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## Appeal Decisions

Hearing held on 4 and 5 December 2012

Associated site visit made on 4 December 2012

**by N P Freeman BA (Hons) DipTP MRTPI DMS**

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

**Decision date: 8 March 2013**

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### **Appeals A & B: APP/Y3940/C/12/2178840 & 2178841 Land at Poplar Tree Lane, Southwick, Wiltshire, BA14 9NB**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 by Mrs Theresa Cash and Mr Laurence (or Lawrence) Cash against an enforcement notice issued by Wiltshire Council.
- The Council's reference is SPH/W/12/00136/ENF.
- The notice was issued on 15 June 2012.
- The breach of planning control as alleged in the notice is: "Without planning permission, the mixed use of the land for equestrian use and for the stationing of caravans used for residential purposes and; operational development carried out as an integral part of the change of use, comprising an extended hardstanding."
- The requirements of the notice are:
  - a) Permanently cease to use the Land for the stationing of residential caravans; and
  - b) Permanently cease the residential occupation of all caravans on the Land; and
  - c) Permanently remove all caravans occupied for residential purposes from the Land; and
  - d) Permanently remove residential furniture and paraphernalia from the Land; and
  - e) Permanently remove the extended hardstanding from the Land, i.e. all of the hardstanding apart from that labelled 'hardstanding' and 'turning area' on the drawing entitled 'proposed site layout' dated January 2011, a copy of which is attached to this Notice; and
  - f) Permanently remove all of the demolition materials arising from step (e) from the Land; and
  - g) Reinststate the area of the extended hardstanding to its former contours and profiles, i.e. to match the contours and profiles of the Land immediately adjacent; and
  - h) Seed the area of the extended hardstanding with grass seed.
- The period for compliance with the requirements is 1 year from the date the notice takes effect in respect of requirements a) to g). For requirement h) the period is before 31 March 2014 or before the end of the next planting season following the end of the period for compliance with steps (a) – (f) above whichever date is the later.
- Appeal A (2178840) is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period in respect of Appeal B (2178841), the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered. Consequently, this appeal is proceeding under ground (g) only.

**Summary of Decisions: Appeal A is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below. No decision on Appeal B is necessary.**

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### **Appeal C: APP/Y3940/A/12/2178838 Land at the junction of Frome Road and Poplar Tree Lane, Southwick, Wiltshire, BA14 9NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 by Mrs Theresa Cash against the decision of Wiltshire Council to refuse to grant planning permission.
- The application Ref. No. W/12/00537/FUL, dated 16 March 2012, was refused by notice dated 30 May 2012.
- The development proposed is one mobile home, one touring caravan – for nomadic use – and one utility dayroom.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below.**

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### **Procedural and preliminary matters**

1. The Council have pointed out that the wording of the notice for the compliance period in respect of requirement (h) is in error; it should refer to steps a) to g) and not a) to f). I consider that this error can be corrected using the powers conveyed by s176(1)(a) without causing any injustice to the Council or the appellant should the notice be upheld.
2. The plan accompanying the enforcement notice relates to a rectangular-shaped parcel of land (about 0.57 hectares in area), on the north-western side of Frome Road to the east of the junction with Poplar Tree Lane. This land comprises two fields of roughly the same size separated by a hedgerow. The location plan supporting the planning application shows the site as being a smaller part the land targeted by the notice, adjacent to Poplar Tree Lane. Some of the land targeted by the notice beyond is outlined in blue indicating that it is within the appellant's ownership.
3. There are currently 3 touring caravans on the s78 appeal site which are occupied by Mr and Mrs Cash and their children. The Council served a Stop Notice on 30 November 2012 to prevent the stationing of more than 3 caravans and any enlargement of the hardstanding already created. The appellants' desire is to keep 3 caravans – replacing one touring caravan with a static type as shown on the plan that accompanied the application. As the planning application was only submitted for 2 caravans this is the nature of the s78 appeal proposal for consideration. However, the deemed application on the s174 appeal flows from the wording of the allegation which refers to the stationing of caravans. Should permission be granted for this it would enable any number of caravans to be stationed on the land subject to any conditions that were imposed. The appellants were agreeable to a limitation to 3 caravans sited on the land the subject of the s78 appeal and to their location being the subject of the submission of further details.
4. There is a timber building located on the western side of the s78 appeal site. This building benefits from a planning permission granted on 17 October 2011 (Ref. No. W/11/00895/FUL) for the change of use of the land to equestrian and the erection of a stable block and associated ancillary development. Mr Cash said that it was his intention to use the building as stables and graze his 3 horses on the adjacent land but he had not done so at present and they are presently kept on land near Weston-Super-Mare. I inspected the building and the majority has been converted into a dayroom (fitted kitchen, dining and living area) with a separate bathroom/wash room for the appellant family. The remainder of the floorspace comprises 2 'boxes' one of which was vacant, the other used for the storage of domestic items. The appellants stated that should permission be granted for a new dayroom building the existing timber building would revert to stables.

## **Ground (a) and s78 appeal**

### ***Main Issues***

5. The Council have accepted the claim made by the appellants that they are gypsies by status, satisfying the definition contained in Annex 1: Glossary of the CLG's Planning Policy for Traveller Sites (PPTS) – March 2012. From the information before me, including the responses given by the appellants at the hearing to questions concerning their background, culture and lifestyle and other earlier appeal decisions involving the Cash family where their gypsy status was accepted, I am satisfied that this is the case. On this basis the policy regime applying to gypsies and travellers is engaged.
6. With this in mind I consider that the main issues to consider are as follows:
  - 1) The principle of the development in this countryside location and its impact on the rural landscape and surroundings;
  - 2) The effect on highway safety in terms of visibility at road junctions and pedestrian movement to and from the appeal site;
  - 3) The general need for and supply of gypsy sites in the area;
  - 4) The accommodation needs of the Mr & Mrs Cash and their children and whether they have access to any suitable and available alternatives;
  - 5) The personal circumstances of the Cash family - health and education.

