

REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	12th February 2025
Application Number	PL/2024/07482
Site Address	Land at Clay Pitts, Greenhill, Royal Wootton Bassett, Wilts, SN4 8EH
Proposal	Material change of use of land for the stationing of caravans for residential purposes with dayrooms and hardstanding ancillary to that use (Resubmission of PL/2023/04820)
Applicant	Mr Michael McDonagh
Town/Parish Council	Lydiard Millicent CP
Ward	Royal Wootton Bassett East ED
Lat/Long	51.57401, -1.9034
Type of application	Full Planning Application
Case Officer	James Repper

Reason for the application being considered by Committee

Councillor S. Bucknell has called the application to committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to surrounding properties
- Contrary to policy, lack of need for additional traveller pitches in the area as evidenced by the latest assessment

1. Recommendation

To delegate to the Director of Planning to approve subject to the following conditions and the conclusion of a Section 111 agreement, and appropriate assessment in relation to the North Meadows Special Area of Conservation to be concluded after approval.

2. Purpose of Report

To consider the above application and the recommendation that planning permission should be APPROVED subject to conditions.

3. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Highways matters and access
- Character, Design & Landscape impact
- Ecological impact

The revised application has generated Objections from both Purton and Lydiard Millicent Parish Councils and 32 letters of objection from members of the public all of which are fully visible on the Wiltshire Council Planning Portal.

4. Site Description

The application site is located on the edge of the non-designated settlement of Greenhill which does not benefit from a settlement boundary and as such is located within the designated countryside, as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 19 (Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area). The site covers an area of circa 0.35 hectares and is mainly unmanaged grass and scrubland. The site also includes a stable block with hardstanding and 3 outbuildings. The site is located immediately to the southwest of a mixture of existing residential dwellings and agricultural buildings in various states of repair. The public footpath, LMIL4, crosses the wider ownership of the applicants and accesses the area via the same gate as the access to the proposed site. There are, currently, styles at both ends of the footpath for entry/exit of the land within the applicant's ownership. The Market Town of Royal Wootton Bassett is located approximately 3.5km to the south with the nearest supermarket some 3.8km away. Lydiard Milicent Primary School is 2.7km away and the nearest bus stop is 1.3km distant, it is noted that the route to the bus stop is not along roads with pedestrian pavements.

Location Plan



Site Plan



5. Planning History

Application Ref	Proposal	Decision
PL/2022/00943	A mixed-use application for the stationing of caravans for residential purposes and the keeping of horses, with dayrooms; stable and hardstanding ancillary	Refused 14 th June 2022
PL/2023/04820	A material change of use of land for the stationing of caravans for residential purposes with dayrooms and hardstanding ancillary to that use'	Refused 27 th November 2023

6. The Proposal

This is a full planning permission application for a material change of use of agricultural land to allow the stationing of two mobile homes, two caravans and two dayrooms plus associated hardstanding, formalised access, post and rail fencing, native hedging and tree planting plus associated works.

7. Local Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (PPTS)

North Wiltshire Local Plan 2011 policies (Saved by Wiltshire Core Strategy):

NE14: Trees, Site Features and the Control of New Development.
NE18: Noise and Pollution.

Wiltshire Core Strategy:

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 19: Royal Wootton Bassett and Cricklade Community Area
Core Policy 47: Meeting the Needs of Gypsies and Travellers
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 64: Demand Management
Core Policy 67: Flood Risk

Supplementary Planning Guidance:

Wiltshire Council Gypsy and Traveller Accommodation Assessment (GTAA) 2022-2038
Final Report March 2022
Lydiard Millicent Neighbourhood Plan

8. Summary of Consultation Responses – All consultation responses can be viewed in full via the Wiltshire Council Planning Website

Lydiard Millicent Parish Council: Objection

- Third application with no changes to previous
- The Land lies within the open countryside and its continued residential use, which is unsupported by any rural employment need, is contrary to Core Policies 1, 2 and

48 of the Wiltshire Core Strategy (adopted January 2015) and paragraph 55 of the National Planning Policy Framework (2012) and no overriding exception to these policies has been demonstrated.

