

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	2 <sup>nd</sup> November 2011		
Application Number	11/03115/S73A		
Site Address	Purdy's Farm, Wood Lane, Brinkworth SN5 0AH		
Proposal	Removal of condition 1 of 08/02352S73A to continue the use of land as two pitch Gypsy Caravan Site with Ancillary Hardstanding, Settlement Tank and Wildlife Pond		
Applicant	Mr and Mrs Lee/Mrs and Mrs Bruce		
Town/Parish Council	Lydiard Millicent		
Electoral Division	Wootton Bassett East	Unitary Member	Cllr Mollie Groom
Grid Ref	404255 186283		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

## Reason for the application being considered by Committee

The Area Development Manager considers it appropriate, in light of other current Gypsy and Traveller applications in the north eastern part of the County and the implications for the growth proposed in the context of the emerging Core Strategy and site allocations DPD.

The application was deferred from Committee on 2 November 2011 as Purton Parish Council had not been consulted.

## 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

Objections have been received from Purton Parish Council and Lydiard Millicent Town Council given the location of the site in the open countryside in Royal Braydon Forest, the emerging Localism Bill and the concentration of pitches in the area.

2 letters of objection have also been received.

## 2. Main Issues

The proposal needs to be assessed against Policies C3, NE12, NE15, HE6 and H9 of the North Wiltshire Local Plan 2011, Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and government guidance in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

Policy 31 of the emerging Core Strategy, the emerging Gypsy and Traveller DPD as well as the recently published PPS Planning for Traveller Sites (the public consultation on which ended in early August) are material considerations. It is considered limited weight is afforded to these documents for reasons highlighted below.

The key issues in the determination of this application are:

- Need/Policy Considerations
- Impact of the character and appearance of the area

- Amenities of nearby residents
- Highways
- Ecology
- Human Rights Act
- Other considerations i.e. Four Oaks, Purdy's Farm

As mentioned above, this application was intended to be is being considered alongside an application for a further 5 pitches at Four Oaks, Lydiard Plain and 14 pitches at Calcutt Park, Cricklade at Committee on 2 November 2011 but had to be deferred.

At that Committee Calcutt Park was permitted subject to conditions whilst Four Oaks was refused.

It was decided in the interests of transparency and consistency that the applications be considered by the Area Planning Committee at the same time.

### 3. Site Description

The site is located in the countryside along Wood Lane (C127) between Brinkworth and Braydon. There is a high hedge along the northern boundary of the site with the road, a close board fence along the eastern boundary and a post and rail fence along the boundary with the field/paddock to the south.

The site is fully developed with two pitches occupied by related families. Each pitch contains a static mobile home and a touring caravan. The site also contains a hay barn and stables.

The site is well kept within limited visibility from the main road.

The applicant owns adjacent land, one parcel of which contains a wildlife pond and the other is used for grazing horses.

There are two houses opposite the entrance to the site and two further eastwards, some 80 metres distance.

4. Relevant Planning History		
Application Number	Proposal	Decision
00/01700FUL	Hay store	Permission
02/0328FUL	Construction of fishing lake and erection of mobile home	Refused
08/02352/S73A	Change of use of land to form a two pitch Gypsy caravan site with ancillary hardstanding and settlement tank and wildlife pond.	Temporary Permission.
	Temporary permission was granted for the following reason:  <i>Reason: The provision of potential sites have yet to be considered by the Implementation Executive under the Local Development Scheme. A permanent permission in advance of this process would be premature.</i>	
11/01695S73A	Removal of condition 1 of 08/02352S73A to continue the use of land as two pitch Gypsy Caravan Site with Ancillary Hardstanding, Settlement Tank and Wildlife Pond	Refused

	<p>Planning permission was refused on the same grounds as Bridge Paddocks was refused, i.e. prematurity given the emerging Core Strategy.</p> <p>Since that refusal Bridge Paddocks has been allowed at appeal.</p>	
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## 5. Proposal

Permission is sought for the retention of the pitches on a permanent basis.