### ***Reasons***

#### *The principle of development in the countryside*

7. The Council cite one policy in this respect which they say is breached in the reasons for refusing planning permission and issuing the enforcement notice. This is 'saved' Policy C1 of the West Wiltshire District Plan (DP) 1<sup>st</sup> Alteration 2004 which states that development in the open countryside will not be permitted other than for certain specified forms of development, which does not include gypsy and traveller sites. I appreciate that this is a saved policy but I consider that in effect it is placing a moratorium on permitting any new gypsy sites in the open countryside.
8. The national policy guidance for such development contained in the PPTS is that rural or semi-rural settings may be acceptable subject to scale (para. 12) but that there should be a strict limit on new traveller site development in open countryside (para. 23). Given the recent emergence of the national policy guidance I consider that this is to be preferred where there are inconsistencies with Policy C1. Consequently, I do not accept that the lack of compliance with Policy C1 is in itself a sound reason for opposing the development. This is borne out by the fact that a substantial number of traveller sites have been permitted in the countryside, both by the Council<sup>1</sup> and on appeal, since this policy came into effect in 2004.
9. The Council in their statement also refer to other policies which they say are relevant although they were not mentioned in the reasons for refusal or the issuing the notice. Policy CF12 of the DP relates to gypsy caravan site

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<sup>1</sup> Permissions granted by the West Wiltshire DC – the predecessor authority – and Wiltshire Council the present unitary authority

proposals setting out a list of criteria to be considered including encroachment into the countryside. The policy goes on to list those locations where such development will not be permitted but these are designated areas such as the Green Belt and not general countryside, as is the case with the appeal sites. Policies H17 and H19 of the DP are concerned with new dwellings and village policy limits and have no direct bearing.

10. The Council also refer to saved Policies DP1 and DP15 from the Wiltshire & Swindon Structure Plan (SP) adopted in April 2006. Policy DP1 of this plan promotes sustainable development and Policy DP15 sets out tests to be applied to accommodation for gypsies, stating that suitable sites may be found both within and outside settlements.
11. Core Policy (CP) 47 of the emerging Wiltshire Core Strategy (CS)<sup>2</sup> is a detailed policy concerning gypsy and traveller development, which carries limited weight at this time. It contains a table showing the proposed requirements for pitch provision which I will come back to below. The policy goes on to state that such development needs to comply with other plan policies, be in a sustainable location and that there is a preference for using previously developed land or vacant/derelict sites in need of renewal. There then follows a list of criteria to be satisfied which include those regarding impact on the character and appearance of the landscape and the scale of the development, having regard to the surroundings. Again, it is clear that there is no bar imposed by this policy on gypsy sites being located in the countryside.
12. Having set out the policy context, I turn to consider the actual impact of the development. The land in question is outside any settlement boundary in open countryside. Nevertheless, it is only a short distance from the village of Southwick, which contains a number of local services and on a regular bus route along the A361 Frome Road. It is about 2 miles from the centre of Trowbridge, a large town with a comprehensive range of shops, services and schools. On this basis I find that the land is not in an unsustainable location, distant from services.
13. The land (both appeal sites) is flat with mature hedgerows running along the boundaries with the Frome Road and Poplar Tree Lane which provide a significant level of screening, even in winter (as I observed) when not in leaf. The caravans on the site can be glimpsed through the hedges but they are not dominant or intrusive features in the landscape. Moreover, they are seen in the context of the existing permitted timber stable building, which provides additional screening from Poplar Tree Lane, and another partly constructed building (which I understand is stabling) on land in separate ownership immediately to the north.
14. I have had regard to the concerns raised in relation to the dayroom which having a proposed footprint of 8m x 8m and a height approaching 5m would be a significant new building in the countryside. The appellants indicated a willingness to consider a reduction in the size and height of this building and this could be addressed by a planning condition. Subject to such a control, I consider that it should be possible to design a dayroom of more modest proportions which could be screened from most public vantage points by the existing hedges.

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<sup>2</sup> The CS is likely to be considered at an Examination in 2013 with a pre-hearing date set for mid January 2013. CP 47 has recently been modified following consultation but still remains in draft form at the present time

15. Taking these findings together, and having regard to the possibility of controlling other aspects of the development by condition, I am satisfied that the rural landscape has not and would not be materially harmed by the development. This stretch of countryside enjoys no specific protection as a landscape of national or local importance and I find that the nature of the development, limited to a family site with a maximum of 3 caravans, would be small in scale and would not dominate the nearest settled community.
16. There is an added point that part of land is already previously developed as a consequence of the permission granted for the stable building. Objectors question the integrity of the Cash family and the claims that horses will be kept and stabled on the land. It is true that they have not brought horses onto the land as yet but Mr Cash said he intended to do so and there is a condition attached to the planning permission which prevents the stables being used for any other purpose which could be enforced by the Council.
17. In terms of the policy context set out above, leaving aside Policy C1 of the DP, I conclude that there is no conflict with tests applying to the creation of gypsy sites in the countryside. As far as Policy C1 is concerned, I acknowledge that it remains part of the development plan. However, for the reasons explained above it is now out of step with the national policy on gypsy site proposals and the Council's own emerging policy, CP 47. I therefore consider that there are good reasons for concluding that other material considerations indicate that a departure from the strict wording of this policy is justified. I also find that the development would not harm the character or appearance of the landscape, subject to ensuring the removal of a substantial area of hardcore and rubble that has been spread on land to the east of the planning appeal site but within the enforcement notice land boundary. This appears to serve no legitimate purpose and it was accepted that there was no sound reason for its retention beyond the area sought for siting the caravans. On this basis I conclude that criteria vi. and viii. of CP47 of the CS would be satisfied.

