

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	05.12.2012		
<b>Application Number</b>	W/12/01412/FUL		
<b>Site Address</b>	Land South Of Four Winds 81 Yarnbrook Road West Ashton Wiltshire		
<b>Proposal</b>	Change of use for one Romany family		
<b>Applicant</b>	Mr William Sherrad		
<b>Town/Parish Council</b>	West Ashton		
<b>Electoral Division</b>	Southwick	<b>Unitary Member:</b>	Francis Morland
<b>Grid Ref</b>	387492 155547		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

## Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Morland following a meeting of West Ashton Parish Council on Wednesday, 15 August 2012, when there was a formal request from the Clerk to call the matter in for consideration by the Planning Committee.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses: 13 representations were received.

West Ashton Parish Council - Objects to the proposals for the reasons cited within section 7 below.

### 2. Main Issues

The main issues to consider are:

- Whether or not the proposals accord in principle with national and local planning policy, and any implications for the delivery of Gypsy and Traveller sites under the emerging Core Strategy;
- the effect of the proposal on the rural character of the area and on neighbouring amenity;
- the effect of the proposal on highway safety; and
- whether the proposal would represent a sustainable form of gypsy site.

### 3. Site Description

The application site is located in a field on the south side of the A350 some 320m west of the West Ashton crossroads. The land is some 1500 m<sup>2</sup> in extent, with the site for the mobile home set back from the road. Access is provided by an existing long established tarmac entrance with dropped kerbs directly off of the A350. Approximately 200m to the north east there is linear residential development at West Ashton Cross roads on the western side of the A350. On the opposite side of the road and slightly offset lies a bungalow (no.81). West Ashton village lies to the south of the crossroads and is linked to the site by a tarmac footway alongside the south side of the A350. Central Trowbridge is some 2.4 miles from the site.

#### **4. Relevant Planning History**

87/01795/FUL : Temporary storage compound for salvaged building materials (in the north western corner of the parent property) - Refused

92/00788/FUL : New vehicular access - Permission

00/01053/FUL : Produce/machinery store - Permission

04/00454/FUL : Storage/machinery shed - Refused

#### **5. Proposal**

This is a planning application for a change of use to provide a single private gypsy pitch to include the siting of a mobile home and touring caravan and a hardstanding for the parking and turning of vehicles. No day room is proposed at this point.

The applicant previously occupied a permitted site in Capps Lane, Bratton. However, this is now legitimately occupied by his married son and family and he seeks permission for a pitch for himself and his mother, who is in need of care.

#### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004) - CF12

Gypsy Caravan Sites

Wiltshire Structure Plan 2016 - DP15 Accommodation for Gypsies and Travellers

National guidance

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: (PPfTS) DCLG, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

The Government's stated aim in the PPfTS, 2012 is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In terms of the development plan Policy DP15 of the Structure Plan acknowledges the need for additional caravan pitches for gypsies and CF12 of the District Plan says that proposals for such uses will be permitted in appropriate locations subject to a range of criteria being met.

PPfTS, 2012 in paragraph states that "Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites."

#### **7. Consultations**

##### West Ashton Parish Council

The Parish Council objects to the proposal for reasons in relation to:

- Highways & Access safety - The proposal would be contrary to the DCLG 'Planning policy for traveller sites' dated March 2012, Policy CF12 of the adopted WWDP and the emerging Wiltshire Core Strategy (Core Policy 47) in that all refer to the need to consider matters of safety for future residents when considering applications.

- The proposal is outside any settlement limits of village policy limits, and therefore is contrary to the National Planning Policy Framework, the Adopted Wiltshire and Swindon Structure Plan 2016 and the emerging Core Strategy for Wiltshire (Policy 60), which all seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

- The proposed site is adjacent to the A350 which is used by a large number of HGVs, with a speed limit of 50mph and only a very narrow pavement on one side of the road. There is a dual problem of road safety to pedestrians and high levels of noise and pollution. The site an unsafe and unhealthy environment for children to live, and wholly unsuitable for the proposed use.

