

## Report to the Area Hub Planning Committee

<b>Date of Meeting</b>	05 <sup>th</sup> September 2013
<b>Application Number</b>	S/2012/1603/S73
<b>Site Address</b>	Stonehenge Campsite, Berwick St. James, Salisbury, SP3 4T
<b>Proposal</b>	Application for the development of land without compliance with Condition 10 of Appeal Decision S/2010/0007 and in accordance with information submitted
<b>Agent/Applicant</b>	Allen Planning Ltd / Mr W Grant
<b>Town/Parish Council</b>	Winterbourne Stoke
<b>Grid Ref</b>	Eastings: 407467    Northings: 140542
<b>Type of application</b>	S73
<b>Case Officer</b>	Mrs Lucy Minting

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### Reason for the application being considered by Committee

Councillor West has requested that this application be determined by Committee due to -

- Visual impact upon the surrounding area
- Environmental/highway impact

### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **REFUSED** with reasons.

### 2. Report summary

The main issues in the consideration of this application are as follows:

1. Planning appeal decision;
2. Whether the proposed lighting scheme is acceptable in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity.

The application has generated comments from 2 parish councils (the site is within Winterbourne Stoke Parish); and 8 letters of objection from third parties.

### 3. Site Description

The site forms part of Stonehenge Campsite which is located between Winterbourne Stoke and Berwick St James. The campsite is outside of a housing policy boundary and is therefore within 'open countryside' designated as a Special Landscape Area, and is adjacent to the Winterbourne Stoke Conservation Area.

Planning permission for the campsite was allowed at appeal described as 'change of use of land to touring caravan and camping site, including retention of access, driveway,

hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points.'

The campsite is divided into three distinct parts comprising an upper paddock, closest to the Berwick Road, a middle paddock, and a levelled lower section closest to the river.

#### 4. Relevant Planning History

Application number	Proposal	Decision
213	Re-building of shed & piggeries	AC 01.06.50
TP/59	Construction of new access to highway	AC 27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC 12.10.55
S/2010/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points	Refused 11.05.2010 Allowed at appeal 11.11.2011
S/2012/0132	Erection of timber post and rail fence of 1.1m high along part of the western boundary of the site.	AC 03.05.2012
S/2012/1555	Retention of concrete base, construction of further concrete base and siting of two purpose built "Wessington" portakabin type shower blocks to be used as toilet/wash blocks in associated with the existing campsite	AC 07.03.2013
S/2012/1777	Development of land without compliance with condition 11 imposed upon Appeal C (S/2010/0007) and in accord with the Landscape Management information submitted with this application	AC 07.03.2013
S/2013/0056	Change of use of land to touring caravan and camping site (amended proposal to planning permission S/2010/0007/FULL incorporating use of pitch 6 as either a caravan pitch or the stationing of a motor home/caravan/pod for occupation by the senior site warden and use of pitch 7 (between 1st April - 30th September in any year) as either a caravan pitch or the stationing of a motorhome/caravan/pod for occupation by assistant wardens in association with the management of the existing campsite)	Refused 18/04/2013  Appeal lodged

#### 5. Proposal

The Inspector's decision letter to S/2010/0007 is attached as an appendix to this report.

Condition 10 attached to the appeal decision required the applicant to submit and have agreed by the council a lighting scheme.

Whilst the applicant submitted details on lighting, they were not provided within the required timescale. As a result in May 2013, following legal advice provided to the owner, the Council took its own advice from Counsel on the status of the permissions granted by the appeal Inspector.

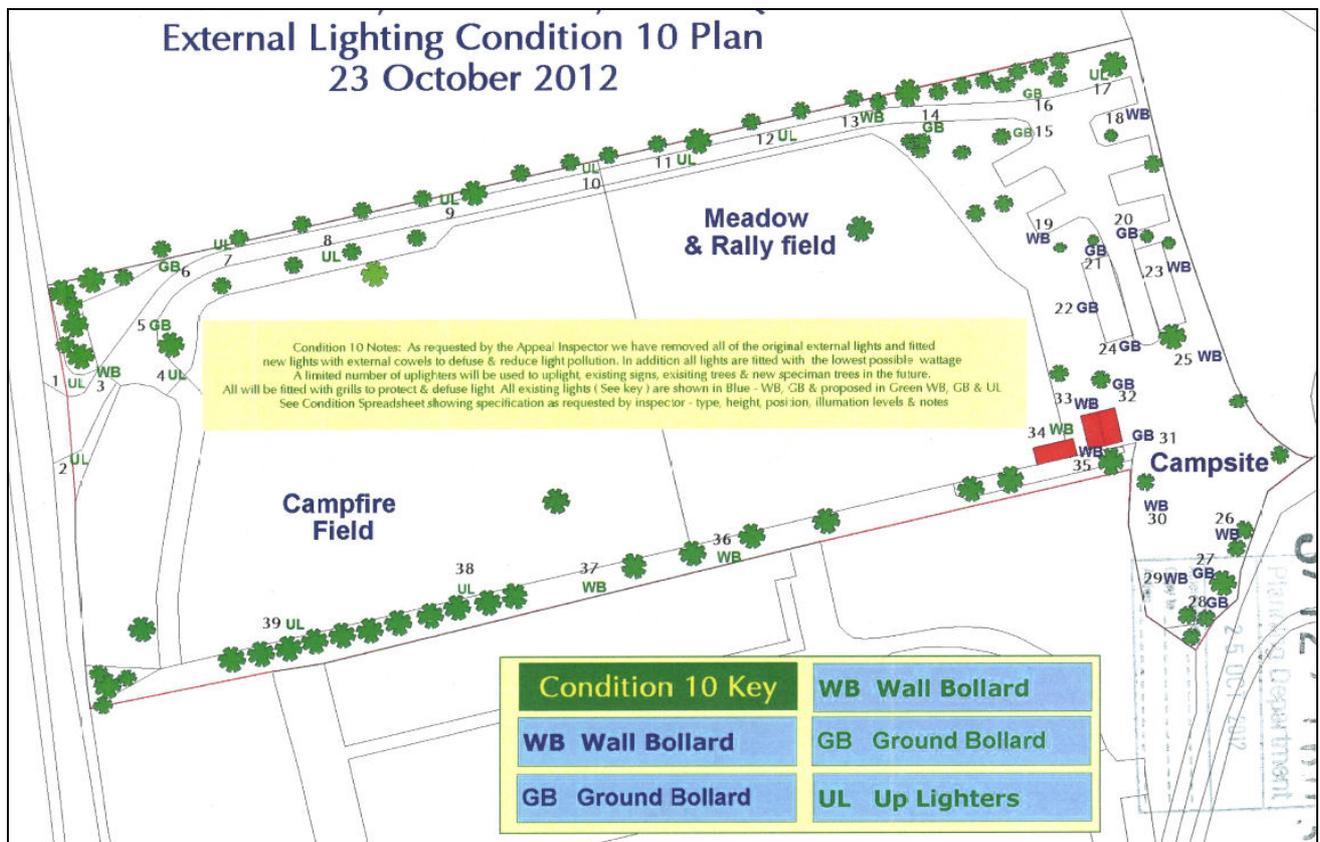
Counsel's advice was that the permissions have not lapsed although the owner is in breach of the condition. The appropriate solution to this situation has been for the owner to submit this application under Section 73 of the 1990 Act for planning permission for the development of the land without complying with the lighting condition.

