

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	5 February 2014
Application Number	13/06123/FUL
Site Address	Lansdowne Littleton Semington
Proposal	Retention of existing gypsy and traveller site and change of use of agricultural land to create 4 additional pitches with associated ancillary development
Applicant	Mr Felix Rooney
Town/Parish Council	SEMINGTON
Grid Ref	390584 160131
Type of application	Full Planning
Case Officer	James Taylor

Background

This application was deferred at the meeting of this planning committee on February 5th 2014 at the request of members to allow for the Council's highway officer to provide a detailed response to concerns of the members regarding;

- i) the suitability of the access lane and its safety implications because of the increased number of users,
- ii) the unauthorised access and use of it;
- iii) the use of the unclassified road for pedestrian and vehicular access, and
- iv) pedestrian access along the A350 into the village.

Additional considerations:

In response to the comments and debate at the 5 February 2014 committee meeting the agent has submitted a further plan (reference: TP 03 revision D) detailing:

- Further detail of the blocking up of the gap in the SW corner of the site (the 'unauthorised access');
- Revised hard standing detail so the internal access road, turning and parking stops short of the SW corner of the site;
- Provision of 2 passing bays along the unclassified single width access lane.

Highway officer's response to members and comments in light of additional considerations:

i) Suitability of the access lane - Currently the unclassified lane (Strangers Farm Lane) serves one dwelling, a farm and the existing traveller pitch. The proposal is for an additional 4 traveller pitches to be served by the access to the existing pitch which has good visibility onto the lane. I do not consider there will be a significant increase in vehicle movements resulting from the development, therefore I do not have concerns over the highway safety of the proposal.

Notwithstanding the above I understand the applicant/agent has offered to provide passing bays along the site frontage, one to the east of the existing access and one to the west. Vehicles from the site will be coming from and going to the east. In the event that two vehicles were to meet on this part of the lane, between the junction of the A361 and the

access into the site, it would allow them to easily pass each other or for a vehicle to pass pedestrians using this part of the lane. The proposed passing bay to the west of the access would be enjoyed by those accessing the lane further to the west/southwest of the site.

ii) The unauthorised access is a matter for the area highway office to address and I have made my colleagues aware of this matter. You have advised the applicants intend to close this access off/restore it to previous.

iii) and iv) With reference to pedestrian access on the A361 and A350, I refer to the appeal decision for the Littleton Stables site, specifically paragraph 6:

“The appeal site is close to the main road network, with an access onto the A361 just east of a roundabout junction with the A350, which gives rapid links to a good range of services and facilities at Melksham and Trowbridge. The village of Semington where there is a primary school is less than a kilometre away. It is possible to walk from the appeal site by public footpath over fields to the village and to regular bus services to the main towns. Even so, realistically, most journeys would be by car. However dependence on a car in rural areas is not unusual. It was common ground that the site is in a sustainable location and would meet the sustainability criteria set out in paragraph 11 of the PPTS. It is also reasonably close to Semington and would satisfy the requirement in paragraph 23 of the PPTS that gypsy sites should not be away from existing settlements.”

Comments to drawing TP 03 revision D:

“I can confirm that, with regards to the planning application, revision D is acceptable to me and the following conditions (or similar as you see fit) should be attached to any planning permission granted:-

Within one month of the date of this decision details of the stopping up of the unauthorised access shall have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within two months of the date of this decision, at which time the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

Within one month of the date of this decision details of the passing/waiting bay(s) shall have been submitted to and approved in writing by the Local Planning Authority. Within two months of the date of this decision the passing/waiting bay(s) shown on the plans hereby approved shall have been formed in accordance with the approved details. The passing/waiting bay(s) shall at all times thereafter be kept clear of obstructions and available for passing/parking of vehicles.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

With regards to the reinstatement of the verge I will notify my colleagues in the local highways team that it is back to them and the highways enforcement team may have to get involved in this.”

Planning Officers' comments:

1. Highway matters: Members concerns have been addressed by both the applicant and the highway officer in their comments. It is clear from these that there are no highway reasons that could be sustained for refusing this application. It is worth noting that even where highway objections have previously been raised by officers in relation to traveller sites

on the grounds of visibility, poor access and sustainability, they have not been supported at appeal by Inspectors. In this case, where no such objections are raised by officers, there are simply no justifiable highway objections to the scheme. Appropriate amendments and supplements to the suggested conditions to properly secure the highway betterments being offered by the applicant are recommended as planning conditions.