#### *Highway safety*

18. I deal firstly with the dispute over whether the visibility standards achievable at the junction of Poplar Tree Lane and Frome Road and Poplar Tree Lane and the Bradford Road (B3109) are acceptable given the nature of the development envisaged. I have been provided with assessments from the highway authority and for the appellants. Mr Hannis for the Council indicated that, although his figures were somewhat lower than those of Mr Hurlstone, he was willing to accept the latter's. I appreciate that what is achievable in terms of visibility is dependent upon the time of year that the measurements are taken and the amount of vegetation that encroaches over the verges. Mr Hurlstone undertook his measurements at the end of July when hedgerow growth is likely to be at its height. Therefore, I consider the figures given are likely to be reasonably representative of the time of year when visibility is likely to be most restricted. Both parties accept that the forward visibility obtainable when approaching these junctions on the main roads is of an acceptable standard.
19. As regards the Frome Road junction, Poplar Tree Lane meets this road perpendicularly. The appeal site access is about 60m back from this junction. The sightlines (y distance) available along Frome Road to the edge of the nearside carriageway when surveyed by Mr Hurlstone, with a 2.4m set back (x distance), were 85m to the south-west and 82m to the north-east. It was evident on the site inspection that the distance achievable to the south-west

was now greater due to the cutting back of the hedgerow fronting the verge in that direction. At the Bradford Road junction with Poplar Tree Lane there is agreement amongst the highway engineers that the visibility sightline to the north-east is acceptable. To the south-west a measured figure of 88m is available to the nearside edge of the carriageway with a 2.4m (x) distance.

20. Before coming back to the figures it is necessary to address the difference of view on which standards and methodology to apply. Mr Hannis applies the Design Manual for Roads and Bridges (DMRB) (TD42/95) on the basis that the Council use this for 'A' roads carrying significant volumes of traffic. This contains a standard of 215m for the y distance (x distance of 2.4m) on roads with no restriction on the speed limit (de-restricted – 60 mph national speed limit) as is the case on Frome Road<sup>3</sup>. Mr Hurlstone argues that this is not appropriate as DMRB is stated as only being applicable to the design of new or improved junctions onto trunk roads. Instead he advocates the use of the guidance in Manual for Streets (MfS1 and MfS2) on the basis that this guidance is concerned with safe Stopping Sight Distances (SSD) on non-trunk roads rather than maintaining constant traffic speeds, which is the primary objective of DMRB.
21. There is no hard and fast answer to the question of which methodology should be used. It is a matter of fact that Frome Road and Bradford Road are not designated trunk roads so the application of DMRB standards is questionable and Paragraph 9.4.2 of MfS2 states that these standards should not be applied uncritically. Nevertheless, from the traffic survey information provided the average daily 2-way flow on Frome Road is about 11,000 vehicles which is considerable and comparable to flows on some trunk roads. The advice in MfS1 (page 5) is that it focuses on lightly-trafficked residential streets, but many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas. Frome Road is not a road of this nature but MfS2 published in September 2010 by the Chartered Institution of Highways and Transportation asserts that the key principles may be applied to busier streets and non-trunk roads and that MfS1 and 2 are the recommended starting point for any scheme affecting non-trunk roads.
22. If the DMRB standard of 215m sightlines for roads with speed limits of 60 mph is taken then the figures given in paragraph 19 above are well below this standard. However, the 215m distance is primarily to avoid vehicles having to brake or decelerate and not a distance needed to minimise the risk of collisions, a point accepted by the Council. Mr Hurlstone has carried out an assessment, using the accepted formula, of the worst case scenario of a Heavy Goods Vehicle HGV approaching a junction at 60 mph. This gives a distance of about 160m to stop if a 2 second reaction time is included. This is not an emergency braking situation but a safe stopping distance, applying the SSD rationale. This demonstrates that 215m is not required to meet safety concerns. For cars and lighter vehicles travelling at this speed the SSD would be lower still and likely to be around 100m which is not much above the achievable levels of visibility at both the Frome Road junction and the south-west facing sightline at the Bradford Road junction.

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<sup>3</sup> The 85<sup>th</sup> percentile speeds measured (Somerset County Council records) are around 57-58 mph on Frome Road and Bradford Road

23. There are other factors and considerations that need to be borne in mind. The first of these is the likely traffic generation from the appeal site. Mr Hurlstone has provided considerable detail of the likely daily movements based on the work requirements of the occupants, the need to get children to school<sup>4</sup> and shopping/social trips. The estimated average of 6-12 daily movements predicted is in line with the Council's estimate of 8-10 trips per day. I would anticipate that most of these trips would use the Frome Road junction as this is the more direct route into Trowbridge and Southwick.
24. Mr Hurlstone has provided details of a traffic count undertaken on Poplar Tree Lane, south of the appeal site access, over a seven day period between the 6<sup>th</sup> and 12<sup>th</sup> of September 2012<sup>5</sup>. The average daily flow was 886 vehicles with a fairly even split between northbound and southbound movements and a relatively low number of HGVs recorded. The weekday average is 983 movements. In this context, I do not consider that the estimated 6-12 daily trips make any significant difference to the total amount of traffic using Poplar Tree Lane or negotiating the junctions at Frome Road and Bradford Road. I asked Mr Hannis what he considered would be a significant addition and he said a 5% increase. The actual estimate based on the average daily flow is less than 1.5% well below the level of significance he identified.
25. I am also mindful that the Council have permitted other forms of development using Poplar Tree Lane for access. The information provided shows that this is mainly in the nature of stabling and for equestrian uses but there is also permission for the change of use of a barn to Class B8 storage use for a scaffolding business, which I would anticipate could generate daily movements equivalent to those associated with the appeal site and involve large lorries. The highway authority raised no objection to this development in their consultation response of August 2009, subject to the imposition of conditions.
26. A second consideration is the accident records relating to the specific junctions of concern. Mr Hannis has supplied the details for the 5 year period (June 2007 to May 2012) and this reveals 2 accidents. One near the junction with Bradford Road concerned a vehicle travelling south-west towards the Poplar Tree Lane junction which inexplicably went out of control and ended up on its roof in the field on the opposite side of the road. Seemingly no other car was involved. The other concerned a car approaching from the north-east turning right into Poplar Tree Lane and another car approaching from the south-west which went out of control and ended up in a ditch. Neither of these accidents can be directly attributed to the claimed deficiencies in sightlines and appear to be more to do with drivers not taking due care.
27. Local residents also provided some anecdotal evidence of two more unrecorded accidents at the Frome Road junction. The details provided are limited but one resident witnessed the aftermath of one of these accidents on 11 October 2012 which led to a temporary road closure. The other in 2007 involved 3 cars with one ending up on its roof – but apparently the police were not called to the scene. I accept that only personal injury accidents are normally recorded and that other unreported accidents are likely to have occurred. However, if as is claimed the two junctions in question are hazardous or dangerous then, having regard to the significant daily traffic flows on the Frome and Bradford Roads, it would be expected that a higher number of accidents would have been

