community Area
- CP47 – Meeting the needs of Gypsies and Travellers
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP57 – Ensuring high quality design and place shaping
- CP60- Sustainable Transport
- CP61 – Transport and Development
- CP62 - Development Impacts on the Transport Network

Saved Policies from the Salisbury District Local Plan

- C6 - Special Landscape Areas

National Planning Policy context –

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted. Where development is found to be wholly or partially inconsistent with the provisions of the Development Plan, then the decision maker must determine whether there are other material considerations that should influence the decision.

Planning policy for traveller sites (2015) –

Paragraphs 22 and 23 reiterate the fact that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, and that applications should be determined in accordance with the presumption in favour of sustainable development, when taking into account the policies in the NPPF and this planning policy for traveller sites.

## **7. Summary of consultation responses**

Mere Town Council – Object for the following reasons :-

*On the grounds that, not only would it constitute development in the open countryside, on agricultural land that has not previously been developed nor is it a derelict site in need of renewal but that the site fails to meet a significant number of the 9 points of criteria that are laid out in Core Policy 47 of the Adopted Wiltshire Core Strategy document.*

*Due to the unfortunate experience noted by nearby residents following the granting of planning permission for a nearby gypsy site, members of the Town Council also felt it necessary to resolve that, should the Planning Authority grant planning consent for this application then this should be conditioned to encompass the criteria in point iii of Core Policy 47 – In other words, that the site should be supplied with essential services, such as water, power, sewerage, drainage and waste disposal prior to any residential occupation and also that hardstanding surfaces and access points should be installed prior to any residential occupation being allowed.*

Gillingham Town Council - Object for the following reasons:-

- *The proposed site is in an isolated and unsustainable location in the open countryside;*
- *the application fails to provide an over-riding justification of need;*
- *the site will not enable the provision of suitable accommodation from which the families can access education, health, welfare and employment infrastructure;*
- *the increase in traffic along the narrow country roads will increase the danger to highway users;*
- *the proposed use of land is of a scale that would have an adverse impact on its surroundings and the nearby settlement of Huntingford;*
- *the proposal will result in the loss of a green-field site and the application fails to provide details of the availability of alternative sites in the area;*
- *the proposal will cause harm to the character and appearance of the area;*

- *the proposal will cause light pollution to a rural area, and*
- *the application does not provide evidence to show that the benefits outweigh the harm.*

WC Arboriculturist – No objection to amended plans relocating access away from TPO tree.

WC Archaeology - No comment

WC Drainage – No objection subject to conditions

WC Ecology – No objections

WC Highways – No objections subject to conditions

WC Landscape – No objection subject to conditions

WC Spatial Planning – No objections. The proposal meets the Council's criteria in Policy CP47 and the national planning guidance.

## **8. Publicity**

The application was publicised by way of a site notice and generated over 60 letters of objection, with some individuals writing in on more than one occasion. The objections can be summarised below:

- Inadequate road to take additional traffic
- Junction of access road with the B3092 is hazardous
- Road unsafe for walkers due to narrow width
- Will this site result in an increase in industrial waste in the area?
- There is already an existing gypsy site in the locality and there is therefore no need for an additional site.
- In appropriate development in the open countryside
- The proposal will dominate the nearest settled community due to its size
- It is on agricultural land and the change of use will set a precedent
- To allow a gypsy site would be discriminatory to local farmers who cannot get planning permission for a dwelling on their land
- Visual impact on local landscape
- Adverse impact on biodiversity
- Why not change the use of unwanted developed land that are not farmland
- The nearby Shreen Water and its wildlife could be affected by drainage and run off from the site
- Mere already has enough housing
- The proposed amenity buildings are of a considerable height and size and all the associated development will be an unsightly intervention in the rural landscape.
- It is not clear if the applicant meets the planning tests of being a gypsy
- The development is not in accordance with Policy CP 47
- No need for a further gypsy site has been established via local planning policy
- No details have been provided of the size of the proposed caravans
- The TPO tree at the access will be under threat from the access.

The local branch of the CPRE also raised concerns about the proposal, citing objections that the site is in the open countryside and is part of the setting for Mere, that it is contrary to

Policy CP51 (Landscape) and questions whether the application complies with both local and national policy regarding the provision of gypsy sites.