2. Wiltshire Core Strategy: Members will recall the criticism the Planning Inspector examining the Core Strategy made of the Council's evidence base for its assessment of need and of the lack of compliance with National Planning Policy Guidance (set out in 9.3 of the original report below). As a result, the Council has put forward amendments in relation to Core Policy 47 relating to gypsy and Traveller sites. These amendments include accepting that the current evidence demonstrates that there is not currently a five year supply of traveller sites in any part of the county and agreeing that the Council will apply the criteria-based policy in CP47 positively where a proposed location complies with the criteria.

The effect of these changes is that the Council is admitting that it has no 5 year land supply for gypsy and traveller sites. In these circumstances, the national guidance states that permission should be granted unless there any adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion: Officers have examined the reasons for deferral requested by members and the evidence put forward, with the additional passing bays, confirms that there are no highway grounds for refusing the application. The application complies with the criteria put forward in the Development Plan and those in the emerging core Strategy. Since the meeting in February, the Council's response to the Core Strategy Inspector on 28th February has confirmed that there is no 5 year land supply of sites for gypsies and traveller in this part of Wiltshire, or any other part. The Council has also committed to apply the criteria based policies in the Core Strategy positively.

This application meets the criteria and there are no planning grounds that can be sustained for refusal. The previous approvals on appeal of the other two adjacent sites confirm this.

Accordingly, the application is recommended for approval.

The original report is attached below. Section 9.3 needs to be read in light of the more recent developments in the Core Strategy set out above. The proposed conditions have been updated to take account of the amended plans.

Reason for the application being considered by Committee

This application has been called in by Cllr Seed, the Division Member for the following reasons:

- Scale of development;
- Visual impact upon the surrounding area;
- Relationship to adjoining properties;
- Design – bulk, height, general appearance;
- Sustainability; and
- Overdevelopment of the site

1. Purpose of Report

To recommend that planning permission be granted subject to conditions.

2. Report Summary

Semington Parish Council objects to the proposal and 5 letters of objection have been received.

3. Site Description

The application site measures approximately 1 hectare and is located to the south east of the A350/A361 junction. It is partially an approved traveller site to the eastern end, with the remainder of the site being relatively flat agricultural land. There are established landscaped boundaries to the site which have recently been supplemented with unauthorised bunding. There have also been unauthorised encroachments of the residential accommodation into the agricultural land with associated ancillary hard landscaping works. There are provisional works to create a new access in the SW corner of the site over a highway verge.

The site is located outside of any village, with the nearest settlement being Semington to the west. There are a number of public rights of way in the vicinity; in particular 2 in close proximity to the south. The access road is unclassified but leads onto the primary road network of the A361.

4. Planning History

02/01145/FUL - Two gypsy mobile homes and day room as a single family unit – Permission on 19.12.2002

07/01107/FUL - Change of materials to day room as part of single family unit – Permission on 12.07.2007

08/01952/FUL - Extension to gypsy accommodation – Permission on 12.09.2008

W/10/01736/FUL - Change section of agriculture area for domestic use to install a septic tank – Permission on 21.09.2010.

5. The Proposal

This application is a partly retrospective proposal for the creation of 4 new traveller 'pitches' on land immediately to the west of an existing lawful traveller site.

The existing 'pitch' has approval for occupation by a single traveller family, with 2 static caravans, 2 touring caravans and a dayroom. The site currently includes 3 mobile homes and the footings to a dayroom that includes a sitting room and a bedroom as per the planning approvals for the site. It is proposed to remove the existing caravans from the site retaining just the dayroom.

Of the 4 new pitches, the plans show that each would have a mobile home, a touring caravan and a dayroom; however only 2 of the potential 4 dayrooms are proposed at this time. The 2 proposed dayrooms would be single storey rendered structures with low profile concrete tile roofs. The footprint of the buildings would be 5 metres by 7 metres and contain a kitchen/seating area and a bathroom. Each site would have its own dedicated septic tank and hard standing for parking of at least 2 vehicles.

Access to the site would be via the established access to 'Lansdowne' which is onto a single width, unclassified, country lane that leads directly onto the A361 (some 120 metres away).

The proposals also detail the erection of a 4 metre thick, 1.5 metre high bund along the north and west boundaries that will be landscaped. Inside the bund a 1.8 metre high fence would be erected. The pitches would be divided by a 1.8 metre high fence. To the western end of the site, a communal children's play area and communal visitor parking facility is proposed. A service road would run on an

east/west axis along the southern side of the site adjacent to the existing hedgerow.

For the avoidance of any doubt, the application is partly retrospective as there has been the creation of a hard standing on the site including the service road base, the erection of fencing and the creation of bunding.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1: Countryside Protection; C31a: Design; C38: Nuisance; CF12: Gypsy Caravan Sites; U1a: Foul Water Disposal; U2: Surface Water Disposal.