It follows that this S73 application is to address the 'missing' information required by condition 10 (lighting):

10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

The proposed lighting comprises the following:

- 13 Wall mounted lights (to be added to gate posts, electric hook up (EHU) points and shower/WC block);
- 13 Bollards;
- 12 Uplighters to 'uplight existing signs, existing trees and new specimen trees in the future'.



The scheme plan above states that 'all lights are fitted with the lowest possible wattage'. The applicant has also amended the scheme during the course of the application confirming that the bulbs on the wall mounted lights have been further reduced from 18Watt to 9Watt (the minimum wattage possible); that cowls have been added to the bollard lights, the wall

mounted light to the ladies shower block (numbered 34 on the plan) has been disconnected and that all lights are on timers from dusk until 10pm (which could be conditioned).

## **6. Planning Policy**

Adopted Salisbury District Local Plan 'saved' policies (listed in Appendix C of the Adopted South Wiltshire Core Strategy):

G1 – General principles for development  
G2 – General criteria for development  
C2 – Development in the countryside  
C6 – Special landscape area  
CN11 – Views in and out of conservation areas  
T9 – Touring caravans and tents

Government Guidance:  
NPPF

Good Practice Guide for Planning & Tourism.

## **7. Consultations**

### **Wiltshire Council Landscape Officer**

No objection in principle to the installation of exterior lighting at the Stonehenge Campsite but cannot support the application as currently submitted.

### **Exterior Lighting Consultant comments on additional information submitted:**

Our comments are based on good practice and where applicable upon the following guidance document: "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" - Produced by the Institution of Lighting Professionals.

From this document, the first step to undertake the assessment must be to ascertain which Environmental Zone the campsite falls within, please see Table 2 taken directly from the document below. It is suggested by the applicant that E2 is most suitable given its location next to the A350. The final decision on this should be made by the planning authority but our conclusion would be that E1 is most suitable as the surroundings are intrinsically dark. The closest street light is over 200m away to the east within a village residential area, unlikely to be viewable from site and north east upon the A350 again unlikely to be viewable from site. To the west and south there are no other public lighting installations within 6km.

Within all environmental zones there is clear requirement to minimise upward light and trespass, but more so in E1 and E2 zones.

Table 1. from Guidance Document

<b>Table 1 – Environmental Zones</b>			
<b>Zone</b>	<b>Surrounding</b>	<b>Lighting Environment</b>	<b>Examples</b>
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

*Comments on Information provided by Applicant*

The lux and calculations plans show horizontal illuminance and also vertical illuminance upon the trees, internal building etc. What it does not show is the amount of light travelling outside of the site in both horizontal and vertical planes. We would expect the following to be provided as a minimum.

- A horizontal illuminance (at ground level) isolux diagram showing the light spill outside of the site extents.
- The information provided for vertical illuminations etc does not have a suitable scale to allow for full assessment of the illuminance values; the maximum value on the scale is only 0.75lux.
- The modelling of trees and being able to capture all illumination cannot be confirmed by plan alone and a decision over uplighter suitability must be made.

*Comment on Changes made to Application*

The change from 18w to 9w compact fluorescent lamps for building mounted and bollard units plus the inclusion of timers to switch off building mounted and bollard units from 10pm. This will reduce the overall impact of the site on others especially late at night and early morning. These changes should be acceptable and suitable for approval, pending further information requested above:

- Disconnection/Removal of 1no. unit, this will only reduce impact of the site and is greatly welcomed.
- Conversion of drive lights to movement sensors or switch off at curfew.

*Comments on Retained items on Application*

The use of uplighters should be rejected due to significant likelihood of upward light, spill light and visibility from outside the campsite. Our supporting information is below.

Although the obtrusive light guidance document does allow for ground recessed illumination, it should be used sparingly and preferably confined to E3 (urban) or E4 (town/city) locations where there is likely to be already significant upward light from street lighting installations. The within an E1 or E2 zone should be severely restricted and should not be used for what is effectively an aesthetic purpose.

Applying an E1 zone restriction then there should be no direct illumination of buildings or other objects as the average luminance requirement is 0 cd/m<sup>2</sup>. Although the calculations indicate a maximum of 1.84cd/m<sup>2</sup> over the whole scene, it is clear there is illumination of trees and therefore a luminance level associated with this.

The illumination of the trees serves no purpose for the functional illumination of the site other than hope to reflect some diffuse light onto the driveway. This function would be better served, and at reduced energy consumption by utilising additional bollards.

Although the illumination of signage does serve as a function purpose, it should be requested that down lighters are utilised with suitable wattage lamps and with curfew control timers, rather than the uplighters specified.

#### *Final comments and Decision Recommendation*

The site illumination in its current form is not recommended for approval at this time. However, its recommendation for approval would be greatly enhanced through the removal of all uplighters, or their replacement with more suitable units. It is also requested that further information is provided with regards to spill light outside the site boundary and the operation.

Our final request would be for information to be provided so we have a full understanding of the lighting requirements for award of or compliance with the following legislation and guidance;

Comply with site license and Health and Safety  
British Tourist Board 2 & 3 star ratings  
AA 2-3 Star Ratings  
David Bellamy Awards  
European Listings

This would allow us to decide whether the proposals are in line with or far and above the requirements needed before they may be discussed in any appeal.

#### **Wiltshire Council Private Sector Housing (caravan licencing)**

The lighting proposals appear to meet the requirements for lighting set out in the license.

#### **Wiltshire Council Ecology**

No comments to make.

#### **Wiltshire Council Environmental Health**

On the basis of the information provided in the application concerning the nature and positioning of the lighting we have no objections.

#### **Winterbourne Stoke Parish Council**

Objects to this application because of the potential for unacceptable light pollution from the use of uplighters.

