



# The Planning Inspectorate

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Your Ref: 20/1449/FUL  
Our Ref: APP/Y3940/W/20/3253486

Development Services  
Wiltshire Council  
Development Services  
County Hall  
Trowbridge  
BA14 8JF

08 September 2022

Dear Sir/Madam,

Town and Country Planning Act 1990  
Appeal by Mr M G Powell  
Site Address: Land to the south of Bridge Paddocks, Braydon Road, Swindon,  
Wiltshire, SN6 6RQ

I enclose a copy of our Inspector's decision on the above appeal(s).

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The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

***Jenni Ball***

Jenni Ball

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## Appeal Decision

Hearing Held on 26 August 2022

Site visit made on 26 August 2022

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 September 2022**

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**Appeal Ref: APP/Y3940/W/20/3253486**

**Land To The South of Bridge Paddocks, Braydon Road, Leigh, Wiltshire SN6 6RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr M Powell against Wiltshire Council.
  - The application Ref 20/01449/FUL, is dated 20 February 2020.
  - The development proposed is creation of a 4 pitch Gypsy/Traveller site comprising the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms.
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### Decision

1. The appeal is allowed and planning permission is granted for creation of a 4 pitch Gypsy/Traveller site comprising the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms all to be used for residential purposes at Land To The South of Bridge Paddocks, Braydon Road, Leigh, Wiltshire SN6 6RQ in accordance with the terms of the application, Ref 20/01449/FUL, dated 20 February 2020, subject to the conditions in the Schedule at the end of this decision.

### Preliminary Matters

2. The site address in the heading and decision above is different to that on the application and appeal forms as it refers to Leigh and includes a post code. It more accurately describes the location of the site and was agreed to by the main parties at the hearing.
3. The description of the proposed development in my decision includes a reference to the scheme being used for residential purposes. This addition clarifies the proposed use of land and was agreed to by the appellant's representatives at the hearing. The Council officers raised no objection to the revision and so I am satisfied it would cause no prejudice to any party.
4. At the hearing, I heard evidence in respect of this appeal and appeal reference number APP/Y3940/W/21/3267711 (hereafter referred to as Mr Buckley's appeal). This other appeal also relates to a proposed Gypsy and Traveller site but on a different part of the field in which this appeal site lies. Both sites include the same access. While each proposal has been considered as a separate entity, they raise very similar issues and I have taken account that I have allowed Mr Buckley's appeal in my assessment.

5. There was a discussion at the hearing on whether this appeal scheme or Mr Buckley's appeal development had started. Notwithstanding the comments made at the hearing, on my site visit I saw the appeal site was largely overgrown and the touring caravans it contained were in a poor condition and not obviously used as residential accommodation. As such, my assessment is made on the basis that the appeal development has not yet started.
6. A drawing showing how the proposed development could be landscaped was submitted at the hearing. The appellant's representatives explained that the drawing is for indicative purposes only and on that basis the Council officers raised no objection to it being taken into account. I am satisfied no injustice would be caused by having regard to the submitted plan.

### **Main Issue**

7. The Council has issued no decision in response to the planning application leading to this appeal. However, in light of the submissions, the main issue is the effect of the development on the character and appearance of the area.

### **Reasons**

8. The appeal site forms part of a larger field that is unkempt and which is not obviously used for any agricultural purpose. The plot lies between the southern field boundary which adjoins a railway and a roughly laid track that runs from the access off Braydon Road across the centre of the field. A public right of way runs alongside the railway and through the southernmost part of the site. At the time of my visit the public right of way was overgrown and impassable.
9. The surrounding area is generally characterised by fields with hedgerows and trees as well as sporadic buildings and development. The Bridge Paddocks Gypsy and Traveller site adjoins the northern boundary of the field and would be visible from the development. The nature of the area is also influenced by traffic on Braydon Road and associated noise. While it is countryside, the locality has no special or recognised landscape value and the influence of existing development diminishes its rural qualities. The appeal site is vacant of buildings but it makes no meaningful positive contribution to the appearance of the area because of its unmanaged and untidy condition.
10. The proposed caravans, dayrooms, hardstanding and associated parking and paraphernalia would plainly give the site a more developed and domestic appearance. Also, such features would reduce the site's openness. However, in the context of the Bridge Paddocks site, the development would not be peculiar to the area. Also, the proposed access drive would not appear unusual as there are several others nearby leading off Braydon Road.
11. Moreover, the development would be largely screened from the road by trees and hedges, although it would be seen through the access gap and it may be more visible at times of leaf-fall. Even so, there is no pavement to the side of Braydon Road and so it is likely the proposal would only be seen from the highway by people passing at speed in vehicles. As such, and given its set back position, the development would not appear prominent from the road.
12. If it was to be cleared and made passable, the public right of way would provide a potential vantage point for the proposal. However, views would be restricted to a short stretch of the footpath closest to the appeal site and road. Vegetation along the western edge of the field would prevent sight of the