Emerging Wiltshire Core Strategy (eWCS)

CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements; CP47: Meeting the needs of Gypsies and Travellers; CP51: Landscape; CP57: Ensuring high quality design and place-shaping; CP60: Sustainable Transport; CP61: Transport and development

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites (PPTS)

7. Consultations

Semington Parish Council: Objects - which may be summarised as follows:

- Impact on Character and Appearance of the Countryside
- Impact on the Parish from the increasing concentration of traveller pitches around Semington. The increase in mobile homes on the Lansdowne site should not be considered in isolation but in the context of the steady increase in traveller presence in the small area around the A350/361 roundabout.
- This is agricultural land and hence the need to strictly limit such development still applies.
- Represents overdevelopment in the area around the A350/361 roundabout.
- The new owners have created a second and unauthorised access from a tight corner on a very narrow public road for which there is a history of known access difficulties
- Road Safety is an issue in that foot access to local amenities (including school, post office and bus stops) requires crossing two very busy roads, i.e. the A350 (up to 20,000 cars per day) and the A361. In addition, there are no footpaths to the bus stops which are 200 metres away. There are a number of children from this site who have been registered with the local primary school.
- Application is confusing and contradictory

Wiltshire Council's Drainage: No objection. There are "no land drainage issues that require comment".

Environment Agency: No objection.

Wiltshire Council's Environmental health: No objection.

Wiltshire Council's Highways: No objection.

Wessex Water: No objection. The site lies within a non-sewered area.

8. Publicity

The application was advertised by neighbour notification letters and a site notice (which was displayed near the A361 junction). 5 objections were received which may be summarised as follows:

- Further increase in the establishment of an extended traveller community.
- Pedestrians including school children do not have pavements and will need to cross the A361 and A350 to get to school.
- Appears to be an unstated policy on the part of Wiltshire Council to allow traveller development at the A361/A350 junction with no regard to existing residents.
- Increased traffic on country lane a hazard.
- Second new vehicular access created in south west corner of site onto dangerous bend.
- Limited passing opportunities on the lane.
- There have been accidents on the lane which is dangerous.
- Plans still do not reflect the applicant's agent's statement that the new entrance will be closed off.
- Inadequate screening and landscaping with no proposals on the southern and south western boundaries.
- Storing and dumping of trade waste.
- Create access directly onto A361 instead akin to traveller site to the western side of the roundabout
- Concern that this is a commercial venture given a new sign erected renaming the site "Lansdowne Residential Park".
- Why can travellers reside outside of settlement boundaries

9. Planning Considerations

9.1 Principle of development.

Proposals need to be assessed against the local plan and then any other material considerations. The relevant local plan is policy CF12 which is permissive of such applications subject to detailed criteria. Furthermore the NPPF and PPTS are both supportive documents to such development subject to detailed considerations. In addition the emerging WCS Policy CP47 is also permissive subject to detailed criteria and requirements.

Clarification of the proposals: As existing there is planning permission for 2 mobile units, 2 touring caravans and a dayroom for occupation by a single family unit on land at the east end of the site. It is proposed to remove the mobile homes from this part of the site, leaving just the dayroom (as yet not completed beyond foundations) on the existing approved site. The partly retrospective proposals detail that 4 pitches would be created to the west all with a mobile unit and a touring unit: with 2 of the pitches having dayrooms. This would mean that the site would have five pitches in total, including a day room on the existing approved site.

9.2 Status of applicant.

The applicant and their family who are resident on the site meet the definition of a traveller as set out in national policy.

9.3 Existing level of provision and need for sites.

The site is within the North and West Wiltshire Housing Market Area (HMA) and the evidence that informed CP47 resulted in a requirement for a number of new traveller sites between 2011-2016. This requirement has been met and exceeded with planning

permissions already granted since 2011. However the Wiltshire Core Strategy Inspector has raised significant concerns about the robustness of the evidence base used by the Council in assessing the need, stating that the approach is undermined 'by the lack of clear and substantive evidence'. He is also critical of the failure of the CS to identify a supply of specific deliverable sites, noting that this does not achieve consistency with national policy.

In response, the Council has agreed to carry out a GTAA to inform a robust assessment of need. The Inspector has welcomed this and in his letter dated 23 December 2013 stated that the Council should 'also identify how, until the GTAA is complete, the Council will adopt a positive approach towards the gypsy and travelling community. In the interests of clarity, it may be necessary for the Council to acknowledge within the CS any absence of a requisite land supply until such time as the GTAA and the proposed DPD are completed'.

