

# **SPATIAL PLANNING** **CONSULTATION RESPONSE**

**To:** Warren Simmonds

**Ref:** S/2011/708

**Proposal:** Resubmission of S/2011/0422 - change of use of land to residential gypsy site containing eight mobile home units (three of which are retrospective), alterations to highway access, boundary treatments, provision of parking areas and associated landscaping.

**Location:** Hillbilly Acre, Alderbury

**Date:** 15 June 2011

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## **Key Policies**

ODPM Circular 01/06 *Planning for Gypsy and Traveller Caravan Sites*.

The DCLG *Designing Gypsy and Traveller Sites – Good Practice Guide* (May 2008)

Adopted Salisbury District Local Plan (“SDLP”)  
H34 (Gypsy Sites)  
R2 (Recreational open space)

Emerging South Wiltshire Core Strategy (“SWCS”)  
Core Policy 4 (Making adequate provision for gypsies and travellers)

Emerging Wiltshire Core Strategy (“WCS”)  
Core Policy 31 (meeting the needs of gypsy and travellers)

Gypsy and Traveller Site Allocations DPD *Issues and General Approach Report* (April 2010)

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## **Key Issues**

Current adopted policy relating to Gypsy and Traveller Sites is provided by the Wiltshire and Swindon Structure Plan 2016 (As saved) Policy DP15 and the Salisbury District Local Plan (As saved) Policy H34. In addition, guidance is provided at the national level through the ODPM Circular 01/06 *Planning for Gypsy and Traveller Caravan Sites*. The Coalition Government has indicated that guidance contained within this Circular will be replaced with a light-touch guidance outlining the council’s statutory obligations.<sup>1</sup> Circular 01/06 remains pertinent to this particular case until a replacement is issued.

The DCLG *Designing Gypsy and Traveller Sites – Good Practice Guide* (May 2008) should also be considered in assessing the suitability of this site for Gypsy and Traveller Accommodation.

In addition to this guidance the Gypsy and Traveller Site Allocations DPD *Issues and General Approach Report* (April 2010) identifies a Site Selection Methodology to assist in identifying sites to meet Gypsy and Traveller needs. The criteria is based on Circular 01/06 and Good Practice Guidance and is being developed through a process of local consultation, with both the settled and travelling communities. An initial assessment of this site based on the Site Assessment Template found at Appendix C of the DPD suggests that this site would be suitable for development given its relatively sustainable location.

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<sup>1</sup> <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100726/text/100726w0002.htm#10072632000565>

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Wiltshire Council is committed to meeting the accommodation needs of Gypsies and Travellers and the progress to date on the Wiltshire Gypsy and Traveller Site Allocations DPD clearly signals the intention to plan for current and future accommodation needs through the plan-led process. There is concern that the delivery of sites for the Travelling community outside of the DPD process may undermine this process and therefore the granting of permissions may be premature. This has been consistently argued by the Council in previous applications and remains a genuine concern.

However, a recent appeal decision<sup>2</sup> at a site near to Sutton Benger concluded that “*the emerging DPD was still at a relatively early stage in the plan-making process at the date of the inquiry and it can only carry limited weight*”. This appeal decision is material consideration in the determination of this application and whilst the preparation of the DPD continues, it has not at this time reached a significantly advanced stage to depart from the Inspectors conclusions that it should carry only *limited weight*.

Current adopted policy relating to Gypsy and Traveller Sites is provided by the Wiltshire and Swindon Structure Plan 2016 (As saved) Policy DP15 and the Salisbury District Local Plan 2011 (As saved) Policy H34. The site is located outside of any current Housing Policy Boundaries, Housing Restraint Areas and international and national designations, and Policy H34 of the SDLP is permissive of proposals for gypsy sites in these circumstances, subject to:

- 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.

I assume you will make your own judgement with regard to the first criterion. My view on the second criterion is that the site is relatively well situated in terms of access to two settlements (i.e. Salisbury and Alderbury) and the services and amenities they provide.