Additional landscaping including a 1 metre high close boarded fence internally within the site is proposed on the boundaries with some freestanding lighting near the entrance and internally within the site.

## 6. Consultations

Lydiard Millicent objects to the removal of the temporary permission in light of the emerging Localism Bill, its location within the countryside and Braydon Forest as well as on ecology grounds.

Purton Parish Council continues to object to this development as it believes that the site does not meet the specified criteria for gypsy sites in that the site is remote from any facilities such as shops and schools, the closest being some four to five miles away. Also the site does not lie on a bus route hence it will result in the use of cars therefore the site is not sustainable.

Spatial Planning – no formal comments provided at this juncture but discussions reflect the approaches adopted with the other Gypsy sites and the need to have regard to outstanding need, but also consideration of any cumulative impacts.

Highways Officer - no objections.

Principal Ecologist - no objections raised in respect of 11/01695S73A but commented that if the land were to be restored as required by condition 1, there could well be ecological implications with Great Crested Newts potentially present and a license may be required.

## 7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Two objections have been received on the following grounds:

- No need for a permanent site when others are available – 204 in 5 mile radius
- If made permanent no further increase should be allowed on the site
- Highways impact/safety
- Confusion as to why applications allowed to put in a new application
- Noise/nuisance from dogs on site
- Smells from septic tank on site
- Precedent if allowed for Gypsies outside of North Wiltshire to come in
- Choice of Gypsy locations is down to publicly elected bodies and not private individuals and site considerations examined

## 8. Policy Context

Adopted:

Circular 01/06 Planning for Gypsy and Travellers  
Wiltshire and Swindon Structure Plan 2016 – Policy DP15

Emerging – material considerations:

PPS Planning For Traveller Sites Consultation Draft – Summer 2011

National Planning Policy Framework Consultation Draft – Summer 2011

Gypsy and Traveller Site Allocations DPD – Spring 2010 (no progress since this date)

Wiltshire Core Strategy – Policy 31

## **9. Planning Considerations**

### Need/Policy Considerations

Since the 2009 and 2010 applications were considered and temporary permission granted, the current Coalition Government has announced the intended revocation of the Regional Spatial Strategy (RSS). Based on recent appeal decisions (the most recent being Bridge Paddocks at Braydon – paragraph 5 of the decision letter), the intention carries little weight at the present time due to the timescale and form this will finally take.

Given the public criticisms of the GTAA undertaken by the Council in deriving need for the period to 2006 to 2011, the Proposed Changes to the RSS recommended the allocation/provision of 48 pitches in the northern area (former North Wiltshire District Council area). This figure has been carried through to the emerging Gypsy and Traveller Site Allocations Development Plan Document published in Spring 2010 as well as in the recently published Wiltshire Core Strategy Consultation Document, particularly table 6.1 which accompanies Policy 31. There have been a number of recent planning permissions and appeal decisions since the production of that table.

Appendix I of this report contains a table showing the current position in respect of need (now updated following the permission granted at Calcutt Park)

To the end of April 2011 the outstanding number of pitches is 1 pitch.

This figure excludes the 10 pitches granted on appeal at Chelworth Lodge in March 2011 because 5 year supply requires sites to be available and deliverable within that period. Due to infrastructure constraints and the speculative nature of that application, it is not considered to meet the need during the period 2006-2011. The site is expected however, to be delivered during the period 2011-2016. Appendix I sets out the requirements to 2016 in the context of permissions granted since 2006 and pending applications.

Only 3 pitches have been identified to be required for the period 2011 to 2016. This proposed growth rate was questioned by the Inspector during the hearing for the Bridge Paddocks appeal, however it was the immediate need due to the outstanding 2011 requirement which carried significant weight in support of the appeal proposal

The level of growth from 20011 to 2016 will be considered during the progress of the Core Strategy and it is a matter for that process to consider the robustness of such a calculation and not this application process.