The Core Strategy Inspector's concerns about a lack of adequate supply has also been reflected in the two most recent appeal decisions in West Wiltshire concerning gypsy and traveller sites. In the appeal against the Littleton stables site opposite, determined in January, the Inspector confirmed '*that there must be considerable reservations as to the robustness of the current assessment. Significant weight should be given to these reservations*'. In another appeal at Dilton Marsh, also determined in January, the Inspector stated '*It seems apparent that, despite the Council's suggestion that the defined need for the area has been met by recent permanent planning permissions, there remains an unquantified need for further sites in the area at present*'

The PPTS details at paragraph 25 that where an up to date 5 year supply cannot be demonstrated, it constitutes a significant material consideration when considering the grant of temporary permissions. This is an application for permanent development and the lack of land supply and resultant need is a relevant material consideration that weighs in favour of allowing the application.

9.4 Availability of alternative accommodation for the applicants.

Whilst the Council does have its own sites, the Inspector noted at the Dilton Marsh appeal that there is a waiting list for the existing sites in the Council's area, and therefore there is no option to use these in place of the application site.

9.5 Other personal circumstances of the applicant.

The application is submitted by Mr F and Mr J Rooney. It is understood that the pitches would all be occupied by the wider family of the applicants. Within the family group there are known educational needs with 9 children identified as being of school age. A settled base will help these children receive education and it is understood that they are being registered at the local school. Furthermore the benefits of having a settled base are well established, also including access to medical facilities.

9.6 Impact on the local community.

This proposal does represent an increase in the level of traveller provision in the vicinity of this junction of the A361 and A350. There has been objection on the basis that this would be an overdevelopment in this part of the parish of Semington. However, whilst the proposal would increase the number of pitches in this immediate vicinity to 9, across Wiltshire there are a number of locations where a greater number of traveller pitches are located on one site and do not dominate the local community. However each case needs to be assessed on its own merits. The three sites at Semington are located outside of the village, are all self-contained, have a limited impact on the appearance of the area and would not of themselves or cumulatively dominate or cause any demonstrable harm to the settled community.

9.7 Criteria in Development Plan for Gypsy/Traveller Sites

Policy CF12 of the Local Plan sets out the criteria against which proposals for gypsy/traveller sites will be considered. Looking at these in turn:

Potential nuisance to adjoining land uses, particularly residential areas:

The proposals would not impact on the reasonable amenities of any existing residential units. There are no adjoining dwellings. Other traveller pitches and houses are more than 80 metres away and would not be affected.

Encroachment into open countryside/Impact on character and appearance of area:

The field is well contained, with hedgerows and now a bund on the A361 side. However the landscape is such that the site is not widely visible from distance views, and any limited impact would be solely to the immediate area. In addition the proposal includes works for the creation of a landscaped bund on the north and west boundaries to supplement the existing planting and screen views from the main roads.

The existing hedge on the southern boundary successfully screens the development site from public rights of way and the lane. A small section in the south west corner of the site has been opened up completely. From Google 'street view' it has been possible to establish that this corner was relatively open already but a post and wire fence and temporary fencing was blocking this area up. Additional planting at this point to mitigate any views from the lane and public rights of way into the site is necessary. This would be in the interests of preserving the rural amenity and landscape views. The applicant has provided a revised plan with a fence across this area. Final details can be secured by condition.

The operational development proposed on the site is low profile and no higher than 3 metres to ridge. It is therefore likely that the roofs of the day rooms and the caravans will not be widely visible and would not be significantly harmful to the landscape or rural scene at this point.

It is also noted that the site is bounded to the north and west by major A-roads and to the east by an established traveller site. On the southern boundary is a country lane. It is therefore considered to be an isolated agricultural field.

In summary, the impact on the rural scene and landscape would be negligible. It is worth noting that the Council has tried advancing arguments on landscape impact on both of the other existing traveller sites close to the A350/A361 junction. In each case, the Inspectors have dismissed these concerns, finding the sites not to be prominent, nor intruding significantly into the wider landscape.

Needs and safety of future occupants and their children

Whilst this is a material consideration, it is considered likely that children of primary school age would be unlikely (in many cases) to walk to school from this site. As an Inspector concluded recently on the Littleton Stables site opposite there is likely to be a reliance on the private car and this would address safety concerns. It is also a risk to be assessed by the applicants themselves as adults and responsible parents. In planning terms the site is considered to be safe subject to reasonable behaviour. The educational needs have been touched on earlier in this report.

Highway safety

Access to the site would be obtained via an established access which has reasonable visibility onto a single width, unclassified, country lane. Although passing spaces along this lane are limited it is circa 120 metres to the main road and before the junction onto the A361 there is an opportunity for cars to pass. The visibility onto the A361 is acceptable.