## 9. Planning Considerations

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.

### Principle of development

Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy (WCS) states that –

*Within the defined limits of development –*

*Within the limits of development, as defined on the policies maps accompanying the Core Strategy, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns (including Westbury), Local Service Centres and Large Villages.*

*Outside the defined limits of development –*

*Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25 (of the adopted Wiltshire Core Strategy), development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.*

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- **Specialist accommodation provision (Core Policies 46 and 47)**
- Supporting rural life (Core Policy 48)

Meeting the needs of gypsies and travellers is one of the exceptions to Core Policy CP2 as referred to under Core Policy 47. Core Policy CP47 sets out criteria against which such applications are to be considered. The policy is informed by the national policy set out in the Planning Policy for Traveller Sites.

Work is progressing on the Council's Gypsy and Traveller Development Plan Document (DPD), and to inform this a recent Gypsy and Traveller Accommodation Needs Assessment (GTAA) – which identifies the need for new pitches across the County and to ensure that there is adequate pitch provision in the DPD – was carried out in 2022. The GTAA confirms that there is now additional need for pitches in Wiltshire beyond that referred to in the WCS, and specifically for the period of 2022-38 there is a requirement of 120 new pitches for Gypsies & Travellers who meet the planning definition in 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. The GTAA further notes that requirements for the first 5-year periods in the GTAA have not been met; for the period 2022-27 the need is 79 pitches for Gypsies & Travellers who meet the planning definition. The GTAA is a material consideration that must be given significant weight.



In a recent appeal elsewhere in the County (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 March 2023) (at annex 1 to this report) it was accepted that this need has not started to be met. The figure of need for 79 pitches supersedes the now out of date targets set out in Policy CP47. It should be noted that the pitch requirements for gypsy and traveller sites are treated in the same way as normal market housing in that the Council is required to demonstrate that it has a 5-year supply of suitable sites. At present there is not a 5-year supply of such sites within Wiltshire; again, this is a material consideration that must be given significant weight.

In two further relatively recent appeal decisions relating to Land to the South of Bridge Paddocks, Braydon Road, Leigh (20/01449/FUL) and Land adj. Bridge Paddocks, Braydon Road, Leigh (20/08187/FUL) (at Annex 2 to this report). The Inspector concluded that the proposed unlimited occupancy of Gypsy/Traveller sites (both comprising 4 pitches and including the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms, all to be used for residential purposes) would contribute towards addressing the unmet general need for Gypsy and Traveller sites as they could be occupied by any persons that meet the PPTS definition. The Inspector noted in the decisions, that there were no grounds to impose a temporary planning permission condition or one that limits occupancy to specific named persons.

#### WCS Core Policy 47

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 of the WCS contains the relevant criteria and it states that:

Core Policy 47 is set out in full below.

*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 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 be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.*
- 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 amenities 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.*
- 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.*

It is firstly necessary to consider whether the applicant meet the criteria set out in the National planning guidance with respect to people of a gypsy or traveller heritage. The definition contained in Annex 1 of the document states that:-

*For the purposes of this planning policy "gypsies and travellers" means:*

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

Enquires have made as to whether the applicant and his family meet the above definition and the outcome is that they do. In view of this the application falls to be considered against the above criteria in Policy CP47, along with national policy and any other policies that are relevant to a development in this location.

Criteria i - that there are no significant barriers to development

The site is not located within an area of flood risk from any source of flooding, and the Council's Drainage Engineers raise no objection to the proposal, subject to conditions. It is an area of land previously used for agricultural activities and storage and has no physical impediment to development in the manner proposed.

Criteria ii - that it is served by a safe and convenient vehicular and pedestrian access.

The Highways Officer raises no objections, subject to conditions including the hard surfacing of passing places within the existing highway, and that the access arrangements to the site, including its junction with the B3092, are acceptable and will not cause significant hazard to other road users.

Criteria iii - that the site can be adequately serviced.

The application includes the provision of a package sewage treatment plant, which would be licenced by the Environment Agency to ensure no pollution of nearby water courses, and the drainage on the site for the amenity buildings would be the subject to Building Regulations control. There is nothing within the application or the consultee responses that can lead to a conclusion that the site cannot be adequately serviced.