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<sup>4</sup> Five of the children are attending a school in Trowbridge and currently travel together in a taxi

<sup>5</sup> As the appeal site was in use during this period the counts would include traffic movements of the occupants

recorded and that they would clearly concern turning movements to and from Poplar Tree Lane. From the details before me I conclude that the junctions have a reasonable safety record. This is borne out by the lack of any special advance warning signs on the approaches<sup>6</sup>.

28. A further factor to consider is the scope to improve and/or maintain the standard of visibility that is provided. As regards the Frome Road junction, the appellants have control over practically the whole of the frontage hedge in a north-easterly direction which could infringe on the 215m sightline. In this case it would be possible to impose a condition requiring this sightline to be maintained – a point agreed and accepted by the Council.
29. To the south-west the hedge is in the control of another landowner. However, it was evident on my visit that this hedge has recently been cut back and the visibility achievable within the adopted highway boundary at a 2.4m set back was considerable. Provided the hedge was maintained in this condition the sightline said to be required by the Council appears achievable. Should the vegetation overhanging the highway obscure visibility the highway authority has the legal power to serve a notice requiring the landowner on which the hedge is situated to cut it back or, in the event that the notice is not complied with, to carry out the work in default. I am aware that this places a burden on the highway authority in such situations and that the regime of verge/hedge cutting is only twice a year. However, this is not a situation where a solution does not exist if a sightline of 215m is considered to be essential.
30. For the Bradford Road junction it is only the sightline to the south-west that is of concern. Part of the 215m splay does encroach beyond the adopted highway boundary but not significantly and the Council could use the available powers to require the frontage vegetation to be cut back. Furthermore, the oncoming traffic from this direction is on the offside carriageway unless it is overtaking. Mr Hurlstone's assessed distance to the centre line of the oncoming traffic lane is 215m. Consequently, the DMRB standard would be achieved and if the Council are concerned about overtaking vehicles the trimming back of a short length of hedge (about 17m) would enable the splay sought to be provided to the nearside edge of the carriageway.
31. Bringing these findings together, I am satisfied having regard to the actual road conditions, the modest level of traffic generation likely to be associated with the appeal development, the accident levels recorded and the scope to provide and maintain 215m sightlines at the critical junctions, that no material harm would be caused to highway safety from vehicle movements associated with the appeal site.
32. I have borne in mind some concerns raised by local residents about the size of vehicles using Poplar Tree Lane (including large agricultural vehicles) and the possibility of meeting such vehicles head-on when turning into the lane from Frome Road and Bradford Road. However, the vehicle turning in and the one approaching the junction would both be travelling at slow speeds<sup>7</sup> and the drivers should therefore be able to take safe account of the approaching vehicle. Poplar Tree Lane is also about 5m wide which Mr Hannis confirmed was of sufficient width to enable a car and a lorry to pass each other with care.

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<sup>6</sup> Standard junction road signs are displayed with warning signs for the possible presence of horse riders and 'SLOW' road markings to alert drivers

<sup>7</sup> Vehicle speed survey information provided by Mr Hurlstone confirms this is so at the Frome Road junction



33. As far as the site access onto the lane is concerned, the highway authority are satisfied with the layout and configuration which includes a kerb radii to the south and an apron of hard-surfacing with gates set back almost 6m from the carriageway edge. In all these circumstances I do not consider that the site access is inherently unsafe and a condition attached to the planning permission for the stables requires specified visibility splays to be maintained.
34. Turning to the matter of pedestrian safety, there is no footway along Poplar Tree Lane or street lighting and the nearest pavement is about 120m to the north-east of the junction on the opposite side of Frome Road. Given the vehicle speeds recorded on Poplar Tree Lane in the vicinity of the appeal site and the straight alignment of the road, I do not consider that walking this short stretch to the junction would involve a significant level of risk. When reaching Frome Road, I consider it is likely that any pedestrian from the appeal site would normally turn towards Southwick, where some services are found, or the bus stop close to the junction. There is a verge on the appeal site side of the Frome Road which could be used to walk along – as is evident from one of Mr Hurlstone’s photographs – until reaching the point where the footway begins on the opposite side of the road. Given the alignment of the road I consider that even with vehicle speeds of up to 60 mph it would be possible to cross Frome road safely paying due care and attention.
35. I appreciate the situation is not ideal and there is a risk that a pedestrian walking along the verge could topple into the road if disturbed by the passing traffic travelling at speed. However, I would expect pedestrian movement from the appeal site to be limited and that car usage would be the norm for most daily movements. Furthermore, there is another field gate from the land in the appellants’ control which is much closer to the footway. This would avoid the need to walk along the verge for any significant distance.
36. With these points in mind, I find that the development would not give rise to serious risks to the safety of pedestrians. I have taken account of the number of children on the appeal site but I would not expect the younger ones to be walking on the roads unaccompanied by an adult.
37. Concluding on this issue, I am satisfied that subject to the imposition of certain planning conditions that the development of up to 3 caravans for the Cash family would not be harmful to highway or pedestrian safety and that the relevant requirements of Policy CF12 of the DP, DP15 of the SP and CP47 of the CS would be met. I have taken account of paragraph 32 of the National Planning Policy Framework (the ‘Framework’) which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is not the case here.