#### **8. Publicity**

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

8 letters of objection received (including from CPRE). Summary of key relevant points raised:

- The number of lights and lighting from dusk is inappropriate, excessive and unnecessary
- Lights are conspicuous and too bright
- The amount of lighting should be reduced to minimum requirements for health and safety – suggest complying with the English Tourist Board minimum requirements for a campsite of this size
- Campsite should not be developed into a brightly lit holiday camp
- Campsite users will bring their own torches/lighting, including lighting from the inside of caravans
- All uplighters to light trees should be removed – cause light pollution and unnecessary – the trees are on the perimeter of the site and are not causing a hazard to campsite users
- No need for uplighters at the entrance or down the track – cars will use headlights
- Lights should not be left on all night and interior lights on the shower blocks should be on timers
- The use of PIR (passive infra red -a motion sensor and acts like a switch when it detects movement) should be applied wherever possible
- Existing cowls don't diffuse light and the lighting can be seen outside the boundaries of the site (neighbouring gardens and roads) - all light fittings on the boundaries of the site should be shielded from the open countryside such that the light source cannot be seen beyond the light boundary in the interests of reducing light pollution and retaining the environment of the countryside and special landscape area.
- Suggest shaded lights at ground level would be adequate for paths
- Some lights have already been installed without discharging condition 10. This has already had a marked impact on light pollution, if rest are installed this will be inappropriate in a special landscape area
- Objections to number of retrospective applications submitted and piecemeal development.
- Conditions 10 and 11 of the appeal permission haven't been complied with within the timescales required and the appeal permission has now lapsed. The site licence should also be revoked
- Conditions/site is not being enforced
- Impact of lighting to ecology and adjoining SSSI
- Berwick St James has no street lighting
- Individual lights will need to meet EU legislation (type of lights currently in place are of the wrong design) and be tested by a lux meter and a spectrophotometer and accumulative light values will have to be evaluated.
- The owners should have to conform to a light evaluation programme to ensure the light levels are conforming to legislation.
- English Heritage, Natural England and Environment Agency should be consulted to assess the impact on the surrounding wildlife and countryside.
- Impact of lighting scheme on flight paths of Boscombe Down and Old Sarum Airfield needs to be assessed.
- CPRE specifically states 'The plan and detail indicate there is too much lighting for this open area, affecting the special landscape area.'

Berwick St James Parish Council Support the application subject to conditions:

Should the Local Planning Authority be minded to Grant Planning Approval in respect of this application then we would request that the application be amended to reduce the amount of lighting proposed to that required to comply with the English Tourist Board minimum requirement for a campsite of this size, that all proposed up lighters be removed from the proposals, that the use of PIR switching be applied wherever possible and where it complies with the requirements of health and safety and the requirements of the English Tourist Board accreditation. All light fittings located on the boundaries that are approved should be shielded from the open countryside such that the light source cannot be seen beyond the site boundary. This should be in the interests of reducing light pollution and to retaining the environment of the countryside.

Bearing in mind the comments above, we believe that this should be debated and dealt with by the Southern Area Planning Committee and not under Delegated Powers.

## **9. Planning Considerations**

### *9.1 Planning Appeal decision*

Section 73 applications leave the original permission intact and unamended, and result in the granting of a whole new freestanding permission. The original permission however may not be re-written.

The Inspector considered that the main issues to consider were:

The effect on the character and appearance of the locality and effect on the Special Landscape Area (SLA) and nearby Conservation Area - The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matured and that with conditions to secure the landscaping and control the extent of the camping and caravanning; the 'harm to the character and appearance of the locality including the SLA would not be material.'

The effect on the living conditions of occupants of nearby dwellings - The Inspector considered that subject to conditions limiting the area for, and numbers of, tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping; the development 'would not be materially harmful to the living conditions of occupants of nearby dwellings.'

Economic benefits - The inspector considered that the development 'accords with the then relevant PPS4 (policy EC7) which urged Councils to support sustainable rural tourism and leisure development to help deliver the Government's tourism strategy.'

### *9.2 Whether the proposed lighting scheme is acceptable for purpose and in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity*

Paragraph 125 of the NPPF states:

'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Good lighting design is important to avoid unnecessary visual impact, light pollution and energy waste. The Temple Report to DEFRA 2006 (Assessment of the Problem of Light Pollution from Security and Decorative Light, Published Guidance/Standards on Obtrusive Light) highlights the problems of light pollution:

An increasing amount of exterior lighting is being allowed to shine above the horizontal, and a significant proportion of this artificial light ends up in the sky where it does nothing to increase vision or security, but wastes electricity, money and finite resources.

The comparatively recent but growing concern expressed about the adverse effects of outdoor lighting recognises that there are many bad examples of over-lighting in sensitive rural/countryside environments. Many of these have been there many years and are beyond control. However the situation should not be allowed to worsen. A high level of existing lighting in a rural location should not justify an increase nearby.

The report also states that where Council's are assessing new proposals they will need to be satisfied that the lighting scheme proposed is the minimum required for security and working purposes and that it minimises potential visual impact.

It is accepted that the Inspector considered lighting was necessary on the site by the imposition of the condition. The condition required the following details to be agreed:

- the type of light appliance;
- the height and position of fitting;
- illumination levels;
- details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting.

The aim of the landscape scheme and long term management plan for the Stonehenge Campsite is to provide a natural screen surrounding the site to protect the visual amenity of neighbours and the landscape character of the Special Landscape Area. In other words the site should become inconspicuous and blend in with the surrounding countryside.

It is therefore considered that any lighting of the campsite should be the minimum amount necessary for health and safety and operation of the campsite and that glare and light spillage from the site needs to be minimised in order to avoid having an adverse visual impact on the surrounding landscape.

To avoid over-lighting objects and to reduce unnecessary energy expenditure and waste light production the International Commission on Illumination (CIE) has published a document '*Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installation*'. This sets out a series of environmental zones that range from E0, which are dark protected landscapes, to E4 for bright inner city areas. The intensity of light from individual lights and the resultant lighting levels recommended are more restricted as you get towards the E0 category.

The definitions of the four zones are:

**E0: Dark Protected** UNESCO Starlight Reserves, IDA Dark Sky Parks

**E1: Intrinsically dark areas** National Parks, Areas of Outstanding Natural Beauty, etc.

**E2: Low district brightness areas** Rural or small village locations.

**E3: Medium district brightness areas** Small town centres or urban locations.

**E4: High district brightness areas** Town/city centres with high levels of night-time activity.

The Council's Exterior Lighting Consultant advises that the first step in undertaking the assessment of the proposed lighting scheme is to ascertain which Environmental Zone the campsite falls within.

The applicant has drawn attention to existing street lights in Winterbourne Stoke, nearby residences in Berwick St James and Winterbourne Stoke with a minimum of one outside light and constant light pollution from the A303 and consider that the site should be classed as Environmental Zone 2 (as a rural, low district brightness lighting environment).