Criteria iv - that the site is large enough to provide adequate vehicular parking and manoeuvring, as well as amenity space for residents.

From the Site Plan set out above it is evident that there is adequate parking and manoeuvring space on the site for vehicles, as well as amenity space around the proposed caravans for residents. The Highways Officer has not raised objection to the proposed internal layout of the site.

Criteria v - that the site is located in or near to an existing settlement with a range of facilities.

The site is approximately 1km south of the town of Mere, which is listed as a Local Service Centre in the Core Strategy where there are a range of facilities including a school, doctor's surgery, shops and businesses, and there are bus stops within walking distance of the site with services into Mere and Gillingham.

Policy C of Planning policy for traveller sites (PPTS) acknowledges that gypsy sites can be located within rural or semi-rural settings and para 25 quantifies this advice by stating that new traveller site development should be very strictly controlled in open countryside that is away from existing settlements. The phrase 'away from' has been interpreted at appeal to mean isolated, whereas sites within a reasonable distance from existing settlements (in some cases distances of up to a mile) have been accepted as not being 'away from' settlements for the purposes of this criteria. Indeed, in the appeal decision quoted above (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 March 2023) the application site was described by the Inspector as being 'away from any settlement' (para 21 of the Inspector's decision letter) and he made no reference to this being contrary to the provisions of either Policy CP47 or the PPTS. It is considered, therefore, that the current application site about 1km south of the town of Mere meets criteria v.

Criteria vi - that the proposal will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties.

The site does not have any near residential neighbours, with the nearest dwellings on local farms being over 240m away.

The photographs below show the general state of the land as it was at the time of submission of the application. The land had been in this state for many years.



*View of existing access from highway*



*View into site from existing access*



*General view across the site*

The site lies in a Special Landscape Area, which is a local designation saved from the Salisbury District Local Plan. Policy C6 says that within the Special Landscape Area development should be sympathetic with the landscape, and use materials appropriate to the locality. The Council's Landscape Officer has assessed the application and considered it against the criteria in Policy CP51 (Landscape). He comments that:-

*The primary landscape character of this area is country lanes with soft verges, fields and native hedgerows. Provided that the development respects this character and is well screened to protect the visual amenity of neighbouring properties then I cannot find a reason to object on this account. In order to ensure that the landscape character of this area is maintained I would ask that the following items are conditioned. Only native broadleaved deciduous planting is allowed on this site to avoid the imposition of non-native evergreen species in a rural context that doesn't suit them visually. That all paving is soft verged, including the tarmac entrance drive to avoid the feeling of suburbanisation that concrete kerbs and edgings can bring. All fences and gates on site are conditioned to be a maximum of 1.2m high and of an open agricultural style, and permitted development rights are removed for all boundary treatments. A 5m strip of land from the northern boundary is maintained clear of any buildings or storage in order to maintain the visual tranquillity and rural character of the adjacent lane.*

*Whilst the site sits within a Special Landscape Area the site itself currently detracts from the quality of the area due to the out of keeping boundary fencing, gates, and old vehicles and dilapidated structures that are dotted about the site. Provided that the conditions set out below are met this application would improve the local area and help to restore some of the landscape character.*

The matters raised above can be addressed by condition and it is, therefore, concluded that the proposal meets the criteria vi of policy CP 47.

Criteria vii - that adequate levels of privacy can be provided for the occupiers.

As is set out above, the site is in a rural area with no immediate neighbours and the site is surrounded by an existing hedgerow which will be enhanced as part of the development. The site therefore meets the requirements of this criteria.

Criteria viii - that the site should be appropriate to the scale and character of its surroundings.

The application site is currently a dilapidated farm complex that detracts from the pleasant rural character of the area, and its improvement with better hedging and removal of rubbish would enhance the area, which is characterised by small fields, narrow roads, and farm complexes. The site area for the siting of the caravans and amenity buildings is smaller than the overall untidy area of land at present. The applicant proposes to use the remainder of the site for grazing, and so tidy up all the rubbish that is currently in the land. It is, therefore, considered that the proposal meets this criteria, and is appropriate to its surroundings.

Criteria ix - that the site will not compromise any nationally or internationally recognised designation, nor have adverse effects on river quality, biodiversity or archaeology.