- development from the wider area. The proposal would also be seen from the rest of the field and from the Bridge Paddocks site. Even so, the scheme would have only a localised visual effect due to the flat topography and the screening effect of vegetation.
13. Where it is visible, the development would evidently reduce the openness of part of the field. This effect would be emphasised by the linear form of the site, particularly when seen from the east or west. However, views from such directions would be restricted given the screening effect of existing vegetation on the eastern and western edges of the field.
  14. Also, the caravans and dayrooms would be low in height and in many views they would be seen against a backdrop of trees and hedges rather than against the skyline. Moreover, new planting and the use of sympathetic boundary features such as post and rail fencing would help soften the visual impact of the scheme. The drawing submitted at the hearing demonstrates how sensitive landscaping could be provided to avoid an unduly stark interface with the adjoining field. This could be reasonably secured by a planning condition.
  15. The linear form of the proposal would be similar to the Bridge Paddocks layout pattern, albeit the existing site runs parallel to a driveway off Braydon Road rather than the public highway itself. Also, the proposal would be a similar size in terms of ground coverage to Bridge Paddocks. As such, the form and scale of the development would not be unusual to the area.
  16. The scheme's set back position away from the road and more towards the centre of the field would be at odds with Bridge Paddocks which is adjacent to the driveway. Also, the development would introduce a new sub-division within the centre of the field. However, there is no obvious pattern to the layout of local fields and lines of vegetation and so the proposal would not be at odds with any distinctive regularity in these regards.
  17. Concern is raised that the appeal scheme along with the Bridge Paddocks site and the development proposed under Mr Buckley's appeal would have a cumulative harmful effect on the rural qualities of the area. The 3 sites would be close to each other but there would be little potential to see all the existing and proposed pitches at the same time due to the limited viewpoints. Also, there is scope to provide planting as part of the proposed schemes so as to visually separate the pitches. In addition, the layout plan indicates spaces between the caravans and buildings which would help avoid the development appearing unduly cramped.
  18. Therefore, even when considered alongside other existing and proposed Gypsy and Traveller sites, the proposal would not lead to a visually dominant concentration of development. Moreover, this scheme along with Mr Buckley's appeal proposal would represent only a minor intensification of residential use to the area. The majority of the field would remain open and the rural nature would remain as the predominant characteristic of the locality, albeit slightly diminished by the proposed developments.
  19. I am referred to appeal decisions reference numbers APP/Y3940/C/20/3245770 and APP/Y3940/C/20/3245890, which both relate to land to the south of Bridge Paddocks. Both of these appeals were dismissed and an enforcement notice upheld which requires the removal of fencing, hard-surfacing and mounds of earth. The Inspector for these appeals found that such features would not

respect the rural agricultural character of the area and so would cause a small degree of harm to local character and appearance.