The site lies in the open countryside outside of the village limits and adjacent to the B3083 (Berwick Road) which has no street lighting and the Lighting Consultant advises that the site should be classed as Environmental Zone 1 (as a natural and intrinsically dark lighting environment), although within all environmental zones there is clear requirement to minimise upward light and trespass, and more so in both E1 and E2 zones.

The lighting condition includes the need to provide 'illumination levels'. Additional information has now been submitted including a cumulative 'lux' or light spillage plan for the entire site. This has been considered by an Exterior Lighting Consultant and the comments are attached in full above.

The lighting scheme proposes:

- 13 Wall mounted lights (to be added to gate posts, EHU points and shower/WC block);
- 13 Bollards;
- 12 Uplighters to 'uplight existing signs, existing trees and new specimen trees in the future'.

The scheme plan states that '*all lights are fitted with the lowest possible wattage*'. The applicant has also confirmed that the bulbs on the wall mounted lights have been further reduced from 18Watt to 9Watt (the minimum wattage possible); that cowls have been added to the bollard lights, the wall mounted light to the ladies shower block has been disconnected and that all lights are on timers from dusk until 10pm (which could be conditioned).

The lighting consultant advises that the changes to the bulbs and inclusion of timers will reduce the overall impact of the site; although whilst the lux plans show horizontal and vertical luminance upon the trees and internal buildings, they do not show the amount of light travelling outside of the site in both horizontal and vertical planes.

It has therefore not currently been demonstrated that the proposed lighting scheme will not result in light spillage outside the site which would have an adverse visual impact on the surrounding landscape.

The Council's Landscape Officer has previously advised the applicant that in order to maintain dark night skies at this rural location, the uplighters are unnecessary and should be removed from the scheme.

The lighting consultant advises that the illumination of trees serves no functional purposes other than hope to reflect some diffuse lighting onto the driveway and whilst the illumination

of signage does serve as a functional purpose, downlighters or additional bollards would be more suitable.

Within an E1 or E2 zone lighting should be restricted and should not be used for what is effectively an aesthetic purpose and the lighting consultant agrees that the use of uplighters should be rejected due to significant likelihood of upward light, spill light and visibility from outside the campsite.

The applicant's agent states 'lighting is necessary for the successful operation of the campsite and in order to comply with various aspects of legislation/guidance the site is required to have appropriate lighting in order to:-

Comply with site licence and health and safety  
British Tourist Board 2 & 3 star ratings  
AA 2-3 star ratings  
David Bellamy Awards  
European listings'

The only reference to lighting in the Site Licence Conditions for the campsite include that 'All toilets and amenity blocks shall be provided with a satisfactory form of artificial lighting during the hours of darkness.'

There are no requirements in the awards listed that higher ratings are given for "aesthetic" rather than functional lighting. The Co-ordinator for the AA Pennant System specifically refers to a level 4 expecting all internal roads, paths and toilets blocks to be lit at night but are very conscious about light pollution and 'expect all lighting to be low-level across the park'. The Visit England (referred to above as British Tourist Board) rating scheme also makes no reference to aesthetic lighting just that campsites should have 'external light fittings and lighting provision throughout the park, including roads, footpaths, ramps, steps and exterior of buildings'.

It is not considered that the use of uplighters is appropriate in this rural location designated as a special landscape area. It is also not considered that it has been demonstrated that these are necessary for the safe operation of the campsite.

## **10. Conclusion**

The lighting scheme does not demonstrate that there will not be light spillage outside of the site boundaries and includes uplighters which are not considered appropriate to the location and will have an adverse effect on the character and appearance of the locality designated as a special landscape area, the nearby Winterbourne Stoke Conservation Area and visual amenity.

## **11. Recommendation**

### **Planning Permission be REFUSED with reasons**

- (1) The lighting scheme proposed does not demonstrate that there will not be light spillage outside of the site boundaries and includes uplighters which are not considered appropriate to the location and will have an adverse effect on the character and appearance of the locality designated as a special landscape area, and the nearby Winterbourne Stoke Conservation Area and visual amenity in general contrary to saved policies G1, G2, C2, C6, CN11 and T9 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the

Adopted South Wiltshire Core Strategy and guidance contained within the NPPF (and paragraph 125 in particular).

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

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## Appeal Decisions

Inquiry held on 17-18 May 2011

Site visit made on 19 May 2011

by **K Nield BSc(Econ) DipTP CDipAF MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **11 July 2011**

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### Appeal A Ref: **APP/Y3940/C/10/2139334**

#### **Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2010/1661
- The notice was issued on 24 September 2010.
- The breach of planning control as alleged in the notice is without planning permission, the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The requirements of the notice are:
  - (a) Remove any tents stationed on the Land in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995; and
  - (b) Cease permanently the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The period for compliance with the requirements is one month from the date the notice takes effect in respect of both (a) and (b) above.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.**

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### Appeal B Ref: **APP/Y3940/C/10/2142020**

#### **Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2011/0001.
- The notice was issued on 15 November 2010.
- The breach of planning control as alleged in the notice is: without planning permission, the carrying out of engineering and other operations on the land, including materially altering the landform by excavating and re-profiling the ground to form levelled areas; formation of hardstandings; formation of earth bunds and associated fencing; installation of a cesspool/waste disposal point and enclosing fencing, installing electrical

hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building.

- The requirements of the notice are:
  - (a) Permanently demolish all the hardstandings, remove the new vehicular access and track surfacing materials, pathway surfacing materials, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points from the Land;
  - (b) Return the excavated and re-profiled parts of the Land to its former landform, levels and profiles prior to development took place, i.e. to match that of the land immediately adjacent;
  - (c) Permanently demolish the toilet/shower block and washing up building and reinstate the land to its condition before development took place, i.e. to match the levels and profile of the land immediately adjacent;
  - (d) Reduce the height of the earth bunds and associated fencing so that where adjacent to Berwick Road as shown between the approximate points X-X on the plan attached to the Notice, the height of the bunds or the fences or their combined height does not exceed one metre;
  - (e) Permanently remove the partly constructed track formed between the approximate points Y-Y as shown on the plan attached to the Notice and reinstate the Land to its condition to match the levels and profiles that of the land immediately adjacent;
  - (f) Permanently remove all demolition materials arising from steps (a)-(e) from the Land;
  - (g) Re-seed all the reinstated areas with grass.
- The period for compliance with the requirements is 3 months in respect of items (a) – (f) listed above and 3 months or by the end of the next planting season following the date the notice takes effect, whichever date is the later of the two in the case of item (g) listed above. The planting season is stated by the Council to run from 1 November to 31 March the following year.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.**

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**Appeal C Ref: APP/Y3940/A/10/2136994  
Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by W F and S R Grant against the decision of Wiltshire Council.
- The application Ref S/2010/7/FULL, dated 24 December 2009, was refused by notice dated 11 May 2010.
- The development proposed is described as the retention of access, driveway, hardstandings and change of use of land to touring caravan site.