It was on the basis of the limited weight to be attached to emerging national and development plan policy together with sustainability credentials which led the Council to approve seven pitches in Wootton Bassett and four pitches adjacent an existing pitch (allowed at appeal) at Framptons Farm, Sutton Benger earlier this year.

In terms of the status of the emerging DPD and Core Strategy, the Inspector was unequivocal in confirming “Both these components of the Local Development Framework are at a relatively early stage in their preparation, and accordingly their provisions carry limited weight at this time.”

In respect of guidance emerging nationally, limited weight should be given to the emerging PPS.

Thus the application site would fulfil the requirement for available and deliverable sites to 2011, but with a marginal over provision of one pitch for the period. This over provision is considered negligible in the context of being able to satisfy outstanding need.

#### Character and Appearance of the Area/Residential Amenity

There can be no objection in principle to a Gypsy site in the countryside based on Circular 01/06.

The site is considered acceptable in landscape terms. If it had been considered objectionable this should have formed a reason for only granting a temporary permission with the harm having been identified.

The site is well screened from the road by the existing trees and hedge along the boundary to the north. The site plan shows that planting is proposed along the other boundaries of the site and this can be controlled by condition if planning permission were to be granted. It is considered that given the small scale of the development the proposal would not be particularly intrusive in the countryside and additional planting would further mitigate against any impact.

Before the pitches were developed, the site contained an existing stable block and a hay barn on which were used by the applicants and their horses. The paddocks/fields to the rear of the site are also under the control of the applicants and used for grazing the horses.

There has inevitably been some impact and change in the immediate character of the area but this is not considered to be an unacceptable impact on the setting of the listed buildings (from which the site is separated by other buildings and trees) or on residential amenity.

Gypsy sites are acceptable in principle in the countryside and wherever they are located there will be some impact on the surrounding area.

In terms of residential amenity, there is no evidence to suggest that the approval of the site on a permanent basis would be harmful to the promotion of the peaceful and integrated co-existence between the site and the local community (paragraph 64 Circular 01/2006).

Two pitches in this location does not outweigh the four houses in the immediate vicinity of the site.

It is noted that concerns have been raised in respect of the scale of Gypsy pitches in the northern part of the former North Wiltshire area as well as in the north of the new County in general. It is accepted that there are a high number of pitches within this area in comparison to the distribution in the wider former North Wiltshire area. Such a pattern of distribution is shared with Chippenham and to a lesser extent Wootton Bassett. This distribution is reflective of the importance of these locations and the roles they play in terms of facilities and employment opportunities and applies equally to the settled community and the relationship between housing and access to employment opportunities.

In light of the Chelworth Lodge appeal decision and other appeal decisions reviewed nationally, there is no evidence which would support an over concentration over several Parish/Town Council areas to substantiate a reason for refusal on this basis. All the sites are of a reasonable distance from one another so as to not physically appear as an over concentration harmful to the local communities. Distribution of growth is a matter for the emerging DPD and Core Strategy to consider as it progresses in response to demand.

#### Sustainability/Location of development

Given that there are no objections in principle to gypsy and traveller sites in the countryside, it follows that such sites will not always be located in the most sustainable of locations. Paragraph 54 of Circular 01/2006 states: "*in assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.*" (Officer emphasis).

Policy H9 of the Local Plan requires such sites to have “reasonable access to local community facilities and services...” (Officer emphasis).

Paragraph 64 of the Circular stresses that whilst sustainability is important, it is not to be solely considered in terms of transport mode and distances from services. Other considerations are integration within the community; wider benefits of easier access to GP and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling.

This paragraph has been consistently applied in terms of all appeal decisions within the former North Wiltshire District Council are over the past 5 years including the most recent appeal decision at Bridge Paddock.