20. There are limited details before me on the extent or design of the fencing, hard-surfacing or earth mounds that this Inspector was previously considering. The Inspector makes reference to high close-boarded fencing measuring well over 100m and no such feature is shown on the landscape proposals drawing provided at the hearing. Also, it is clear these previous decisions did not consider the creation of a new Gypsy and Traveller site or any other use of land. As such, the development now before me is materially different to that assessed by the previous Inspector and so I am not bound to reach the same views on the issue of character and appearance.
21. In summary, the proposal would change the appearance of the appeal site and reduce its openness. However, it does not follow that this change would be detrimental to the character and appearance of the area. As it exists, the site makes no meaningful contribution to the visual qualities of the locality. The scheme would not be widely visible and even when seen it would not be unduly prominent nor obstruct important views. It would be in keeping with the area, particularly in light of the existing Bridge Paddocks site.
22. Furthermore, there would be scope to mitigate any visual impact through the provision of new planting and sensitive boundary treatment. The scheme would not undermine any distinctive field pattern. Even when this appeal proposal is considered with the Bridge Paddocks site and Mr Buckley's appeal scheme, the rural nature of the area would prevail.
23. For these reasons, I conclude the development would not be harmful to the character and appearance of the area. In these respects, it would accord with Core Policies 47, 51 and 57 of the Wiltshire Core Strategy 2015 (WCS). Amongst other things, these seek to ensure development has no harmful impact upon landscape character.

### **Other Matters**

24. Having regard to a Gypsy and Traveller Accommodation Assessment dated March 2022 (GTAA) the Council accepts that there is an unmet general need for additional Gypsy and Traveller sites within the area. However, the Council contends that the proposal could not be legitimately counted towards helping to address the identified need as the intended occupants' accommodation requirements did not inform the survey upon which the GTAA is based.
25. The appellant has provided information on the intended occupiers of the proposed pitches and submitted a personal circumstances case for allowing the development. However, it was explained at the hearing that this case is a secondary point in support of the scheme. In the first instance, the appellant seeks planning permission without any occupancy restriction other than to persons that meet the definition of Gypsies and Travellers as set out in the government's Planning Policy For Traveller Sites (PPTS). There is no dispute that the intended occupiers would comply with this definition.
26. As I have found the proposal would be acceptable in terms of the main issue, there is no need to consider further the personal circumstances case or to impose a personal planning condition. Consequently, I find the proposal would contribute towards addressing the unmet general need for Gypsy and Traveller

sites as it could be occupied by anyone that meets the PPTS definition. This factor adds support for the proposed development.

27. The Council contend that a planning permission for the proposal would set an undesirable precedent that would make it difficult to resist similar development elsewhere, particularly on other parts of the field in which the site lies. However, apart from Mr Buckley's appeal development, there is no information before me that suggests any other part of the field is likely to come forward for a Gypsy and Traveller site. I understand that the Bridge Paddocks site has developed incrementally in order to address the occupiers' changing accommodation requirements. However, there is no evidence to indicate a prospect of similar incremental growth should planning permission be granted for the appeal scheme. In any event, there can be no certainty that the cumulative effect of further Gypsy and Traveller site developments would be harmful. As such, the precedent concern fails to influence my assessment of the appeal.
28. Other concerns have been raised by interested parties. There is no evidence to suggest that the development would affect a gas pipeline. Also, there is little information that shows the development would put inappropriate pressure on local services or adversely impact on local tourist destinations.
29. Limited information on drainage systems to serve the development has been provided but the Council accepts that this matter could be appropriately dealt with through a planning condition. There is no substantive evidence to show the living conditions of occupiers of the development would be unacceptable due to noise from the nearby railway line.
30. Traffic along Braydon Road travels quickly but a planning condition could be used to secure sufficient visibility splays in both directions from the access. As such, the proposal would not prejudice highway safety. The site is away from any settlement but the local highway network would provide reasonably convenient access by car for occupiers to health, education and employment facilities. The site would be in a suitable location in terms of accessibility to services when having regard to the provisions of WCS Core Policy 47 and the PPTS.
31. In the absence of firm reasons to dismiss the appeal on any of the above grounds, the concerns raised do not affect my overall conclusion.

### **Conditions**

32. I have had regard to the Council's suggested planning conditions as well as those discussed at the hearing. Where appropriate, I have amended the wording for precision reasons and to avoid unnecessary pre-commencement requirements.
33. In the interests of clarity, I attach a condition that requires the development to accord with the approved drawings. This condition only lists the plans that show the proposed development and does not refer to the landscape proposals plan which was submitted at the hearing for indicative purposes.
34. However, to ensure the satisfactory appearance of the development, conditions are required regarding hard and soft landscape details as well as external lighting. There is no need for a separate condition in respect of gates as this matter would be covered by the landscape condition. A condition is also needed

to ensure appropriate surface and foul water drainage systems are provided. This would remove the need for the suggested condition on the discharge of contaminated water. I have worded these conditions so as to allow commencement on the construction of the dayrooms before details are approved so as to avoid pre-commencement requirements.