The site lies outside of the catchment of the River Avon, where there are concerns about the impact of additional development on the water quality of this system that is designated for its wildlife importance. The proposal does not affect any recognised designation, and the Council's Ecologist and Archaeologists raise no objections; nor do they recommend any conditions to be imposed. The site also lies at a significant distance from the Cranborne

Chase AONB so as not to have a significant effect on that designated landscape. Therefore, the proposed development meets criteria ix of Policy CP47.

Policy CP47 comments that *'new development should be situated in sustainable locations, with preference generally given to previously developed land or vacant or derelict sites in need of renewal. Where proposals satisfy the general criteria they will be considered favourably.'* From the information set out above it is considered that the application site and the scale of the development proposed does meet the necessary criteria and that the application should be determined accordingly.

Policy CP51 – Landscape, is also relevant when considering an application within the open countryside, but as can be seen from the comments in respect of criteria vi above, the Council's Landscape Officer has given careful consideration to the landscape impacts of the proposal on the nearby and wider landscape setting of the site and has concluded that the scheme is acceptable and would not have an adverse impact on the area, subject to suitable conditions. The buildings proposed are relatively small and the mobile homes are limited in how high they can be to comply with the definition of a caravan in s.29(1) of the 1960 Caravans Site Act which was modified by s. 13(1) of the 1968 Act. s.13(2) of the 1968 Act. As the application is proposing a number of caravans it is not necessary to know how large they are proposed to be as they will have to meet the definitions set out in the above Act to remain within that definition. Anything outside of that range would not have planning permission.

The comments of local residents and the two local Town Councils are acknowledged, but it is considered that their concerns have been addressed. The proposal is compliant with both national and local planning policy, and there are no sustainable grounds to object to the proposal.

#### Other material considerations

##### Five Year Land Supply -

As referred to earlier, the requirement to have a 5-year land supply applies equally to gypsy and traveller sites as it does to normal market housing. At the recent appeal into the provision of a gypsy and traveller site elsewhere in the County (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 March 2023) where the planning application was refused for not being in full compliance with Policy CP47, the Inspector commented on the need and supply of gypsy and traveller sites at paras 26–29 of his decision letter, as follows:-

*26. The PPTS indicates that in producing their Local Plan Councils should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.*

*27. Core Policy 47 indicates that provision should be made for 66 permanent pitches for gypsies and travellers during the period 2011-2016 and a further 42 similar pitches in the period 2016-2021. The SCG (Statement of Common Ground agreed between the appellant and the LPA prior to the appeal hearing) indicates that these accommodation needs have been met through the grant of planning permission on appropriate sites. In terms of future need the 2022-2038 Gypsy and Traveller Accommodation Assessment (GTAA) indicates that for the period 2022-27 there is a need for 79 pitches for nomadic travellers. The Council accepts that this need has not started to be met and the individual needs of the appellant and family are acknowledged by the Council.*

28. *The Council also accepts that the present development plan does not allocate sites for Gypsies and Travellers and it appears that it has never done so. The Council therefore rely on the results of individual applications to meet the strategic need for gypsy and traveller sites. A Gypsy and Traveller Development Plan Document (DPD) to be undertaken alongside the Local plan Review was programmed in the 2017 Local Development Scheme (LDS) for adoption in the first quarter of 2021. However the 2022 version of the LDS puts back the adoption of the Gypsies and Travellers DPD to, at best, the end of 2024.*

29. *This is an on-going failure of policy on the provision and supply of sites and goes against the requirements of the PPTS. I find that there is currently an ongoing need for Gypsy and Traveller sites which will not be catered for through the formal plan led system for some time. These are factors to which significant weight must be attached.*

The Inspector allowed the appeal, concluding at para 38 that:-

38. *It is clear to me that the Council cannot demonstrate a five year supply for new sites at the moment as required by the PPTS and the considerable local need for Gypsy and Traveller sites is unlikely to be met soon through the plan led system. The failure of positive policy, as opposed to the provision by windfall sites, is a significant factor in favour of the proposal.*

This very recent appeal decision, issued in March of this year, states clearly that the Council does not have, and is not likely to have in the near future, a 5-year supply of suitable gypsy and traveller sites. This is a material consideration in the determination of the current application before the Committee today, especially as the application is in accordance with the provisions of both local and national policy on the subject.