*Need for and supply of gypsy sites*

38. Given my conclusions that there is a lack of material harm in terms of the two main issues addressed above, it is not necessary to establish whether there is an overriding need for gypsy sites or personal circumstances which weigh in favour of permitting the development. However, given the depth of evidence presented at the hearing on these matters I consider it appropriate to give them consideration as they may add weight to the arguments in favour of the development.

39. The situation on need is complicated by the fact that Wiltshire was broken down into separate local authorities, with need assessed for each authority area, but there is now one unitary authority for the whole of Wiltshire. The total need for Wiltshire that is identified by the Council is now broken down by apportionment to cover 3 geographical areas – North & West, South and East<sup>8</sup>, consistent with the areas used for Strategic Housing Market Assessment (HMA). I consider that this background creates considerable uncertainties in establishing what a robust figure for need should be.
40. As a starting point the Gypsy and Traveller Accommodation Assessment (GTAA) for Wiltshire was published in 2006. This gave a figure of need of 40 pitches for the period 2006-2011. However, this was discredited when the draft Regional Spatial Strategy (RSS) for the South West emerged in 2007 which increased the pitch requirement for that period on the basis that the GTAA contained various shortcomings. It is not necessary to list these as the Council accept this was the case as confirmed at paragraph 3.8 the Topic Paper (TP) 16: Gypsy and Travellers – Wiltshire CS Consultation Document January 2012<sup>9</sup>. The revised figure in the RSS for the period 2006-2011 was 85 pitches (Tables 3 & 4 of TP) and, by the use of an annualised growth rate of 3%, it was estimated as 93 pitches for the period 2006-2016.
41. The TP then goes on at Table 6 to set out a revised assessment of need for the period 2011-2016 of 88 pitches. This table refers to 44 pitches that are said to have been or will be provided<sup>10</sup>. This leaves a residual figure of 44 pitches. This figure is incorporated into the table in draft policy CP 47 with an apportionment of 9 pitches for North and West Wiltshire. The table also includes the assessed pitch requirements for the period 2016-2021 being 38 in total and 20 for the NW area.
42. I mindful of the criticisms of the appellant's agent that the figures are not robust as they are based on a 'light touch' assessment. Given the constraints that flow from local government re-organisation in Wiltshire, as described above, and the point made on page 17 of the TP concerning the advisability of undertaking new research to calculate local need<sup>11</sup>, I agree that there are uncertainties about whether the figures identified are robust.
43. I have taken account of the points made at the hearing for the Council that some of the shortcomings identified in the GTAA have been addressed. However, I consider that there is a significant level of uncertainty as to whether the figures contained in CP 47 are a true reflection of need. This policy will be scrutinised as part of the CS Examination to assess its soundness and if the figures are accepted they will inform Site Allocations Development Plan Document (DPD) which the Council expect to be adopted around the end of 2014. It seems to me, therefore, that only when this has happened will it be become apparent whether the figures put forward are robust or whether further assessment is needed.

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<sup>8</sup> There previously appears to have been 4 areas – north, south, east and west

<sup>9</sup> This document is described in the Introduction paragraph 1.1.3 as a 'light touch' review of the GTAA 2006

<sup>10</sup> This includes Lodge Hill (2 pitches) and Thingley, Chippenham (8 pitches); the latter is a publically owned site which is to be refurbished and extended – a planning application for this has recently been submitted, grant aid has been secured and the Council expect the development to proceed in the late spring of 2013

<sup>11</sup> Alternative option 4: Recalculate local need "In the absence of concrete local data, it would be advisable to undertake new research to calculate local need for Gypsy and Traveller sites that responds to the criticisms of the previous GTAA."

44. The Council accept that when the planning application was determined in May 2012 there was a need for more pitches. Moreover, even if this were not the case, having regard to paragraphs 10 and 22 of the PPTS, this does not mean that no planning permissions for new pitches should be granted. I have also noted the comment of a fellow Inspector who in his decision dated 28 September 2012<sup>12</sup> permitting 6 gypsy pitches at Hullavington refers to the acknowledged general need for gypsy and traveller accommodation in Wiltshire.
45. I was presented with a number of tables/schedules at the hearing by the Council<sup>13</sup>. These seek to demonstrate that 20 new permanent pitches have been permitted since December 2011 in the NW area and that this meets the figure of 9 contained in CP 47 for that area for the period up to 2016. From the information provided, including the permission for 2 additional pitches at Framptons Farm, Sutton Benger, this figure appears to be accurate, although for the appellant it was argued that the 5 'new' pitches recently permitted at Four Oaks, Swindon would be at the expense of 4 transit pitches which presently occupy this land. The analysis does show that a number of pitches have been permitted both by the Council and on appeal over the last 12 months and they are likely to contribute towards meeting need.
46. Nevertheless, given my comments above about robustness, I have reservations about the claims of the Council that need at present and up to 2016 is met. Whilst 20 new pitches appear to have been permitted there is doubt in my mind as to whether there was outstanding need carried over from the period 2006-2011 which may not be reflected in the pitch requirement of 9. This low figure is also highly dependent on the argument that of the 88 pitches said to be needed in Wiltshire as a whole from 2011-2016 only 9 are required in the NW area. This seems questionable as this area has the highest concentration of private authorised gypsy sites in Wiltshire and household formation is therefore likely to be at its greatest.
47. I have also had regard to the latest Wiltshire gypsy count which was provided for January 2012. I accept that this is only a snapshot and not necessarily an accurate assessment of need. Nevertheless it reveals 43 unauthorised caravans on sites of which 29 are said to be tolerated. The planning permissions granted in 2012 may well help to reduce these figures but I would expect that a number of caravans will still remain on unauthorised sites.
48. Bringing these points together, and accepting that this is not an exact science, it is apparent that planning permissions have been granted over the last 12 months which will, if implemented, add to the stock of gypsy pitches in the NW area of Wiltshire. However, I am not convinced from what is before me that there is no general need and the fact that the appellants presently have no authorised site to reside on bears this out. From the figures presented the level of general need does not appear to be great but it is a factor which adds some weight to the arguments that planning permission should be granted.