- There are serious concerns regarding highway safety with the ingress and egress of vehicles from the proposed site onto the A350 road - widely recognised as one of the busiest 'A' roads in the County, this stretch of the road is a known black spot for road traffic accidents, with a number of fatal accidents occurring in recent years. The site access is situated directly on the brow of the hill, and there is a dip in the road to the south of the site, creating a blind spot which further seriously effects driver visibility. It is considered that allowing an additional access onto the A350 at this point would irresponsibly increase the possibility of further accidents occurring.
- Permission would be inconsistent in that previous applications for development or use of this site have not been progressed because they would have been refused on Highways grounds. It is not acceptable to consider that the safety of this Romany family is any less important than those of previous applicants/users.
- Application 91/00820/FUL, Change of use of existing agricultural building into a granny annexe was refused for 81 Yarnbrook Rd and any change of use to the land opposite this property would be inconsistent with this decision. A pre-application for a bungalow on this site was also not supported.
- There are very few local services available within reasonable walking distance of the proposed site (Doctors surgery, hospital and supermarket would realistically all need to be accessed by vehicle). Policy CF12 of the adopted West Wiltshire Local Plan 2011 on Gypsy Caravan requires that consideration is given to access to local services and transport. Although there is a bus stop near the proposed site, there are no buses servicing it. and the nearest serviced bus stop is approx. 0.5 miles away, reached by crossing two very busy roads.
- No ecological or environmental report has been submitted with the application to determine if there are records of any protected species or habitats in the vicinity which will need safeguarding, or what environmental effects any such proposal would have.
- Wessex Water's letter to Wiltshire Council states that a new water supply will be required and that a public water main is shown on record plans close to the land identified for the proposed development. It appears the development proposals could affect existing water mains.
- The Applicant needs to take into account the advice given in Circular 3/99. If this is the only option (or there is an increase in effluent volume) an Environmental Permit may be required. The Environment Agency should be contacted for further details. Drainage must be separated between all clean roof and surface discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourse, ponds or lakes, or via soakaways/ditches.
- There are records of Badgers within 300m, close to Woodside Wood.

In the event of the permission being granted notwithstanding the above, West Ashton Parish Council requests that conditions are imposed in relation to:

- no businesses permitted on site;
- limit to visitors caravans for maximum of 14 days per year;
- only development permitted is as per application, nothing further;-
- retention of existing woodland and hedging;
- plan should be modified to provide proper screening from A350;
- removal of any Permitted Development rights;
- no occupation of site until services are provided;
- no burning of materials on site;
- Temporary permission for a maximum of three years is granted
- Occupancy of the restricted to the applicant and his immediate family.

In a late submission the Parish further queries whether or not police authorities had been consulted on highway safety, including accidents in the area. This was referred to highway officers for further comment. No response was received at the time of writing, but this will be included as a late item in the event that a response is received prior to the Committee meeting.

### Spatial Plans

The Spatial Plans Officer considered the relevant Policy criteria and advised as follows:-

- Harm to neighbouring amenity would be unlikely given the location and an existing mature hedge boundary.
- The site is not located within a landscape designated for its quality (e.g. AONB or Special Landscape Area).

- The site is on the A350 (Yarnbrook Road) in close proximity to West Ashton with its low level of services and facilities, and few employment opportunities.
- Future occupants would be reliant upon the principal settlement of Trowbridge, located approximately 2 miles away, for facilities and services.
- The indication by the applicant is that essential services are available and it is noted that the site is also located adjacent a footpath which provides access to the village. It is nevertheless suggested that the sustainable transport service are consulted with regard to highway safety and transport.

In summary the site is well related to West Ashton and is within close proximity of Trowbridge, well screened within the landscape, is not within a designated landscape, and is not within an area liable to flood.

The officer considers that the analysis above suggests "...the application is not contrary to CP47 of the emerging core strategy and by implication determines that the site is in a relatively sustainable location in accordance with the NPPF. The NPPF does also say that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements. What is considered to be away from local settlements should be judged locally, in this instance, given recent appeal decisions and the proximity of Trowbridge, the site is not considered to be remote.

With specific reference to the weight to be attached to the emerging Core Strategy the Officer advises that "...12 people or organisations have submitted comments in relation to Core Policy 47 (in response to consultation on the CS). Issues raised mainly relate to the presentation of data, for example the combined north and west area rather than individual targets for these areas and the way in which sites should be provided (for example as part of strategic allocations). No alternative targets are proposed but one or two comments raise more fundamental issues, for example, using the caravan count as a basis, the need for a longer term supply of pitches. The direction of the policy was not challenged, lower targets are not called for and one respondent considered the criteria to be in general conformity with the new Government advice. In these circumstances due weight should be given to the emerging policy. However, following advice given by the appointed examiner the council is undertaking further consultation on the proposed pre-submission changes including an opportunity to comment upon the implications of the Government Policy for Gypsy and Travellers."