- Core Policy 19 of the Wiltshire Core Strategy (adopted January 2015 — the Royal Wootton Bassett and Cricklade Area Strategy) in that the use takes place in an isolated unsustainable location.
- Core Policy 51 of the Wiltshire Core Strategy (adopted January 2015) and paragraph 109 of the National Planning Policy Framework in that the unauthorised development has an adverse impact on the local landscape character area.
- Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015) and paragraphs 56 and 64 of the National Planning Policy Framework in that the unauthorised development is unsympathetic to its natural landscape setting.
- Core policies 60 and 61 of the Wiltshire Core Strategy (adopted January 2015) together with paragraph 32 of the National Planning policy framework in that the unauthorised development takes place in an unsustainable location encouraging the use of the private car.

Purton Parish Council: Objection

- At the Purton Parish Council meeting held on 14 October, it was resolved to Object. Although this application has been scaled back, many of the reasons for the refusal of the previous application still apply i.e. urbanisation of the site which will have an unacceptable impact on the local area with regards to additional daily use of vehicles necessitated by a lack of amenities in the immediate vicinity and a poor bus service and local roads unsuitable for sizeable touring vehicles'

Rights of Way: No Objection

- I note that the proposed site has been moved further away from the public footpath and will be shielded from view by the existing buildings and landscaping. While there will be an increase in vehicular use of the first section of footpath which is shared with the access track I do not feel that this is enough to raise an objection.

I have no objection to the proposal subject to the following informative:

- The applicant should note that no construction/demolition vehicle access may be taken along footpath LMIL4 without prior consultation with the Rights of Way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

Highways: No Objection

- While the application is a re-submission of a previously refused scheme of erecting 2 number gypsy traveller pitches on private land, the rights of way team have withdrawn their earlier objection subject to suitable conditions being met.

Any grant of permission would result in the establishment of an additional two number dwellings remote from any development boundary, however, if policy compliant as a suitable pitch site I have no highway objections to raise on access and the local highway network in terms of vehicle movements.

The issue of access is important but not ultimately a reason for a highway's refusal as the red line boundary is outside of the ownership boundary (blue line) where ROW LMIL4 meets the public highway at Green Hill.

Given that there were no highway reasons for refusal that formed the decision response to the previous application and the access along the public right of way has not solicited an objection from the rights of way team I am satisfied that a highways objection is not justified.

Arboricultural Officer: No Objection

- Recommend the following condition

- WC6 PROTECTION OF RETAINED TREES

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought onto site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance with British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: 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 retention of trees on the site in the interests of visual amenity

National Grid Electricity Transmission: Comment

- There are no National Grid Electricity Transmission assets affected in the area of the application.

National Grid: Comment

- Regarding planning application PL/2024/07482, there are no National Gas Transmission gas assets affected in this area.

Caravan Sites, Mobile Home Parks, Gypsy & Traveller Sites: Comment

- The proposal would broadly accord with Core Policy 47 criterion v). Other consultees will be best placed to comment on the proposal's compliance with the remaining locational criteria in the policy.
The pitch requirements for the North and West HMA set in the Core Strategy have been met but the 2024 GTAA identifies a more up-to-date accommodation need for gypsies and travellers that meet the planning definition, and this need has not been met.
The emerging DPD identifies sufficient sites to demonstrate a five-year supply against its pitch target but carries very limited weight at the current time.

Waste (Refuse & Management): No Objection Subject to Condition

- We have reviewed the proposal and wish to formally submit our comments on the matter. This development entails significant changes that may impact both the surrounding environment and the infrastructure required to support the site's new residential use. Below, I have outlined considerations:

Waste Management and Collection Services

Waste management arrangements for this development must be carefully considered to ensure they comply with local waste management guidance. The provision of suitable waste storage and collection facilities is essential to avoid future disruptions. As noted in Wiltshire Council's Waste Collection Guidance for New Developments, storage areas should be accessible to all residents, and hardstanding should be provided for the storage of bins, ensuring they are placed away from public highways and pedestrian pathways.

