

**WILTSHIRE COUNCIL**

**SOUTHERN AREA PLANNING COMMITTEE**

**8 September 2011**

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**Subject: Planning application no. S/2011/708/FULL –  
Hillbilly Acre, Southampton Road, Clarendon, Salisbury, SP5 3DG**

**Purpose of Report**

1. To advise the Committee on the 'site selection criteria' currently used by officers to assess the acceptability of gypsy and traveller sites, including the recent Hillbilly Acre site.

**Background**

2. The Committee will be aware that it refused planning application no. S/2011/708/FULL for the change of use of Hillbilly Acre to a residential gypsy site containing eight mobile home units and related alterations on 28 July 2011 against officer advice for the following reasons:

- (i) The application site lies within the countryside where new residential development is strictly controlled. Emerging government policy set out in the DCLG consultation document 'Planning for Travellers Sites' seeks fair play with everyone being treated equally and even-handedly through consistent application of policy on housing provision for both the travelling and settled communities. The local planning authority applies considerable weight to this emerging policy, particularly in view of the statement in the Ministerial foreword that '... the current planning policy for traveller sites does not work'. The proposal, to permanently station residential mobile homes on the site, would not achieve consistency with housing policy in the countryside, and consequently conflicts with the emerging policy.

- (ii) Notwithstanding reason for refusal no. 1, the application site lies within a sensitive countryside location comprising open land and woodland, and scattered residential properties. The importance of the landscape within the area is recognised by its inclusion within the Landscape Setting of Salisbury policy area where new development is strictly controlled to ensure there is no detriment to the visual quality of the landscape. To the immediate south-east side of the site is a grade I listed residential property (St Maries Grange) and to its north-west side a grade II listed residential property (Belmont House); both properties are set in extensive parkland gardens which positively contribute to the countryside character of the area; and the natural and un-cluttered landscape which surrounds these properties equally contributes to their grand country house status and historic significance. To the south-west side of the site is a flood plain of the River Avon, designated as an Area of High Ecological Value; the River Avon itself is a Site of Special Scientific Interest and a Special Area of Conservation.

The proposed development, by reason of the relatively intensive nature of the use and the resulting appearance and spread of the various mobile structures, buildings and engineering works and by reason of the inevitable associated

activity and domestic paraphernalia, would be inappropriate in, and uncharacteristic of, this particularly sensitive countryside area as described. In addition, the proposed development, again by reason of the appearance and spread of the various mobile structures, buildings and engineering works, would not preserve the setting or outlook of the adjacent grade I listed house (St Maries Grange) in particular.

The local planning authority recognises that there is a need for accommodation consistent with gypsies nomadic lifestyle. However, the sensitivities of this particular site make it unsuitable as a gypsy site in view of the demonstrated overriding environmental objections. The proposal is, therefore, contrary to Policies H34 (Gypsy Sites), G1 (General Principles for Development), G2 (General Criteria for Development), C2 (Rural Environment), C7 (Landscape Setting of Salisbury), CN3 (Listed Buildings) and CN5 (Listed Buildings) of the Salisbury District Local Plan 2003, and the aims and objectives of PPS5 (Planning for the Historic Environment).

3. During the debate the Chairman requested that a report be prepared setting out the site selection methodology used by officers to assess sites, and this site in particular.

### **Current policy**

4. Current planning policy relating to Gypsy and Traveller Sites comprises Policy DP15 of the Wiltshire and Swindon Structure Plan and Policy H34 of the Salisbury District Local Plan. Policy DP15 states that suitable sites for gypsies and travellers may be found both within and outside of existing settlements. It further states that sites should have minimum impact on adjoining land uses and the natural and built environment, and should be well located to meet the needs of occupants. Policy H34 states the following:

*Proposals for gypsy sites outside Housing Policy Boundaries or Housing Restraint Areas will be subject to the following considerations:*

- (i) Where the proposal is in the New Forest Heritage Area, the Cranbourne Chase and West Wiltshire Downs AONB, the Stonehenge WHS, or any Site of Special Scientific Interest or Area of High Ecological Value, such development will only be permitted where there will be no adverse impact on these designated areas.*
  - (ii) Elsewhere in the District, proposals should be acceptable in landscape and nature conservation terms, there are no overriding environmental objections, and the access and services are satisfactory; and*
  - (iii) The site is situated within or close to a settlement and is well located in relation to local services and amenities.*
5. Current guidance at the national level is provided by Circular 01/06 – Planning for Gypsy and Traveller Caravan Sites. The “main intentions” of this guidance are:
    - a) *to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;*

- b) *to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;*
  - c) *to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 – 5 years;*
  - d) *to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;*
  - e) *to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;*
  - f) *to identify and make provision for the resultant land and accommodation requirements;*
  - g) *to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;*
  - h) *to promote more private gypsy and traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites; and*
  - i) *to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.*
6. The Circular expects local planning authorities to assess gypsy and traveller accommodation needs as part of a gypsy and traveller accommodation assessment (GTAA). The Circular states that there is a need to provide sites, including transit sites, in locations that meet the current working patterns of gypsies and travellers. The Circular advises that the data collected through the GTAA process will inform the preparation of Development Plan Documents as part of the Local Development Framework. The Circular further states that the core strategy should set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in relevant DPD. These criteria will also be used to meet unexpected demand.
7. Salisbury District Council undertook a Gypsy and Traveller Accommodation Assessment in 2006. This revealed that South Wiltshire has a good range of pitches, and the number of unauthorised pitches has been low. However, it still revealed a need to make provision for an additional 18 residential and 5 transit pitches in South Wiltshire in the period up to 2011.
8. Circular 01/06 further states that issues of sustainability should not only be considered in terms of transport mode and distances from services, but such consideration should also include:
- a) *the promotion of peaceful and integrated co-existence between the site and the local community;*
  - b) *the wider benefits of easier access to GP and other health services;*
  - c) *children attending school on a regular basis;*