**Summary of Decision: The appeal is allowed and planning permission is granted as set out in the Formal Decision below.**

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**Application for costs**

1. At the Inquiry an application for full costs in respect of Appeal B was made by Mr W F Grant against Wiltshire Council and in respect of Appeal C by W F and S R Grant against Wiltshire Council. The application is the subject of a separate Decision.

### **Procedural matters**

2. At the opening of the Inquiry the appellants withdrew the appeals under ground (e) in respect of both Appeal A and Appeal B. No evidence was called in respect of those appeals by either party.
3. In respect of Appeal C the Council had amended the description to "*Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points*". As the appellants have applied this revised description in the appeal documentation and I consider it describes the extent of the development more fully I intend to determine the s78 appeal on that basis.
4. The oral evidence at the Inquiry was taken on oath.

### **The enforcement notices**

5. There are some minor errors in the notice in respect of Appeal B. Within the requirements of the notice under sections (b) and (e) words appear to be omitted which reduce the clarity of the requirements. I can make corrections to the notice without injustice to the parties.

### **Preliminary matters**

6. The parties submitted an agreed Statement of Common Ground (SCG) at the opening of the Inquiry. The SCG agreed relevant planning policy guidance applicable to the development and other matters including some agreed conditions.
7. The SCG also contained Plan WGDP 01 prepared to assist the description and assessment of the parts of the site as a whole. This termed the area to the north of the site comprising the access, track and main caravan site with laid out pitches as "Campsite" (or Red Land) on the Plan. A field area broadly to the south of the access and west of the Red Land is termed "Rally Fields" (or Blue Land) and a further area to the south of the Rally Fields is termed "Parkland and Summerfield" (or Green Land).
8. These descriptive terms are used, with some variation, throughout the evidence by both parties and have relevance to some of the matters agreed by the parties and suggested conditions. As this subdivision of the site assists with the description of the scheme I will apply those terms.
9. The plans attached to the two enforcement notices include all the above listed areas. However, the application site boundary for Appeal C includes all the Campsite area but only (the eastern) part of the Rally Fields.
10. There is a single appellant in respect of both Appeal A and Appeal B but two appellants in respect of Appeal C. For clarity in the overall decisions I shall use the term "appellants" throughout.

### **The appeal under ground (c) (Appeal B)**

11. The appeal under ground (c) is that the matters described in the notice (if they occurred) do not constitute a breach of planning control. I noted at my visit, and it was not in dispute at the Inquiry, that the operational development comprising the alleged breach had occurred.

12. The appellants accept that several items of the alleged breach require planning permission. Broadly these comprise the toilet/shower block and washing up building, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points. The appellants have not raised matters under this ground in connection with these items of operational development itemised in the Appeal B notice where there is a breach of planning control.
13. The appellants' case under this ground is in respect of two matters identified in the alleged breach. Firstly, earth bunds with a mesh fence either side of the access, slightly inset from the site frontage with Berwick Road (B3083) and secondly in respect of an access track leading from Berwick Road into the site and providing vehicular and pedestrian access mainly to caravan pitches in the eastern part of the site.
14. The earth bunds are grassed with some additional landscaping. A green coloured flexible mesh fence has been positioned mainly along the forward face of the bunds which in some places exceeds the height of the bunds (but in other places does not). The combined effect of the bunds and fence is to form a means of enclosure to The Rally Fields and it also provides a partial visual screen into the site from the public domain along the highway. The bunds are inset from the highway by varying but fairly short distances. In the following assessment I shall describe the combined height of the bunds and where higher the fence as together comprising "the bunds".
15. There is some disagreement between the principal parties regarding the total height of the bunds. The Council has provided measurements from ground level at the edge of the highway indicating that the height varies from 1.1 metres (m) to 1.65m. The appellants have taken measurements from the mid-point of the highway where the camber is highest and indicate that the height of the bunds above that point vary from less than 1m to 1.32m. Without doubting their accuracy, I find the basis of the appellants' measurements from the camber to be rather contrived and I am more persuaded by the Council's measurements in providing a total height of the bunds.
16. The appellants contend that the bunds are permitted development under Part 2 Class A of Schedule 2 to the General Permitted Development Order 1995 (as amended) (GPDO). That permits "*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure*" subject to compliance with a number of specified criteria.
17. However, criterion (a) of Class A does not permit such development adjacent to a highway used by vehicular traffic where the height of any gate, fence, wall or means of enclosure exceeds 1m above ground level.
18. In this case although the bunds are inset slightly from Berwick Road they clearly perform a function of separating the appeal site from that highway. In the context of this site they act as a boundary to the highway. Notwithstanding their inset from the highway I consider that it is positioned adjacent to them. As they exceed 1m in height they are not permitted development under Part 2 Class A.
19. With regard to the access there is no dispute that until (at least) 2008<sup>1</sup> there was a simple grass farm track leading from Berwick Road. Additional photographs show that reasonably extensive engineering operations to remove

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<sup>1</sup> Photographs in Appendices 3 and 11 of evidence of Stephen Hawkins

the surface and create a base and apply scalplings were undertaken. These works also appear to have widened the track (from its appearance in earlier photographs) and altered the position of its junction with Berwick Road.

20. Taken together those are engineering operations which cumulatively are significant in scale and exceed works that could reasonably be regarded as incidental to the provision of a means of access. As a matter of fact and degree, I find the proposed works beyond that which is permitted by Part 2 Class B, neither are they permitted by any other Class of the GPDO. The proposed works, in my opinion, are such that they fall within the meaning of "development" under s55 of the Act for which an express grant of planning permission is required.
21. In a ground (c) appeal the burden of proof lies with the appellants and since this has not been discharged in respect of the matters in dispute the appeal under ground (c) fails.

### **The appeals under ground (a) (Appeal A and Appeal B) and the s78 appeal (Appeal C)**

#### Background

22. It is not in dispute that the areas termed "Campsite" and "Rally Fields", all formerly comprising agricultural land, have been used for camping and caravanning activities to varying degrees for some 2-3 years<sup>2</sup>. The Campsite area initially contained 5 hard surfaced standings used with various facilities/buildings provided in connection with that use. This area previously contained a number of modest agricultural buildings now mostly demolished. Until December 2010 this area had certification firstly from the Caravan & Camping Club and then the Caravan Club to use that part of the site as a Certified Location.
23. The Rally Fields comprise two paddocks. The upper paddock (nearest Berwick Road) has been used for temporary touring and camping "events" under permitted development rights provided under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO. Use of the lower paddock for camping and caravanning took place when there was high demand such as around the summer solstice.