The officer finally notes that the question of the need for a 5 year supply of specific deliverable sites as required by NPPF also arises. In that regard, for the north and mid HMA an annual delivery rate of 2 pitches per year would provide a supply for years 2011 to 2016. Permission has been granted for 6 pitches this year and monitoring has indicated that there are sites with planning permission in west and north Wiltshire that have not yet been implemented providing a deliverable supply of at least 13 pitches. "Using this simplistic approach, housing land supply is not an issue."

#### Highways Officer

The proposal is acceptable subject to the following: visibility splays onto Yarnbrook road are maintained in excess of 2.4 metres by 160 metres; any entrance gates are set back 15 metres from the road and open inwards; the access is splayed and there is sufficient space within the site for the parking and turning of vehicles; andrain is installed to avoid surface water entering the highway.

#### Wessex Water

No Objection, but notes that new connections will be required, and that any development within 3m of a water main would require their consent.

#### District Ecologist

No objection.

#### Environmental Health

No objections.

### **8. Publicity**

The application was advertised by site notice, newspaper advert and neighbour notification. Expiry date: 31.08.2012.

## Summary of points raised by objectors:

- Encroachment onto open countryside/woodland;
- "Overstretching" of local services including schools;
- No indication of dimensions of development or of additional buildings and type or certainty on number of "tourer" caravans;
- lack of access to facilities and services;
- no clarification on what constitutes a "Romany Family" and if occupants would be. Possibility of large numbers of people;
- unsafe situation in relation to highway and access, in particular for children;
- pedestrian pavement is dangerous because of draught from fast moving HGVs;
- access intended for occasional agricultural use;
- loss of green space and wildlife;
- loss of property values;
- possible accumulation of waste on site;
- inadequate service provision;
- land better suited to other uses, possibly allotments, agriculture or coppice area;
- outside of West Ashton development boundary;
- application actually appears to be for a dwelling of unspecified size;
- Council shouldn't provide for Gypsy sites via "back door" but should create sites under its own control;
- previous application for shed refused due to impact on countryside;
- appears from application description that no restriction can be placed on numbers of caravans;
- detrimental to West Ashton;
- risk from large numbers of people, e.g. children safety near road, fires, waste, harm to surrounding environment;
- fear of increase in damage, theft and anti-social behaviour in area.

## 9. Planning Considerations

### 9.1 Assessment against planning policy

The Council is required to determine planning applications in accordance with the policies of the development plan, unless material considerations indicate otherwise.

Policy CF12 of the West Wiltshire District Plan states that proposals to provide caravan sites for gypsies will be permitted in appropriate locations having regard to a number of factors. These are addressed in turn below:

(A) Potential nuisance to adjoining land uses, in particular, residential areas: - the site proposed is in a well-screened field that adjoins other fields and does not abut any residential areas. There is no evidence that a single pitch gypsy site in this location will create a nuisance to adjoining land uses. The proposal is therefore in accordance with this criterion.

(B) Encroachment into open countryside: - the site lies in a field in the countryside, but National Planning Policy makes it clear that sites in rural or semi-rural sites can be acceptable where their scale respects the scale of the nearest settled community and does not dominate it. (A six pitch site was recently approved at Hullavington in a paddock a mile outside of the village). Previous appeals, such as the one at Semington, have also examined whether the proposed site is subject to any special planning constraints or designations. This site is not in an area with any specific landscape or ecology designations and is for a single pitch within a few hundred metres of West Ashton. The site is well screened, with a backdrop of woodland/well established hedging and trees to the east and southern boundaries. A substantial hedge defines the road boundary. The mobile home and tourer parking sites would only be visible from the public realm directly when passing the access to the site and then would be set back some 60m from the boundary.

(C) The needs and safety of future occupants and their children - the site has a tarmac pavement on the same side of the road linking the site to West Ashton. The proposed siting of the mobile home is set back into the site away from road traffic and noise. It is well contained. It has a long-established vehicular access onto the road that has good visibility in either direction to allow for safe access.

(D) Highway safety, access, pedestrian safety, the impact of traffic on local roads and access to public transport - as noted above, the site has a long established vehicular access onto the main road with good visibility in either direction. It is within a 50 mph speed limit. There is no objection to the proposal on road safety grounds from the highways officer. Pedestrian safety is provided by the footway on the same side of the road linking to West Ashton and in the other direction to Yarnbrook cross roads, where there are further facilities. Public transport is available nearby. The limited traffic generated by a single pitch will not have any adverse impact on local roads.

(E) Availability and adequacy of infrastructure - water and electricity supplies are available to the site and the single pitch can be adequately provided with on-site foul drainage.