35. In the interests of highway safety, a condition is imposed that requires visibility splays to be provided and for the vehicular access to be properly surfaced. To ensure satisfactory living conditions for occupiers and sufficient space for parking and turning of vehicles, a condition is needed that limits the number of pitches and the number of caravans allowed on each pitch.
36. The proposal has been advanced on the basis that the site would accommodate people who meet the PPTS definition of Gypsies and Travellers. It is fundamental to the acceptability of the scheme to impose a restriction on occupation to this extent as I have no evidence that a residential caravan site without limitations would comply with development plan policies. However, as I have found the scheme would be acceptable in terms of the main issue, there is no grounds to impose a temporary planning permission condition or one that limits occupancy to specific named persons.
37. The description of the development includes no reference to any commercial activities and so there is no need for a condition to prevent such uses as planning permission would be required in any event. As only a residential use is permitted, a condition preventing the parking of vehicles over 7.5 tonnes is unnecessary.

### **Conclusion**

38. I have found the proposed development would be acceptable in terms of its effect on the character and appearance of the area. Therefore it would comply with the policies of the development plan when read as a whole. As such, I conclude the appeal should be allowed.

*Jonathan Edwards*

INSPECTOR

### **APPEARANCES**

FOR THE APPELLANT:

Alan Masters of Counsel, instructed  
by

Brian Woods BA (TP) MRTPI                      Planning Consultant

Tom Buckley

Michael Powell

FOR THE LOCAL PLANNING AUTHORITY:

Jean Brunning                                      Planning Contractor

Henning Totz                                        Senior Planning Officer

### **LIST OF DOCUMENTS SUBMITTED AT THE HEARING:**

1. Drawing number 962-L-01, Landscape Proposals relating to appeal reference number APP/Y3940/W/20/3253486
2. Drawing number 962-L-02, Landscape Proposals relating to appeal reference number APP/Y3940/W/21/3267711
3. Email dated 27 March 2020 including plan showing part of the public footpath PURT126.
4. Plan showing public footpath PURT126 and bridleway LEIG15

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J003517/DD01B, J003517/DD03B and J003517/DD04.
- 3) Notwithstanding the details as shown on the approved plans, no development hereby permitted shall commence (apart from the excavation of foundation trenches for the approved dayrooms) until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:-
  - the location and canopy spread of all existing trees and hedgerows on the site as well as details of any to be retained and measures for their protection in the course of the development;
  - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
  - any proposed earthworks;
  - all means of enclosure including gates;
  - all hard and soft surfacing materials;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units);
  - an implementation timetable for the provision of the proposed features and works.

Hard and soft landscaping works shall be carried out fully in accordance with the approved details and implementation timetable. 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.

- 4) No development hereby permitted shall commence (apart from the excavation of foundation trenches for the approved dayrooms) until details of external lighting to be provided as part of the development have been submitted to and approved in writing by the local planning authority. No external lighting other than that as approved by the local planning authority shall be provided on the development site.

- 5) No development hereby permitted shall commence (apart from the excavation of foundation trenches for the approved dayrooms) until details of surface and foul water drainage systems to serve the approved development have been submitted to and approved in writing by the local planning authority. The details shall include an implementation timetable. Drainage systems shall be provided in accordance with the approved details and implementation timetable and shall be maintained and retained thereafter.
- 6) No part of the development hereby permitted shall be first brought into use or occupied until means/works have been implemented to maintain visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the near-side carriageway edge 125 metres to the right and 215 metres to the left of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision in excess of a height of 900mm above the level of the adjacent carriageway.
- 7) No part of the development hereby permitted shall be first brought into use or occupied until the first 5 metres of the vehicular access to the site, measured from the edge of the public highway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
- 8) There shall be no more than 4 pitches on the site hereby permitted and on each pitch there shall be no more than 2 caravans stationed at any time, of which only 1 caravan shall be a mobile home/static caravan.
- 9) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 to "Planning Policy for Traveller Sites" published by the Department for Communities and Local Government in August 2015 (or its equivalent in replacement national policy).