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

This application proposes the development of land for a single family, gypsy site to accommodate 4 mobile homes, and 4 touring caravans (one each per pitch) with two amenity buildings to serve the individual plots, along with access improvements, parking, hardstandings and a bin store on land outside of any settlement boundary and therefore in open countryside. Therefore, to meet the provisions of policy CP2 (Delivery Strategy) and CP47 (Meeting the needs of gypsies and travellers) the development has to comply with a number of criteria.

From the assessment set out in section 9 above, it is considered that the proposed development does comply with the provisions of Policy CP47, and it, therefore, a type of development considered acceptable under exceptional circumstances for Policy CP2. The advice from the Landscape Officer confirms that the development is acceptable in that it would not have an adverse impact on the landscape of the locality, and the Highways Officer is satisfied that the use of the site in the manner proposed would not have an adverse impact on highway safety, which is another key criteria for development within the area.

The proposal would help to meet the acknowledged shortfall in gypsy and traveller pitches across Wiltshire.

It is considered that the proposed development would not be contrary to either local or national planning policy and should, therefore, the recommendation is to grant planning permission, subject to suitable conditions.

## **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:

Location Plan, received on 28<sup>th</sup> September 2020

Site Layout Plan, received on 30<sup>th</sup> March 2021

Plans and elevations of Proposed Amenity Buildings, received on 28<sup>th</sup> September 2020

Post and Rail Fence Plan, received on 28<sup>th</sup> September 2020

Gillingham Road Passing Places Plan, received on 20<sup>th</sup> February 2023

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

- 3) No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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, in the interests of visual amenity and the character and appearance of the area.

- 4) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. All gates and fences shall be rural in appearance. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 5) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities;
- all hard and soft surfacing materials
- car parking layout

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/ 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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6) 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 building(s) 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

- 7) No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall be carried out strictly in accordance with the approved details.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 8) No development shall commence on site until a scheme for the discharge of foul water from the site/phase, including all third party approvals, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

REASON: to ensure that the development can be adequately drained without increasing flood risk to others.

- 9) No development shall commence unless the site has been cleared of all current material, structures, non-roadworthy vehicles and waste, including existing close-boarded fencing, and metal gates. All materials shall be suitably disposed of offsite either at a licenced tip or recycling centre.

REASON: In the interests of the amenities of the residents and to protect the landscape character of the area.

- 10) No new external lighting shall be installed on site 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 Note 01/21 The Reduction of Obtrusive Light" (ILP, 2021)", 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.

- 11) No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction -Recommendations". Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 12) No development shall commence on site until a full 'No-Dig' specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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, in order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

- 13) 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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, or the subsequently approved landscaping and means of enclosure plans, shall be erected or placed anywhere on the site on the approved plans.

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

- 14) The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

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.

- 15) No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no

more than four shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan, received on 30<sup>th</sup> March 2021.

REASON: In the interests of the appearance of the site and the amenities of the area, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

- 16) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, 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 the appearance of the site and the amenities of the area.

- 17) No development shall commence on site until full technical details of passing/waiting bay/widening (in accordance with submitted drawing) to be formed at Gillingham Road have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied or first brought into use until the passing/waiting bay/widening has been provided in accordance with the approved details or an agreed timetable. The passing/waiting bay/ widening shall be kept clear of obstructions and available for the passing/parking of vehicles at all times thereafter.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 18) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans and has been consolidated and surfaced (not loose stone or gravel). This includes the access to be properly consolidated and surfaced for the first 10m (not loose stone or gravel) and gates open away from highway. If required the ditch shall be piped accordingly. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 19) Notwithstanding the submitted details, the proposed development shall not be occupied until works have been implemented to prevent private water from entering the highway.

REASON: To ensure that the private water does not flow onto the highway.

- 20) No development shall commence on site until details of the stopping up of the existing vehicle access, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details (including verge and hedge reinstatement) within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

1. The application involves creation of a new vehicle access and stopping up of the previous access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.
2. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
3. Consultation with the Environment Agency is likely to be required in relation the purposed package treatment plant.

If discharge to a watercourse is purposed, then: Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.