Further, collection points should not exceed the recommended carry distances, and the layout should allow easy access for refuse collection vehicles (RCVs). A tracking analysis may be necessary to ensure RCVs can access the site safely.

Access and Vehicle Movement

Access for emergency and service vehicles should be ensured. As the site will serve as a residential area, adequate road infrastructure needs to be in place to support vehicular movement without obstructing pedestrian safety. Access routes must also consider any limitations posed by parked vehicles, particularly near waste collection points(Wiltshire Council Waste...).

Residential Amenity

We seek assurance that the layout of the caravans and dayrooms will provide adequate living conditions for future residents. This includes ensuring that waste storage areas if shared, are located in well-ventilated and secure locations to prevent issues with odour, noise, or misuse.

Ecology: No Objection Subject to Conditions

- The ecology reports have been updated and the grassland has been re-categorised to 'other neutral grassland'. The baseline habitat map has also been updated. Information in the completed on-site baseline habitat tabs is accepted as accurate based on the information submitted. The base value habitat units are confirmed to be 2.89 Habitat units and 1.68 Hedgerow units.

The Biodiversity Gain Plan condition will require the submission of a Biodiversity Gain Plan demonstrating how the biodiversity objective (10% biodiversity net gain) will be met. The development can only legally commence once the Biodiversity Gain Plan condition has been discharged.

Note to case officer: The Proposed Site Plan shows proposed new tree planting but does not appear to identify sufficient habitat enhancements to achieve 10% BNG on-site whilst meeting the trading summaries. Confirmation of how the development will achieve BNG is a postdetermination matter however consideration should be given to how any proposed BNG will be secured. Use of the 'expanded' landscape condition may be appropriate in this case.

North Meadow & Clattinger Farm Special Area of Conservation (SAC)

The development lies within the outer zone of influence (4.2 – 9.4 km) for the North Meadow National Nature Reserve (NNR)/Site of Special Scientific Interest (SSSI) component of North Meadow and Clattinger Farm SAC, notified as an exceptional example of lowland meadow with a very high proportion of the surviving UK population of snake's head fritillary. The development is screened into Appropriate Assessment under the Habitat Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone or in combination with other plans and projects.

Wiltshire Council, Cotswold District Council and Swindon Borough Council in partnership with Natural England have produced an Interim (2023-2028) Recreation Mitigation Strategy for proposed development within this zone. The mitigation agreed under the above strategy for all residential development of under 50 units in the Inner Zone is a Strategic Access Management and Monitoring (SAMM) contribution per unit of £331.61

Developer contributions can be secured using a S111 Agreement, Unilateral Undertaking or a S106 Agreement. The applicant should be directed to the Guidance Note for Completing Agreements Under S.111 of the Local Government Act 1972

Please note: Natural England must be consulted for all development in this zone.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:

- Preliminary Ecological Appraisal. V3. Arbtech.

REASON: For the avoidance of doubt and the protection, mitigation and enhancement of biodiversity.

2. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of features for wildlife in accordance with the Preliminary Ecological Appraisal (V3) shall be submitted to the local authority for approval.

These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

9. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

32 letters of representation were received from the residents of the local area. The following comments were made:

- 3rd time of submission
- No material change to previous applications
- Environmental impact
- Inadequate local infrastructure
- Agricultural Land
- Highway is inadequate for caravans
- Pollution
- Previous Occupants were evicted for less
- Approval would lead to further development/applications
- Visually incongruous
- Lane suffers from flooding

10. 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.

10.1 Principle

Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy (WCS) states that – Inside 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, 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 2 as referred to under Core Policy 47. Core Policy 47 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. The CP47 criteria are considered later in this report.

10.2 Five-year land supply

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 an 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) 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 supply of suitable sites – in the case of G&T sites, this must be a 5-year supply. 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.

The Brewers Pit Inspector stated the following: 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.

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.

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.

This is an ongoing 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 in para 38 that:

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.

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) 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 specifically named persons.