*The accommodation needs of the Cash family*

49. Mr and Mrs Cash explained the details of where they have been residing since around 2000. They said they lived on the public site at Thingley, Chippenham

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<sup>12</sup> APP/Y3940/A/12/2173334 – Hearing held on 31 July 2012 – Rose Field, Hullavington, Wilts, SN16 0HW

<sup>13</sup> By both Carolyn Gibson, Spatial Plans Officer and Cllr. Morland

from about 2000-2003 but that they were eventually 'forced off' by the English gypsies who did not want the Cashes (Irish gypsies) to remain living there. I am aware that there can be animosity between these different cultural groups which can lead to victimisation and violence.

50. I have been provided with copies of the Secretary of State's decision letters of 21 June 2005 and 13 November 2007 and the related Inspectors' Reports concerning appeals on land at Charmy Down near Bath in the Green Belt and an Area of Outstanding Natural Beauty<sup>14</sup>. These documents provide background information concerning the occupation of this land which, after various appeals, injunctions and challenges led to the Cash family and Mrs Cash's two sisters and families, who were also living there, having to vacate. Mrs Cash explained that the money invested in the purchase of this land<sup>15</sup> was lost due to direct action being taken by Bath and North East Somerset Council under s.178 of the 1990 Act to ensure compliance with the requirements of an enforcement notice and the recovery of the costs of doing so. It is apparent that this is not a suitable or available alternative given the repeated failure to obtain planning permission to reside there, even on a temporary basis.
51. What I glean from reading these decisions is the following. Mrs Cash was born in Bristol. She and her sisters and their families were living together as a family group on the Thingley site having previously spent much of their lives travelling around the south west of England living on the roadside or pulling onto transit sites. The '2005' decision (para. 7.7 – Insp. report) makes reference to Mrs Cash's comments about suffering violence and abuse at Thingley, which led to the move to Charmy Down. This is consistent with the claims made at the hearing about the 'need' to move from Thingley because of threats. The '2007' decision contains similar background information but adds details (para. 64 of the Inspector's Report) concerning the Cash family living on a site in Gloucestershire from December 2006 to July 2007 owned by Mr Cash's sister who was away travelling during that period. It is said they had to move off when the sister returned and, having nowhere else to reside, and notwithstanding an injunction prohibiting their return, went back to Charmy Down.
52. The situation for the family since the vacation of Charmy Down is that they have pulled onto verges and transit sites in the West Country, resided briefly on the Semington site near Trowbridge and also lived on a pitch at Bonny Park, in the nearby village of Bratton. The latter is a lawful gypsy site with a number of pitches but I understand that the owner reclaimed the land and terminated a lease with the Council for some of the pitches with the occupants being required to leave over 2 years ago<sup>16</sup>. The Council argue that the intention is to reorganise and refurbish this gypsy site but I have nothing by way of evidence to indicate that the appellants will be able to return to live there once the refurbishment has taken place. Indeed Mrs Cash asserted that all the pitches are required for the owner's extended family. Moreover it does not represent a suitable and available alternative at present and I have no clear indication of when any refurbished pitches might be available.

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<sup>14</sup> Appendix 7 – Council's statement – '2005' and '2007' Decisions

<sup>15</sup> Para 7.2 of Insp. Report on APP/F0114/A/04/1151875 refers to Mr Cash buying the land in May 2003

<sup>16</sup> Ms Gibson said notice to quit was served on 21 September 2010 and that site has planning permission for 10 pitches

53. Since leaving the Bratton site the Cash family have travelled around, occupying a transit site at Westonzoyland near Bridgewater for periods of about 6-8 weeks at a time (this has now closed down) and other places they could 'pull off' before coming to the appeal site within the last year. I understand that the appeal land was purchased some time ago. A query was raised at the hearing about why the appellants did not move on sooner if they were genuinely in need of accommodation. It was explained by their agent that having regard to the very traumatic experience concerning Charmy Down, which caused considerable distress to the family and led to substantial financial loss, that they did not want move on unless they were left with absolutely no alternative. This seems to me to be a plausible explanation.
54. With this background in mind it does appear that the Cash family has a pressing and immediate need for accommodation and that there are no other suitable, available and affordable alternatives. Neither the Council nor any third party has provided clear evidence to refute this. Mrs Cash said that contact had been made with local estate agents but that they have been unable to assist. She also said that the Council's suggestion of visiting a public site near Salisbury to check availability when having to leave the Bratton site was taken up but it was apparent that the English gypsies occupying that site would not welcome them.
55. I will come on to consider the particular personal circumstances of the appellants below but as the family includes of a number of dependant children the need for a safe and settled base is a strong argument which weighs in favour of permission. This is evident from various court authorities which indicate that the health and welfare of gypsy children are important factors to bear in mind when conducting the balancing exercise, especially where the alternative is likely to be an unsatisfactory and dangerous roadside existence.
56. Bringing these points together, it is clear that the family has had a very difficult time over the past few years and faced considerable hardship. From what is before me it does not appear that Bath and North East Somerset Council offered any significant support when the family was forced to leave Charmy Down and that since then it has not been possible to secure a permanent lawful pitch with the level of security that is needed to ensure long-term occupation. These particular circumstances support the grant of planning permission.