It has also been applied in recent planning permissions at Glenville Nurseries in Wootton Bassett (7 pitches) and Framptons Farm in Sutton Benger (4 pitches adjacent the single pitch allowed at appeal).

Limited weight can be attached to the locational criteria contained in emerging Core Strategy Policy 31 and site allocations DPD as evidenced in the recent appeal decisions at Bridge Paddock (which was allowed at 4km distance), Chelworth Lodge and Framptons Farm as well as other decisions nationally.

Thus the application site is considered to be well located to public transport and a range of facilities including shops, schools and employment opportunities. It is in walking distance of facilities in Purton and Wootton Bassett.

#### Highways Impact

No highways objections are raised to the proposals.

#### Ecology

The permanent retention of the site does not impact upon the ecology of the area. Rather given the establishment of the pond on the site, there could be ecological implications if the site were to be restored to its original use. Care would need to be taken in that event so that the ecological impact was mitigated.

#### Human Rights

In determining this application the Committee is required to have regards to the Human Rights Act 1998, in particular Article 8 and Article 1 of the First Protocol, which confer rights of respect for a person's private life, home and possessions. Any interference in those rights by a public authority must be lawful and proportionate. This involves balancing the interests of all parties involved and taking into account the public interest in the proper application of planning policies.

Having considered all the circumstances of this application, it is considered that the granting of a permanent permission would not be a violation of the Act.

#### Other material considerations

In terms of the alleged noise/nuisance the applicant/agent is now aware of this issue. It would not be reason to refuse the application. Environmental Health have no records of noise complaints or odour complaints from the septic tank. The latter having been installed by the manufacturer as opposed to the applicants. If such problems persist objectors can report these matters to Environmental Health. At the time of the site visit neither problem were noticed.

No detailed evidence of personal circumstances has been provided and none requested given that the site accords with current guidance contained in Circular 01/2006.

This application follows the grant of Calcutt Park and refusal of Four Oaks at the previous committee.

As outlined above, for the period to 2011 it is considered that there is an outstanding need of 1 pitch. Based on previous appeal decisions outstanding need/failure to meet a 5 year supply of sites is a significant consideration.

In light of the Four Oaks application being refused, the site falls to be considered on its own merits with the Bridge Paddocks appeal decision being a material consideration in terms of scale and location.

Purdy's Farm:

- considered suitable on a temporary basis in light of the emerging Local Development Scheme and sites being identified through that process;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Purdy's Farm performs less well in location terms compared against Calcutt Park but this is based solely on the emerging Core Strategy/allocations DPD to which limited weight can be attached. It does accord wholly with current Government guidance, recent appeal decisions and would satisfy the outstanding need.

## **9. Conclusion**

The application site would make an important contribution to meeting the significant outstanding strategic Gypsy and Traveller requirement to 2011. The resultant over provision of one pitch would not prejudice the emerging Core Strategy or site allocations DPD to which limited weight can be attached at this time.

Further, the application accords with current Government guidance contained in Circular 01/2006.

## **10. Recommendation**

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011), PPS3 "Housing" and advice contained in Circular 01/2006.

Subject to the following conditions:

1. Within the first planting and seeding season following the date of the permission; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All

hard landscaping shall also be carried out in accordance with the approved details as shown in the Site Development Scheme Plan PF:2C dated 16 September 2011.

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

2. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

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.

3. There shall be no more than four pitches on the site. The site being the defined by the red line shown on Site Location Plan PF:1A dated 16 September 2011.

REASON: In the interests of visual amenity and the amenity of the occupants on the site.

4. There shall be no more than four caravans (4) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968, of which no more than two (2) shall be a static caravan or mobile home and no more than two (2) shall be a touring caravan, shall be stationed on the site at any time. The site being defined by the red line on Site Plan PF:1A dated 16 September 2011.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

5 No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

6. Except for the keeping of commercial vehicles as defined in condition 5 above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or wall, fence or other means of enclosure shall be erected or placed anywhere on the site.

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

8. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.