#### Main issues

24. There is no dispute between the parties that planning policies at both national and local level, whilst seeking (in general terms and subject to various criteria) the protection of the countryside from inappropriate development, support tourist related development in the countryside including the development of caravan and camp sites.
25. Saved policy T9 of the adopted Salisbury Local Plan (LP) is in line with the general thrust of SP<sup>3</sup> policy RLT10 and policy EC7 in PPS4<sup>4</sup>. It is a permissive policy allowing the provision of new touring caravan/camping sites adjacent to the main holiday routes subject to a number of criteria. Amongst other matters the criteria require the site to be well screened from vantage points, highways and residential development and that trees and other landscaping are

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<sup>2</sup> Evidence of Anthony Allen

<sup>3</sup> Wiltshire and Swindon Structure Plan (SP)

<sup>4</sup> Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)

planted within and around the site. In addition the policy requires that the use should not be detrimental to the amenities of residents of the area. The site of the appeals lies in close proximity to the A303 and the parties agree that it is a main holiday route as required by policy T9.

26. In the light of the above I consider that the main issues in these appeals are:

- (i) the effect on the character and appearance of the locality including its effect on the Special Landscape Area (SLA) within which the site is located and the nearby Winterbourne Stoke Conservation Area (CA),
- (ii) the effect on the living conditions of occupants of nearby dwellings through potential noise and disturbance, and
- (iii) whether other considerations including economic benefits outweigh any harm that is identified.

#### Reasons

##### *Character and appearance*

27. The appeal site adjoins the south-western extent of the CA which in that area comprises a meadow and other open land near the river. The parties agree that the proposed development preserves the elements of the setting and character of the CA that make a positive contribution to that heritage asset. I see no reason to differ. Consequently, there is no conflict with national policy HE 10 in PPS5<sup>5</sup>.

28. The wider area around the appeal site falls within both the Salisbury Plain West High Chalk Plain and the Wylde Chalk River Valley landscape character areas described in the Wiltshire Landscape Character Assessment. The appeal site is situated on the valley floor of the River Till.

29. A recent Landscape Character Assessment was undertaken for Salisbury District<sup>6</sup>. That indicates that the appeal site lies within Character Area A1: Till Narrow Chalk River Valley which is situated towards the north-east of Salisbury and running through adjacent areas of chalk downland (Area D). Within that area the overall condition of the landscape is good with moderate to high landscape character sensitivity and moderate visual sensitivity. I acknowledge that within the general description of the landscape character of the area there are pockets exhibiting some variation to the general landscape characteristics. I have noted the evidence of interested parties in this regard who pointed out some local variations in the area near the appeal site.

30. The appeal scheme contained proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location. The Council also confirmed that assumed growth rates to maturity for the suggested species were acceptable.

31. A detailed assessment of the visual effect of the cumulative effect of the appeal schemes from various viewpoints within the Till Valley and on the surrounding downland was undertaken by the appellants' landscape consultant. The Council's assessment was of a more limited nature. In addition, I was able to

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<sup>5</sup> Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

<sup>6</sup> Salisbury Landscape Character Assessment: Chris Blandford Associates (February 2009)

look at the site from various viewpoints at my site visit and reach my own conclusions on the visual effect of the schemes on the landscape.

32. In the main the appellants' photographic evidence, assessment, and its conclusions were not disputed by the Council. It was accepted by the Council that the visual envelope of the Campsite and Rally Fields areas is very limited with only a few areas of land in the public domain from which clear views of the site can be gained.
33. In the short to medium term persons using a public right of way alongside the River Till to the east of the site would be able to see (the upper parts of) caravans stationed in the nearest pitches alongside the eastern edge of the Campsite area although a steep embankment serves to restrict views into the site from the path. In the longer term planting within and outside the site would provide screening for much of the year.
34. Views into the proposed development in the Rally Fields would be gained from a section of the public right of way to the south-east of Summerfield House, and from a section of bridleway to the west of the B3083. In the medium term it would be possible to see substantial numbers of tents in the Rally Fields from the bridleway but views into that area would reduce towards the longer term due to growth in the landscaping that has taken place or is further proposed.
35. I agree with the Council that glimpses of tents in the Rally Fields would be gained from the hillside position of a byway to the east (Viewpoint 22). However, that would be at a distance of approximately 1.5 km from the site. At the time of my (spring) visit those views were restricted by vegetation and, as the photographic evidence indicates, they would not be prominent even in the winter time when there would be less leaf growth.
36. Views into the site from the B3083 are currently limited to a section of about 300m leading south from the A303. The site entrance, part of the access track and earth bunds with fencing would be clearly visible from the road. I am satisfied that planting of the earth bunds along the site frontage, some of which has taken place, would provide reasonable short term visual screening which would be enhanced over the medium term by additional planting such that only the top parts of tents in the upper paddock area of the Rally Fields would be visible. Over the longer term those views into the site would diminish further.
37. The parties agree that the fence along the bunds is prominent in some views and I do not differ in that respect. I consider that its removal, secured by a planning condition if all other matters are acceptable, would be in the interest of the visual amenity of the area.
38. Planting alongside the northern boundary would also provide substantial screening of the site from the B3083. The Council expressed doubts at the Inquiry that there was sufficient space between the access track and the site boundary to allow for sufficient plant growth. Although I saw on my visit that the width of the planting strip varied I consider that there is adequate space to allow planting which would provide a screen over a period of between 5 – 10 years. Planting has taken place alongside the boundary outside the appellants' land but no scheme is before me that would allow for the management of that area which reduces the weight I have attached to it in contributing to a screen.