WCS Core Policy 47 The figure of the need for 79 pitches therefore supersedes the targets set out in Policy CP47 below, which have now been met. As of March 2024, it has been confirmed that the Council's own public sites are full and there was a long waiting list.

10.3 Core Policy 47: Meeting the needs of gypsies and travellers

The adopted CS identifies permanent pitch requirements for gypsies and travellers in Core Policy 47. The proposal falls into the North and West Housing Market Area (NWHMA) and is assessed against the 2016-21 pitch requirement for this area which is 22.

The latest five-year period has expired. For the purpose of monitoring, a pro-rata pitch requirement is applied based on the 2016-21 requirement. In total this means for 2016-24 the rounded up requirement is 36 (22 + (22/5*3)).

The Strategic Planning Team routinely monitors the grant of planning permission for permanent pitches against these requirements. The position as of December 2024 for the NWHMA is presented below:

Core Policy 47 Adopted Core Strategy Requirement (Dec 2016-2024)			
	Requirement 2016-24	Permanent Permissions 2016-24	Residual Requirement
North and West	36	76	-40

It follows that the CS requirements have been met. However, they are now extremely dated and several accommodation needs assessments have been carried out since the adoption of the CS.

Core Policy 47 Locational Criteria

Proposals are to be assessed against the criteria in Core Policy 47. The policy states that new development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal.

CP47 i) states that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable. The site is located in Flood Zone 1. As such for minor development a flood risk assessment is not required, and the application cannot be refused on these grounds.

CP47 ii) requires that the site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users. Highway officers will be best placed to comment on the proposal in this regard. Paragraph 115 in the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As discussed by the highway's officer there are no objections to the proposed access. Pedestrian access is at the same point and, given the scale of the development, this is considered acceptable for the context.

CP47 iii) Foul drainage would be dealt with by means of with a package treatment plant which will be conditioned to ensure the EA binding rules have been met and there is no pollution of nearby water courses. Having regard to waste disposal, it is reasonable to assume that the development could also be served by the local waste collection service that collects from the nearby properties in Greenhill. There is nothing within the application or the consultee responses that would lead the LPA to conclude that the site cannot be adequately serviced. The location of the refuse store has been detailed on the plans and there has been no objection from the waste services consultation.

CP 47 iv) The site is sufficiently sized to allow the provision of the necessary living arrangements for a traveller site of two pitches along with suitable parking and turning space. This includes the provision of day rooms and some grassed areas as amenity space.

CP 47 v): states that proposals will be considered favourably where a site is in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services. The nearest settlements recognised as such in adopted CS are Lydiard Millicent, Purton (both within 2.5km) and Royal Wootton Bassett which provide all necessary services including schools and medical facilities.

CP47 vi) requires that a site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties and is sensitively designed to mitigate any impact on its surroundings. The site is to be screened by a combination of existing and newly planted hedging and trees. Character, appearance and landscape is discussed in more detail below.

CP47 vii) requires that adequate levels of privacy should be provided for occupiers. It is important to ensure that the minimum space requirements for pitches, including safety

gaps/easements between structures are maintained and provide adequate safety levels. The provided details are considered to comply with the regulations in this regard.

CP47 viii) requires that the development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements. The site is suitably sized for the provision of two pitches. This would not be disproportionate either to the immediate environment or the nearby hamlet of Greenhill.

CP47 ix) requires that the site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology. The site is located within the North Meadow Special Area of Conservation buffer zone. In May 2023 the North Meadow And Clattinger Farm Special Area Of Conservation Interim Recreation Mitigation Strategy 2023 - 2028 was published. This requires a sum of money for applications to be secured through a legal agreement. This will be discussed in the following section of the report. The site is not identified as being likely to host any archaeological features.

10.4 Emerging Development Plan

The emerging Gypsies and Travellers Development Plan Document (DPD) is at an early stage in the plan-making process. Formal consultation on a pre-submission version of the DPD under Regulation 19 was undertaken from 20 August until 4 October 2024. The Plan is supported by an accommodation needs assessment dated 1 April 2024. In the absence of an adopted DPD, the GTAAs prepared by the Strategic Planning Service have been considered routinely by Inspectors at planning appeals as the most up-to-date evidence on need.