- d) *the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment; and*
- e) *not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.*

### **Emerging Policy**

9. Emerging planning policy is set out in the South Wiltshire Core Strategy (SWCS). The SWCS is reasonably well-advanced in the plan making process and consequently it and its evidence base can be given some weight as a material consideration. Core Policy 4 of the SWCS is intended to replace Policy H34 of the Local Plan, and it takes account of the findings of the Gypsy and Traveller Accommodation Assessment referred to above. It states the following:

*Within the Gypsy and Traveller Site Allocations DPD, sites will be identified to meet the demand for eighteen residential and five transit Gypsy and Traveller pitches in south Wiltshire and to contribute towards the 5 plots required to meet the needs of travelling showpeople to 2011. Beyond 2011, provision will either be compounded up into the future or a further study to identify Gypsy, Travellers and Travelling Showpeople's needs will be undertaken.*

*The following considerations will be taken into account in the determination of relevant planning applications as well as for the identification for new Gypsy and Traveller pitches prior to the DPD being adopted:*

- 1. The intended occupants meet the definition of Gypsies and Travellers within circular 01/2006;*
  - 2. The site should be located within or close to a settlement as defined by the Sustainable Settlement Strategy;*
  - 3. The site will be large enough to provide for adequate on site facilities for parking, storage, play and residential amenity as well as any commercial activity that is required;*
  - 4. Adequate levels of privacy should be provided for occupiers;*
  - 5. Development of the site should be appropriate to the scale and character of its surroundings and the existing settlement;*
  - 6. The site does not compromise a nationally recognised designation;*
  - 7. The site should not be constrained by flooding nor have the potential for adverse effects on river quality, biodiversity or archaeology.*
10. In due course a Wiltshire-wide Gypsy and Traveller Site Allocations DPD will allocate specific sites to meet the demonstrated outstanding need for accommodation. A draft document is at an early stage of the plan-making process, but has been on-hold pending the outcome of the Core Strategy process (which itself has been delayed by the demise of Regional Spatial Strategies). Limited weight can, therefore, be given to it at this time.

11. At the national level a new Planning Policy Statement to replace Circular 01/06 is being prepared. Consultations on the draft version ended on 3 August, and the Government is now considering representations received. The DCLG website advises that the new Circular will be published as soon as possible. In the meantime only limited weight can be attached to the draft version as it may be subject to change. The draft indicates a clear emphasis on applying a consistent approach for 'normal' housing and traveller sites.

**Applying the 'site selection criteria' to Hillbilly Acre**

12. It is evident from the foregoing paragraphs that there are in current planning policies and advice various criteria to take into account. These are summarised as follows:

Policy HC34 -

- *proposals being acceptable in landscape and nature conservation terms, there being no overriding environmental objections, and access and services being satisfactory; and*
- *the site being situated within or close to a settlement and well located in relation to local services and amenities.*

Circular 01/06 -

- *The existing level of provision and need for sites in the area;*
- *The availability (or lack of) alternative accommodation;*
- *Other personal circumstances;*
- *The likely impact on the surrounding area;*
- *Road access;*
- *The availability of services;*
- *Potential conflict with statutory undertakers or agricultural interests;*
- *Any other significant environmental impacts;*
- *The promotion of peaceful and integrated co-existence between the site and local community;*
- *The wider benefits of easier access to GP and other health services;*
- *Children attending school on a regular basis;*
- *The provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by un-authorized encampments; and,*
- *Not locating sites in areas of high flood risk of flooding, including functional floodplain.*

13. An assessment against this criteria led officers to the following judgements:

- There is inadequate provision of gypsy sites to meet demonstrated needs within South Wiltshire;
- The impact of this particular site on the surrounding area is limited in view of the site's scale and visibility in particular;
- Safe vehicular access to the site can be achieved;
- Services to the site can be appropriately provided, and there is no conflict with statutory undertakers;
- There is no reason to assume that the site would not integrate with the local community having regard to its limited scale and circumstances;
- There are no other significant environmental impacts, as confirmed by consultees (eg. Environment Agency, County Ecologist, etc.);

- The site is close to settlements with essential facilities (GP/other health services and schools). A bus service runs close to the site;
  - The site is not in an area of flood risk.
14. This assessment was undertaken as part of the application process and in consultation with the Spatial Planning team. The specific response from the Spatial Planning Team follows this report.

### **Conclusion**

15. This report sets out the policy background and site selection criteria based on current policy against which applications for gypsy sites are assessed, including the Hillbilly Acre application. The report is in response to a request for clarification made by the Committee.

### **Recommendation**

**The report is for information only.**

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Report Author: Andrew Guest, Area Development Manager (South)

Date of report: 23 August 2011

### **Background Papers**

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

None

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