39. The A303 is in an elevated position to the north-west of the appeal site where there is an exposed section following the removal of trees and vegetation by the Highways Agency and which allows views towards the site from passing vehicles. However, traffic on that road is reasonably heavy and moving at considerable speed so such views as there are from that position are likely to be fleeting in the short term but would reduce with screening from the existing and proposed landscaping .
40. There are a number of residential properties within the visual envelope of both the caravan site and the Rally Fields. In the short term views of the Rally Fields from Scotland Lodge, which is at a slightly elevated position above the A303 can be gained. These views would significantly reduce in the medium term as the landscaping matures. Views from the other dwellings are limited. However, I noted that parts of the site can be seen presently from Over the Hill to the south and parts of the gardens of Till Cottage and Keepers Cottage.
41. In all these cases the limited views that exist at present would reduce in the medium to long term as the existing and proposed landscaping at the edges of the site matures. Control of the extent of the camping and caravanning to minimise the visual impact and to ensure adequate landscaping can be secured through planning conditions, if all other matters are acceptable. Consequently, both the use of the site for camping and caravanning together with the related operational development would be well screened in the medium to long term (5-9 years).
42. Overall, I found the appellants' assessment of visual impact persuasive in indicating that there would be very limited visual impact of the appeal schemes on both the local and wider areas of the landscape. It is, in any event, based on a worst-case scenario of all the proposed caravan pitches being occupied and tents present in both paddocks of the Rally Fields. However, I agree with the appellants that the situation for most of the period being considered would be less than that further reducing the likely visual impact.
43. I note the Council's concern that the assessment does not fully consider the visual effect of vehicles at the site entrance (either entering or leaving) or on the access track. I accept that vehicles and caravans in those positions could be visible particularly from some of the elevated viewpoints. Such activity is likely in most cases to be of a transient nature and even at the busiest times is not likely to be harmful to the landscape character for anything other than a short time. Consequently, I have not attached significant weight to that concern.
44. Taking all the above factors into account I consider that there would be limited conflict with SP policy RLT10 and LP policy T9. I do not consider that the harm to the character and appearance of the locality including the SLA from the appeal proposals would be material and it would not of itself lead me to dismiss the appeals.

*Living conditions*

45. The Council has raised objections in this regard only in respect of the enforcement notice issued in respect of the alleged change of use (Appeal A) and not the scheme comprising the s78 appeal (Appeal C). Notwithstanding that, compelling evidence was given at the Inquiry by a number of the interested parties who live near the site (and others) to indicate that at various times the use of parts of the site for camping and caravanning had led to noise

and disturbance to their living conditions at unsocial hours. The evidence provided indicated that this was primarily from music (both amplified and non-amplified) played late at night particularly from those parts of the Rally Fields and Summerfield House closest to the dwellings. Some of the interested parties indicated that the music and other noises could be heard over a wide area.

46. I have no doubt that much of the problem in this regard stemmed from the fairly uncontrolled use of the site at that time. Suggested planning conditions discussed at the Inquiry to limit the area for camping and caravanning (and the numbers of caravans and tents) together with limitations on amplified and non-amplified music and greater visual screening would, in my opinion, go a very considerable way to resolving the concerns that were aired. Such conditions can be attached to a planning permission, if all other matters are acceptable.
47. Subject to the imposition of planning conditions as discussed above attached to any permissions granted in respect of these appeals I conclude on this issue that the development proposed in Appeal A and Appeal C would not be materially harmful to the living conditions of occupants of nearby dwellings and would accord with the overall aims of LP policy T9(iv).

*Economic benefits*

48. The parties agree that the use of the site for tourist related purposes would lead to economic benefits both to the immediate and wider areas. The scheme would provide one FTE<sup>7</sup> job and there was agreement that there would be some visitor spend, albeit unquantified, in the area.
49. The proposed development, taken as a whole, accords with national planning policy in PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure developments to help deliver the Government's tourism strategy. It is also supported by the Government's commitment to promote sustainable growth and jobs<sup>8</sup>.

*Fallback position*

50. The appellants have permitted development rights which enable them to make use of the site for camping<sup>9</sup> and caravanning. For the days that such activity would be covered by these rights the numbers of tents and caravans at the site would be fairly uncontrolled and could be significantly greater than those suggested in the schemes now before me with the suggested conditions. There is a reasonable likelihood that some of the problems brought to my attention by uncontrolled camping and caravanning in the past would re-occur under this fall back position. Consequently I can attach considerable weight to it in my overall balance of considerations.

*Other matters*

51. A number of other matters are brought to my attention by the interested parties. There is concern that the appeal schemes would have a harmful effect on nature conservation interests in particular the nearby SSSI<sup>10</sup> along the River Till. However, no substantive evidence was produced to support that contention and I cannot attach significant weight to it.

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<sup>7</sup> Full time equivalent (FTE)

<sup>8</sup> Ministerial Statement dated 23 March 2011 by Greg Clark, Minister of State for Decentralisation

<sup>9</sup> Under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO

<sup>10</sup> Site of Special Scientific Interest (SSSI)

52. Concern was also expressed by interested parties and the local Parish Councils in respect of the effect of the schemes on highway safety, particularly slow moving large vehicles and some vehicles towing caravans seeking to exit the site onto the B3083. The initial consultation responses of the Highways Agency and the Highways Department of the Council<sup>11</sup> did not raise objections in this respect, however shortly before the Inquiry an objection was received<sup>12</sup> indicating the view of the relevant highways officer that visibility from and of vehicles leaving the site access is restricted by a hedge that had recently been planted along the roadside site frontage. The principal parties agree that greater visibility can be secured by re-positioning the planting along the bunds and that this could be secured through a condition, if all other matters are acceptable.
53. I have had regard to other matters raised including the effect on archaeology, and sewerage and waste water disposal. None alters my view as to the main issues on which these appeals turn.

*Conditions*

54. The parties have both suggested<sup>13</sup> a number of conditions in the event that the appeal is successful. A number of the suggested conditions are common to the individual appeals, notwithstanding differences in site boundaries. Conditions relevant to the individual appeals are set out in the Annexes to this decision.
55. A number of conditions are suggested mainly to safeguard the visual amenity of the area. For this reason a condition is required for details of any existing and proposed landscaping to be submitted to the Local Planning Authority and approved in writing. In connection with Appeals B and C I will attach a condition requiring the removal of the mesh fence. I also agree that a number of conditions should be attached in respect of all the appeals for the provision and maintenance of landscaping including a requirement for a landscape management plan. These landscape conditions require the permitted use to cease and all tents and other incidental development to be removed in the event that the conditions are not satisfied.
56. I agree that a condition is required to put a restriction on the siting and number of caravan pitches. Whilst the parties agreed in principle that they should only be within the area notated as "Campsite/Red Land" on Drawing WGDP 01 contained in the SCG to the easternmost part of the site, to protect the visual amenity and character of the area and also help to safeguard the living conditions of occupants of nearby dwellings, they differed as to the number of pitches and caravans that would be appropriate in that area.
57. The appellants have suggested that that part of the site could accommodate 15 caravans laid out as illustrated on Drawing: Landscape Plan 2010. The Council considers that the area should be restricted to the northern part of that area such that it would accommodate 11 pitches and caravans (Plots 1-8 and 13-15 on Drawing: Landscape Plan 2010). The disputed area is well contained by earth embankments following the excavation and re-profiling of the ground in that area and it is reasonably well screened by existing vegetation. It is the nearest area to the garden of Keepers Cottage across the public right of way but a considerable distance from the house and the most private part of the

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<sup>11</sup> Evidence of Charlie Bruce-White

<sup>12</sup> Document 13 to the Inquiry

<sup>13</sup> Contained in the Statement of Common Ground

garden. In consequence, I lean to the view of the appellants that there would not be a materially harmful effect on the amenities of the occupants of Keepers Cottage from the use of pitches 13-15 on Drawing: Landscape Plan 2010 and the condition I will impose will reflect that conclusion.