The 2024 GTAA covers the period 2024 to 2038. It proposes pitch requirements for gypsies and travellers, and plot requirements for travelling showpeople. The requirements are for households who meet the definitions in PPTS (2015) Annex 1; households who do not but may be protected under equality legislation; and households who could not be determined due to absence or refusal to engage with the assessment. The GTAA also makes recommendations on how to meet temporary accommodation requirements.

For gypsies and travellers that meet the planning definition in Annex 1 to PPTS (2015), a total of 188 pitches are needed between 2024 and 2038. For the first five years, 135 pitches are needed. Chapter 3 in the report sets out the GTAA methodology. Key components of the assessment are household interviews on traveller sites in Wiltshire; interviews with traveller households in bricks and mortar; and the projection of accommodation needs over the assessment period using household formation rates.

Section 3 of the draft DPD sets out the approach to meeting accommodation needs for gypsies/travellers and travelling showpeople. Draft Policy GT1 identifies a pitch requirement of 81 for gypsy/traveller households that meet the planning definition for 2024-29. This is lower than the identified pitch need for the first five years of the 2024 GTAA because it excludes teenagers that have an accommodation need but may not require a full pitch for a number of reasons (see paras 3.6; 3.12 and 3.13 in the draft Plan).

The draft Plan allocates 44 additional pitches on existing permitted traveller sites and 34 pitches on new sites in Section 4 for gypsies and travellers that meet the planning definition. In combination with planning permissions that have been granted since 1 April 2024, there would be more than five years of supply against the 2024-29 pitch target in Policy GT1, see Table 3 and Table 4 in the document. However, the Plan is at an early

stage, and it is considered that it currently carries very limited weight in the process as per Planning Guidance.

It is also noted that in December 2024 the definition of qualification was altered, increasing the number of people that now qualify for gypsy and traveller status. This increase, which should be considered for decision-making immediately, further affects the required numbers of pitches as the need assessment did not take these news numbers into account, as such, it is considered that the 5 year supply of pitches still cannot be met with a new assessment of need required to be completed.

10.5 Landscape

The application site is located on the immediate edge of the built form of the hamlet of Greenhill and the revised location of this application is now adjacent to a selection of agricultural buildings of varying states of repair. Whilst the site is viewable from the public footpath, it is considered that the proximity to these large buildings lessens the harm caused by such a development.



10.6 Character and Design

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

In this instance, it is considered that the proposals are relatively minor given the application is only for two pitches and is backdropped by a rather substantial agricultural building. The topography of the site goes from higher land near the northern boundary descending to the south. At the highest point, nearest to the existing buildings, will be the day rooms and touring caravans whereas the larger static units will be located to the south and screened by new planting. The photo above shows the view towards the site from the stile on LMIL4. The tree in the centre of the image is T9 on the plans. The existing stable is to the immediate right of this tree and, as the photo suggests, does not stand out as glaringly obvious compared to the large barn to the north. While the proposals will be visible from the public right of way to various levels along its route throughout the wider site, it is considered that within the context of the existing built form, it would not be glaringly incongruous. As such it is considered that the character and design of the proposals would not cause substantial harm to the location and what harm would be caused would be outweighed by the benefit of meeting the unmet need for sites.

10.7 Neighbouring Amenities

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The site is located close to other residential properties, however, only the access abuts residential curtilages. The built form of the proposals borders what appears to be an agricultural yard that may potentially be redundant. Regardless of this potential redundancy, there is a clear separation between the residential area of the proposal and the existing residential units making up the hamlet of Greenhill which, while small, does have multiple residences and associated impacts. Issues raised to do with unsociable behaviour and activities are not a planning matter and are covered by separate legislation.

10.8 Ecology

The site has provided specialist reports relating to the ecological value of the site so as to comply with biodiversity net gain (BNG) regulations as well as CP50 of the WCS. The Ecology officer is satisfied with the details provided and information regarding BNG compliance with 10% BNG regulations is a post-determination matter (see informative 8).