*Personal circumstances – health and education*

57. The health needs and education arrangements for the children were described and discussed at the hearing. The most pressing and serious health need is that of son Paddy (aged 5) who was born with a heart defect which required open heart surgery when 2 weeks old. He has trouble breathing, needs daily doses of oxygen and is prone to infections. He is registered at the Bradford Road surgery in Trowbridge and attends most weeks for check-ups and to obtain medication. He also has to have regular consultations with a specialist at Bristol Children's Hospital. Daughter Marie-Ellen (aged 7) is a chronic asthmatic and needs medication during attacks. Grandson Milley, daughter of Eileen (aged 20), also suffers from asthma and she lives in a house in Corsham at present because of his condition. Mrs Cash said that Eileen and Milley visit the appeal site daily for meals but normally sleep at the house in Corsham. Mr Cash has a disability in his hand which inhibits his ability to work but he goes out and supervises his two older sons (Jerry and Laurence) who run the family's landscaping business.

58. In terms of education, the 5 youngest children are currently attending Longmeadow Primary School, in Trowbridge and of these Kathleen (aged 11) is seeking a place at St Augustine's Secondary School in Trowbridge. They all travel together to and from school by taxi which they are entitled to do as they live over 2 miles from the school.
59. I consider that the health needs of Paddy go beyond the general or routine. I accept that access to a doctor's surgery and a hospital – in this case the one in Bristol – is not necessarily dependent upon being able to stay on the appeal site. However, to be registered at a surgery and keep appointments at a hospital requires a settled base where contact can be made and to which correspondence can be sent. The analysis of alternative accommodation above suggests that there is a strong likelihood that should the appellants be required to vacate the appeal site they would end up living on the roadside or transit sites (as they have in the past) which I consider could be seriously detrimental to Paddy's health and possibly life-threatening. The asthmatic conditions of two other children are also material matters and are likely to be aggravated if a settled base cannot be secured.
60. As regards education, the opportunity for five of the children to attend the same school providing support for one another is further factor weighing in favour, given the notoriously low levels of educational achievement of gypsy children recorded in national surveys. I have not been presented with any evidence to show that these children have any particular learning difficulties or that the school they attend is the only one that could meet their educational needs. However, the stability provided by being able to reside on the appeal site enables regular attendance. The alternative, a roadside existence or constant moving from one location to another, would be likely to restrict or preclude attendance to the detriment of the children's education. Again these particular personal circumstances weigh in favour of permitting the development.

### ***Overall conclusions***

61. For the reasons set out above, I have found that the development has not and would not, if it continued, cause material harm to the rural landscape or highway safety, subject to the imposition of appropriate conditions. On this basis I conclude that the development would not infringe any of the development plan policies of relevance, with the exception of Policy C1 of the DP, which I have found to now be inconsistent with the national advice on gypsy and traveller sites contained in the PPTS. For this reason I consider that a departure from this policy is justified.
62. As regards the policy guidance in the PPTS this indicates at paragraph 22 that certain issues should be taken into account when considering applications for traveller sites. These include the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the applicants and their personal circumstances. I have done so above and find that the lack of clear evidence that the general need for traveller sites in Wiltshire is met in terms of a 5 year supply, the pressing accommodation needs of the Cash family and the health and education needs of some of the children are all factors which weigh I favour of the development. Taken together, I find that these factors are compelling and provide strong arguments for granting planning permission.

63. I have had regard to other matters raised by local residents, including those concerning drainage, bonfires and the possible intensification of use but consider that these matters can be satisfactorily addressed by the imposition of conditions. Some residents raised objections on the basis of the low water pressure in the area claiming that allowing the gypsy site to remain could make this worse. I have no evidence to show that the appellants' usage would make matters materially worse and there is no indication that the water authority raised objection on this basis at the time the planning application was under consideration.
64. In terms of the hardsurfacing that has been laid on the field outside the present caravan site (s78 appeal), the appellants appear to accept that this should be removed (see para. 17 above). This could be achieved by imposing a condition on the planning permission granted on the deemed application (s174 appeal) which makes it clear that this aspect of development is not permitted and has to be removed.
65. I have had regard to human rights of Mr and Mrs Cash and their children under Article 8 and Article 1 of the 1<sup>st</sup> Protocol of the European Convention on Human Rights (ECHR)<sup>17</sup>. These are respectively the right to respect for private and family life, which includes the home, and the protection of property. Upholding the enforcement notice would represent an infringement of these rights. These rights are not absolute but those which are circumscribed by the public interest, which has been held to include environmental considerations. In this case, having regard to my conclusions above and the particular circumstances, I find that requiring the family to leave the site would be a disproportionate measure having regard to their human rights.
66. Given these conclusions I intend to allow the s78 appeal and grant planning permission subject to conditions. I will also grant conditional planning permission for the development that flows from the deemed application under s174(a) regarding the breach alleged in notice. The notice will be quashed. On this basis the ground (g) arguments do not need to be addressed.