You will of course be aware that the SWCS is currently subject of an Examination In Public, and therefore the SWCS can now be taken as a material consideration when determining planning applications.

It is proposed that Core Policy 4 of the SWCS will replace Policy H34 of the SDLP to provide clearer guidance towards meeting identified needs for new gypsy and traveller sites in South Wiltshire. A proposed Wiltshire-wide Gypsy and Traveller Site Allocations DPD will allocate specific sites to meet any remaining outstanding need in due course. However, it is acknowledged that individual proposals can begin to meet this need in the meantime.

Core Policy 4 sets out the following criteria for where such proposals would be acceptable:

- The intended occupants meet the definition of Gypsies and Travellers within circular 01/2006.
- The site should be located within or close to a settlement as defined by the Sustainable Settlement Strategy.
- 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.
- Adequate levels of privacy should be provided for occupiers.
- Development of the site should be appropriate to the scale and character of its surroundings and the existing settlement.
- The site does not compromise a nationally recognised designation.
- The site should not be constrained by flooding nor have the potential for adverse effects on river quality, biodiversity or archaeology.

I am again assuming you will make your own judgement with regard to most of these criteria, My view on the second criterion is that the site is relatively well situated in terms of access to two settlements defined by the Sustainable Settlement Strategy (i.e. Salisbury and Alderbury).

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<sup>2</sup> App/Y3940/A/10/2122592

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Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 is clear that suitable sites for Gypsies and Travellers may be found both within and outside of existing settlements; sites should have minimum impact on adjoining land uses and the natural and built environment; and sites should be well located to meet the needs of occupants. The site is adjacent to a bus stop, with an hourly service to Southampton and Salisbury.

Circular 01/06 represents the most relevant policy and I would draw your attention to Paragraphs 58-63 ('Applications'). The key considerations for Gypsy and Traveller Site applications are likely to include:

- The likely impact on the surrounding area;
- The existing level of provision and need for sites in the area;
- The availability (or lack of) alternative accommodation; and,
- Other personal circumstances.

Other considerations should include, as a minimum:

- Road access;
- The availability of services;
- Potential conflict with statutory undertakers or agricultural interests;
- Any significant environmental impacts;
- Flood risk.

Finally, an assessment of the sustainability of the site should also be undertaken and in accordance with Circular 01/06, this should consider;

- 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 based that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and,
- Not locating sites in areas of high flood risk of flooding, including functional floodplain.

The emerging Planning Policy Statement: *Planning for Traveller Sites* provides a useful insight into how Traveller site applications will be assessed in the future. There is a clear emphasis on applying a consistent approach for 'normal' housing and applications for Traveller sites, indeed the need to provide a 5, 10 and 15 year supply is symptomatic of this new approach.

PPS3: *Housing*, paragraph 71 will form an important aspect in the determination of future applications as in circumstances where an LPA is unable to demonstrate a five year supply of housing/traveller sites, applications should be considered "*favourably*". As indicated previously there is an outstanding need in this area and this amounts to some 21 permanent pitches (based on table 6.21 of the emerging WCS) Therefore there remains an identified unmet need in this part of Wiltshire which is a consideration that weighs in favour of this proposal and also represents a key consideration in the guidance contained with Circular 01/2006.

If permission is granted on a permanent basis, then R2 contributions would also be required. If a temporary permission was granted, then this would not have to be paid at this point, but if at some point in the future an application for a permanent site, then it's at this point the monies would need to be paid.

I note from the application that the number of bedrooms for each dwelling is not known at this point. In this instance the R2 contributions could be worked out on an average occupancy basis, as they are on an outline application.

### **Recommendation**

The proposal would conform in principle to Policy H34 of the Adopted Salisbury District Local Plan and Core Policy 4 of the Emerging South Wiltshire Core Strategy.

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This consultation response is based on a desk based appraisal of policies and other available guidance by Spatial Planning and cannot take account of specific site based issues where detail is required to be assumed.