The site is within the North Meadow & Clattinger Farm Special Area of Conservation (SAC)

The development lies within the outer zone of influence (4.2 – 9.4 km) for the North Meadow National Nature Reserve (NNR)/Site of Special Scientific Interest (SSSI) component of North Meadow and Clattinger Farm SAC, notified as an exceptional example of lowland meadow with a very high proportion of the surviving UK population of snake's head fritillary. The development is screened into Appropriate Assessment under the Habitat Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone or in combination with other plans and projects.

Wiltshire Council, Cotswold District Council and Swindon Borough Council in partnership with Natural England have produced an Interim (2023-2028) Recreation Mitigation Strategy for proposed development within this zone.

The mitigation agreed under the above strategy for all residential development of under 50 units in the Inner Zone is a Strategic Access Management and Monitoring (SAMM) contribution per unit of £331.61

11. Conclusion:

It is concluded that the application is, on balance, acceptable in terms of limited harm to the landscape and character of the area. Previous objections from consultees have been removed by the current application and any harm is outweighed by the lack of a 5 year supply of appropriate gypsy and Traveller sites. Whilst there is clear deviation from the adopted core strategy the lack of supply and the outdated nature of the policies create a tilted balance and, on balance, it is concluded that the application should be approved.

RECOMMENDATION:

To delegate to the Director of Planning to approve subject to the following conditions and the conclusion of a Section 111 agreement, and appropriate assessment in relation to the North Meadows Special Area of Conservation to be concluded after approval.

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:
 - Application form and certificate received 9th August 2024
 - Plans and documents:

- Location Plan DWG: 21_1167B_001 Received 9th August 2024
- Proposed Site Plan DWG: 21_1167B_003 P03 Received 4th December 2024
- Proposed Dayroom - Plans and Elevations DWG: 21_1167B_005 Received 9th August 2024
- Arboricultural Survey DOC: BS5837 - Land at Clay Pitts - Arbtech TSR 01 - 29-05-2024 Received 4th December 2024
- Tree Constraints Plan Appendix 3 DWG: Arbtech TSR 01 Received 4th December 2024

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

3. The site shall not be occupied by any persons other than gypsies and travellers, defined as 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 or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, 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.

4. No more than four 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 two shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan.

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.

5. 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.

6. The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting 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 shall be erected or placed anywhere on the site.

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

8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving the functionality of the local area for biodiversity and to minimise unnecessary light spillage above and outside the development site.

9. No development shall take place until surface water drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage, condition the following additional information must be provided:
- Details on the material specification.
 - Details on the level of compaction required, and
 - Cross sections through proposed gravelled area

REASON: To ensure the gravelled area will be able to accommodate the runoff from the development for the 1 in 100 year plus climate change (40%) rainfall event, and will not in effect act as an impermeable surface.

10. No development shall take place until a foul drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above condition it is expected that the applicant will provide:
- Evidence that the EA's General Binding rules have been met in full.
 - Drawings to demonstrate the proposed siting of the Foul Package Treatment Plant
 - Supporting calculations to demonstrate compliance with Building Regulations for any drainage field/mound.

REASON: To prevent pollution of nearby water courses.

11. 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

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12. 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 moved, 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.

13. No petrol or diesel electricity generators shall be used on site at any time unless otherwise permitted by the Local Planning Authority.

REASON: In the interests of amenity.

14. The development will be carried out in strict accordance with the following documents:
• Preliminary Ecological Appraisal. V3. Arbtech.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

15. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of features for wildlife in accordance with the Preliminary Ecological Appraisal (V3) shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

16. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: 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 retention of trees on the site in the interests of visual amenity

17. The development hereby permitted shall not be brought into use/ first occupied until the refuse store shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

Informatives:

1. The applicant should note that no construction / demolition vehicle access may be taken along footpath LMIL4 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.
2. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
3. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
4. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
5. The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license 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 the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

6. 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. An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
7. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.
8. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Irreplaceable habitat:

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.