58. Conditions are suggested to limit the area for tented camping, the number of tents and the number of days that the use would be permitted. The area to be used is not in dispute by the parties (the area notated as Rally Fields/Blue Land on drawing WGDP 01) but the number of tents and number of days that would be available for camping are in dispute.
59. The appellants suggest that the defined area for tented camping should only be used for such purposes between 19 March and the 30 September inclusive within any calendar year and that it should be used for a maximum of 20 tents on any day within that time period save for 10 days when a maximum of 100 tents would be permitted and a further 14 days when a maximum of 40 tents would be permitted.
60. The Council has suggested a more restrictive approach within the same area. It suggests that that land could be used for tented camping for up to a maximum of 100 days between 1 March and 1 October inclusive within any calendar year. Within that period the Rally Fields should not be used for the stationing of more than 20 tents in total on any day save for between 18 - 25 June inclusive when no more than 100 tents in total could be stationed there and no more than 40 tents in total on Bank Holiday weekends. As the Council's suggested period for use is similar in span to that suggested by the appellants I do not see any particular benefit to the overall visual amenity of the area to limiting the number of days to 100 when the area could be used for a limited use of a maximum of 20 tents. The location of those tents away from dwellings is not likely to lead to harm to the living conditions of occupiers of nearby dwellings. Further such a limitation of use suggested by the Council would, to my mind, be difficult to monitor either by itself or by local residents.
61. The further limitations in respect of use by up to a maximum of 100 tents (8 days) and use by up to a maximum of 40 tents on Bank Holiday weekends suggested by the Council do not differ markedly from the limitations suggested by the appellants and which would, in my view, be simpler to monitor. For those reasons I will impose conditions along the lines suggested by the appellants in respect of these matters.
62. To support the above conditions I agree that an up-to-date written record of all persons visiting the site is maintained and permitted development rights that would otherwise allow camping and caravanning on other parts of the site should be removed. Circular 11/95<sup>14</sup> advises that such permitted rights should only be removed in exceptional circumstances and I consider that this is such a case to safeguard the living conditions of occupants of nearby dwellings and also as uncontrolled camping and caravanning on the remainder of the site would cause harm both to the visual amenity and character of the area.
63. Conditions to restrict the location and number of fire pits and to prevent the playing of amplified music at any time in the appeal sites and to place a time limit of 2300 hours for the termination of the playing of unamplified music on any day will help to prevent noise and disturbance to nearby residents of the site at unsociable hours.

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<sup>14</sup> Circular 11/95: The Use of Conditions in Planning Permissions

64. A condition to restrict access to and egress from the land used for tented camping from the southernmost access to the site will safeguard the living conditions of the occupants of Over the Hill. A condition requiring the provision of an alarm system installed to the cesspit will help to prevent pollution to water courses.
65. Finally I will attach a condition to require a written scheme of investigation of archaeological remains and to implement a programme of work based on the findings prior to any ground works being undertaken.

*Balance of considerations and conclusion on the ground (a) and s78 appeals*

66. Although I have found some limited conflict with SP policy RLT10 and LP policy T9 in respect of the effect of the schemes I do not consider that the proposed development would have a materially harmful effect on the character and appearance of the locality including the SLA. Any resulting harm would be significantly outweighed by direct and indirect economic and tourism benefits to the locality and the wider area. In addition I found that the scheme would not, subject to conditions, have a harmful effect on the living conditions of occupants of nearby dwellings.
67. I conclude that for the reasons given above and having regard to all other matters raised the appeals under ground (a) and s78 should succeed.

**The appeal on grounds (f) and (g) (Appeal B)**

68. As there is success on ground (a) which leads to the corrected notice being quashed, there is no need to go on to consider the appeals on grounds (f) and (g).

**Formal decisions**

**APP/Y3940/C/10/2139334 (Appeal A)**

69. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex A to this decision.

**APP/Y3940/C/10/2142020 (Appeal B)**

70. I direct that the enforcement notice be corrected by the deletion of "to development took place" and the substitution thereof of the words "to the development taking place" in paragraph 5 requirement (b) and by the deletion of "profiles that" and the substitution thereof of the words "profiles to that" in paragraph 5 requirement (e).
71. Subject to the above corrections I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the carrying out of engineering and other operations on the land, including materially altering

the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of earth bunds and associated fencing, installation of a cesspool/waste disposal point and enclosing fencing, installing electrical hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex B to this decision.

**APP/Y3940/A/10/2136994 (Appeal C)**

72. I allow the appeal and grant planning permission for a change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points at Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ in accordance with the terms of the application (Ref S/2010/7/FULL, dated 24 December 2009) and the details submitted therewith and thereafter and subject to conditions set out at Annexe C to this decision.

*Kevin Nield*

INSPECTOR

## **ANNEXE C**

### **SCHEDULE OF CONDITIONS FOR APPEAL C: APP/Y3940/A/10/2136994**

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).
2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.
3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.
6. Notwithstanding the provisions of any Class of the Schedule to Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification), there shall be no stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.
7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.
8. Within seven days of the date of implementation of the permission hereby

- granted the applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained thereafter and made available to the local planning authority for inspection at reasonable notice.
9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).
  10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.
  11. The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
    - (i) Within 3 months of the date of this decision, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size, densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the Local Planning Authority, the plan to include a timetable for its implementation;
    - (ii) Within 3 months of the date of this decision, if the Local Planning Authority refuses to approve the scheme submitted under (i) above or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
    - (iii) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
    - (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.
  12. Within 3 months of the date of this decision details of a scheme for an alarm system to be fitted to the cesspit to provide warning against overflowing shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed within 3 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.
  13. Within one month of the date of the permission hereby permitted visibility splays of 4.5m x 75m measured from the centre line of the access adjacent to the northern site boundary shall be provided across the site frontage. The visibility splays shall be maintained permanently thereafter free from obstruction above a height of 300mm.

14. The fence along the side and top of the earth bunds fronting Berwick Road (B3083) and within the site shall be removed within three months of the date of the permission hereby granted.