The proposals will increase traffic at this point however this will not be significant and any harm is substantially less than "severe". The NPPF details that only severe highway impacts should merit refusal on highway grounds.

Availability of Infrastructure

Infrastructure: There is water and electricity at the site and it is proposed to use non-mains for the foul disposal. This is all acceptable and neither Wessex Water nor the Environment Agency raise any issue.

Proximity of local services/sustainability

The site is located outside of any defined town or village policy limits. Local and national policy makes provision however for traveller development to be located in the countryside. It has to be acknowledged that the site has been deemed acceptable in sustainability terms within the original 2002 permission. Very recently a Planning Inspector approved a proposal to make the 'Littleton Stables' traveller site permanent. This is located directly opposite the site and has virtually identical sustainability and accessibility circumstances. The Inspector stated in that recent case that dependence on a car is not unusual in rural areas and that the sustainability criteria in paragraph 11 of the PPTS have been satisfied. Whilst each case is assessed on its own merits in light of this decision and the striking similarities on this issue then the site must be considered to be sustainable within the PPTS meaning. The Inspector at the site adjacent to Semington crematorium also reached similar conclusions.

Need to protect the best and most versatile agricultural land

The site is an isolated parcel of Grade 3 agricultural land and its use for the purpose proposed could not be defended on these grounds.

Potential flood risk

The application site lies within flood zone 1, the lowest probability of fluvial flood risk. No flood risk is posed to or from this proposal. Wiltshire Council's Drainage officers and the Environment Agency have raised no objection.

10. Conclusion

The Council cannot demonstrate a requisite land supply for traveller sites and has been urged by the Core Strategy inspector to acknowledge any current absence of such a requisite land supply. Even were this not the case, the Council is still obliged to consider applications against the criteria of its own development plan. In this case, the application satisfies the relevant criteria. As with the other two nearby sites granted on appeal, the proposed development is in a sustainable location, would cause little harm to the character and appearance of the countryside and would make a positive contribution to the supply of gypsy/traveller sites in this part of Wiltshire. Whilst the local objections have been noted and given very careful consideration, they cannot be sustained as reasons for refusal.

RECOMMENDATION

Grant planning permission subject to conditions.

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

TP-01 - Site location plan - received on 29 November 2013

TP-02 - Existing block plan - received on 29 November 2013

TP-03 Rev D - Proposed block plan - received on 27 February 2014

TP-04 - Day Room Drawings - received on 29 November 2013

TP-10 - Section A-A - received on 16 December 2013

REASON: For the avoidance of doubt and in the interests of proper planning.
- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers Sites.

REASON: In order to define the terms of this permission.
- 3 There shall be no more than 5 pitches on the site (including the existing site as defined by planning permission W/10/01736/FUL) and on each of the pitches no more than 2 caravans shall be stationed at any time and of these, only 1 caravan on each pitch shall be a static caravan, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

REASON: In order to define the terms of this permission.
- 4 The day room approved under planning permission 08/01952/FUL shall be completed in accordance with the approved details and occupied as part of one of the five pitches hereby approved and in accordance with the terms of conditions 2 and 3.

REASON: For the avoidance of doubt and to define the terms of this permission.
- 5 No commercial activities shall take place on the land, including the storage of materials.

REASON: In order to define the terms of this permission and protect the rural scene and character of the countryside.
- 6 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

REASON: In order to define the terms of this permission and protect the rural scene and character of the countryside.
- 7 The development hereby permitted shall cease to be occupied, all caravans, areas of hard standing and fences shall be removed and all equipment and materials brought onto the land for the purposes of such use and materials resulting from any demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in below:
 - (i) Within 2 months of the date of this decision schemes for hard and soft

landscaping and foul and surface water drainage shall be submitted to the Local Planning Authority. The schemes are to include a timetable for their implementation;

(ii) The approved scheme has been carried out and completed in accordance with the approved timetable.

REASON: To ensure a satisfactory standard of development in the interests of the amenities of the area.

- 8 Pursuant to condition 7 and the landscaping scheme all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

- 9 Within one month of the date of this decision details of the passing/waiting bay(s) shall have been submitted to and approved in writing by the Local Planning Authority. Within two months of the date of this decision the passing/waiting bay(s) shown on the plans hereby approved shall have been formed in accordance with the approved details. The passing/ waiting bay(s) shall at all times thereafter be kept clear of obstructions and available for passing/parking of vehicles.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 10 Within one month of the date of this decision details of the stopping up of the unauthorised access shall have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within two months of the date of this decision, at which time the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.