(F) The proximity of local services and facilities - there are limited facilities, including a primary school in West Ashton, and other facilities, including a public house/restaurant, at Yarnbrook. Trowbridge is within 2-3 miles. The site is therefore considered to be a sustainable one in relation to this criterion and in this respect is similar to the Semington site, where the Inspector found that similar distances from Semington to Trowbridge and Melksham were acceptable.

(G) The need to protect the best and most versatile agricultural land - the land is not within this category.

(H) Potential flood risk - the site is well elevated and not at risk of flooding or causing flooding to other nearby landowners.

In the Core Strategy, the criteria set out in policy CP47 are very similar to those of the CF12, although encroachment is replaced with judging whether the proposal will have an unacceptable impact on the character and appearance of the landscape and the amenity of nearby properties - a matter that has been addressed above.

In the National Planning Policy for Traveller Sites, in addition to drawing attention to the fact that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, attention is drawn to the need to assess applications in accordance with the presumption in favour of sustainable development. Councils are also asked to consider the following issues amongst other relevant matters:

(1) the existing level of local provision and need for sites. - At present, due to recent appeal decisions and permissions, the Council's current position is that there is no unmet need for gypsy sites in this housing market area that would justify considering sites that would otherwise be regarded as unsuitable in planning terms for gypsy and traveller use.

(2) the availability or lack of alternative accommodation for the applicants. - The applicant has explained that the site that he previously occupied at nearby Bratton is now occupied legitimately by his son;

(3) other personal circumstances of the applicant - the applicant has explained that he needs his own site, and also that he has an elderly relative that he needs to care for;

(4) that the locally specific criteria used to guide the allocation of sites in plans or that form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites - this has been done, as set out above in detail in relation to policy CF12 and CP47;

(5) that applications for sites from any travellers should be considered, not just those with local connections - in this case, there is a local connection.

Councils are also urged to attach weight to the effective use of brownfield, untidy or derelict land (not relevant in this case); sites being well planned or soft landscaped in such a way as to enhance the environment (the site is well landscaped by the existing roadside hedgerow and other planting on the boundaries of the site); promoting healthy lifestyles and not enclosing the site in such a way as to

isolate it from the rest of the community ( the site is wellscreened, but not hidden behind high bunds or turning in on itself).

## 9.2 Conclusion

The proposal is considered to meet the Council's stated criteria for assessing gypsy sites, as set out in the West Wiltshire District Plan and the emerging Core Strategy. Whilst the 'target' for the number of such sites to be provided may have been reached, the Council still has a duty, as set out in the national guidance, to assess applications on their own merits against its own stated criteria, as set out above.

Accordingly, the application is recommended for approval, with appropriate conditions to control the size of the site and its use.

**Recommendation:        Permission**

**For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**Subject to the following condition(s):**

- 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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in March 2012.

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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 3     No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan, shall be stationed on the site at any time.

REASON: In the interests of the amenity of the area and in order to define the terms of this permission.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 4     The use hereby permitted shall not be first commenced until works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority for:

- Any entrance gates to be provided at the access shall be set back a minimum of 15m from the carriageway edge of Yarnbrook Road and shall open inwards only;
- The on-site provision of the space shown on the submitted plans for the parking and turning of vehicles; and
- the installation of an ACO drain, on or immediately adjacent to the highway boundary to avoid surface water entering the highway.

The parking and turning facility, and visibility splays of 160 metres in either direction measured from a point 2.4 metres back from the carriageway edge at the centre of the access shall thereafter be retained.

REASON: In the interests of highway safety

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

5 No commercial activities shall take place on the land, including the storage of materials.

REASON: In the interests of the amenity of the area and in the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

6 No development shall commence on site until details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority. The site shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

7 The development hereby permitted shall not be first occupied until the access up to the gates, 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.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

8 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

West Wiltshire District Plan - 1st Alteration -POLICY: C38.

9 Notwithstanding the approved plans no caravans shall be brought onto the site until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of existing and proposed planting, including the protection of existing hedgerows and woodland, any new boundary treatments and the surfacing materials to the hardstanding. The landscaping scheme shall be implemented in accordance with the approved details.

REASON: In the interests of protecting the rural character of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

10 The development hereby permitted shall be carried out in accordance with the details shown on the following plans:

- Site Location Plan : Received on 25 July 2012; and
- Site Layout Plan : Received on 25 July 2012.

REASON : In order to define the terms of this permission.



**Informative(s):**

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to, and protection of, water infrastructure.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

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