### ***Planning conditions***

67. The Council have provided a list of suggested conditions and these were discussed at the hearing. Given that the personal circumstances of the appellants and their family have been important determining factors in the consideration of these appeals I intend to impose a personal condition. This will apply Mr and Mrs Cash and their resident dependants. On this basis I do not consider that the standard condition concerning occupation by those with gypsy status needs to be imposed.
68. There was agreement that the number of caravans should be limited to 3 and I consider it is reasonable that one of these could be a larger static type, as illustrated on the drawing that supported the planning application. The permission granted on Appeal C will be for only 2 caravans as that is the nature of the proposal as described in the related planning application. I will attach a condition requiring the submission of further details using the 'model' form of wording which provides a back stop should agreement not be reached. This will cover the siting/layout of the caravans, the parking/turning/amenity areas, details of the proposed day room (Appeal C only) and lighting, boundary

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<sup>17</sup> Incorporated into the Human Rights Act 1998 (UK)

treatment, landscaping and drainage. I will make it clear that the requirement to submit and obtain approval from the Council for these details overrides any details shown on the submitted plans. These conditions are required in order to ensure that the visual and general amenities of the area are respected.

69. Other conditions preventing any commercial activities on the land and the burning of material in the open and restricting the size of vehicles parked there to a maximum weight of 3.5 tonnes are reasonable and necessary to safeguard the appearance of the countryside and the living conditions of those residing in the locality. I will also impose a condition concerning the provision and retention of a visibility sightline in a north-easterly direction at the junction of Poplar Tree Lane and Frome Road. This is reasonable in the interests of highway safety and is within the control of the appellants as they own the hedge fronting the highway in that direction.
70. On the matter of hardsurfacing, as I intend to quash the enforcement notice, I consider that a separate condition is required to address this and to ensure the removal of the hardsurfacing material deposited on the field (blue land) within the s174 land area. I will attach a plan indicating the approximate location of this material. I consider that 3 months would be a reasonable period to require removal of this material with restoration and re-seeding taking place in the next available planting season.
71. The wording of the conditions will vary in some respects between the decisions on Appeal A (s78) and Appeal C (s174) given that the differing nature of the development under consideration and the site/land areas identified.

### **Formal Decisions:**

#### **Appeal A: APP/Y3940/C/12/2178840**

72. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the mixed use of the land at Poplar Tree Lane, Southwick, Wiltshire, BA14 9NB, as shown on the plan that accompanied the notice, for equestrian use and for the stationing of caravans used for residential purposes and for operational development carried out as an integral part of the change of use, comprising an extended hardstanding, subject to the following conditions and Plan A attached to this decision:
- 1) The occupation of the site hereby permitted shall be carried on only by the Mr Laurence (Lawrence) Cash and Mrs Theresa Cash and their resident dependants. Should the land cease to be occupied by these persons the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
  - 2) No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the land at any time and they shall only be sited in the positions approved by the local planning authority in accordance with Condition 3) below.



- 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
  - i) within 3 months of the date of this decision, and notwithstanding what exists on the land at present, a 'site development scheme' for the internal layout of the site (including the siting of the caravans, hardstanding, parking and amenity areas), means of foul and surface water drainage of the site, external lighting, boundary treatment, landscaping (including details of species, plant sizes and proposed numbers and densities) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
  - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail 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) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State;
  - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 4) No commercial activities shall take place on the land, including the storage of materials, and no burning of materials shall take place on open ground.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 6) Within one month of the date of this decision, a visibility splay of 215m (y distance) shall be provided at the Poplar Tree Lane and A361 Frome Road junction in a north-easterly direction at a set back distance of 2.4m (x distance) from the carriageway edge measured along on the centreline of Poplar Tree Lane. The splay shall thereafter be maintained free from obstruction over a height of 0.9m above the level of the carriageway.
- 7) Within 3 months of the date of this decision, the hardsurfacing (hardcore, rubble, bricks and tarmac) that has been deposited on the land in the approximate position between points X and Y on Plan A attached to this decision shall be permanently removed from the land. Following removal, the ground uncovered shall be restored to the contours and profile before the deposition took place and shall be re-seeded with grass in the next available planting season.

**Appeal B: APP/Y3940/C/12/2178841**

73. This appeal was only proceeding on ground (g). No decision is required as the enforcement notice is quashed following the decision on Appeal A.

**Appeal C: APP/Y3940/A/12/2178838**

74. The appeal is allowed and planning permission is granted for one mobile home, one touring caravan – for nomadic use – and one utility dayroom on land at the

junction of Frome Road and Poplar Tree Lane, Southwick, Wiltshire, BA14 9NB, as shown on site location plan that accompanied the application, in accordance with the terms of the application, Ref. No. W/12/00537/FUL, dated 16 March 2012, subject to the following conditions:

- 1) The occupation of the site hereby permitted shall be carried on only by the Mr Laurence (Lawrence) Cash and Mrs Theresa Cash and their resident dependants. Should the land cease to be occupied by these persons the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 2) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the land at any time and they shall only be sited in the positions approved by the local planning authority in accordance with Condition 3) below.
- 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
  - i) within 3 months of the date of this decision, and notwithstanding the details shown on application Drawing # 3 and what exists on the land at present, a 'site development scheme' for the internal layout of the site (including the siting of the caravans, hardstanding, parking and amenity areas), design (location, size and facing materials) of the utility dayroom, means of foul and surface water drainage of the site, external lighting, boundary treatment, landscaping (including details of species, plant sizes and proposed numbers and densities) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
  - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail 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) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State;
  - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 4) No commercial activities shall take place on the land, including the storage of materials, and no burning of materials shall take place on open ground.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 6) Within one month of the date of this decision, a visibility splay of 215m (y distance) shall be provided at the Poplar Tree Lane and A361 Frome Road junction in a north-easterly direction at a set back distance of 2.4m (x distance) from the carriageway edge measured along on the centreline of

Poplar Tree Lane. The splay shall thereafter be maintained free from obstruction over a height of 0.9m above the level of the carriageway.

*N P Freeman*

INSPECTOR



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## Plan A

This is the plan referred to in my decision dated: 8 March 2013

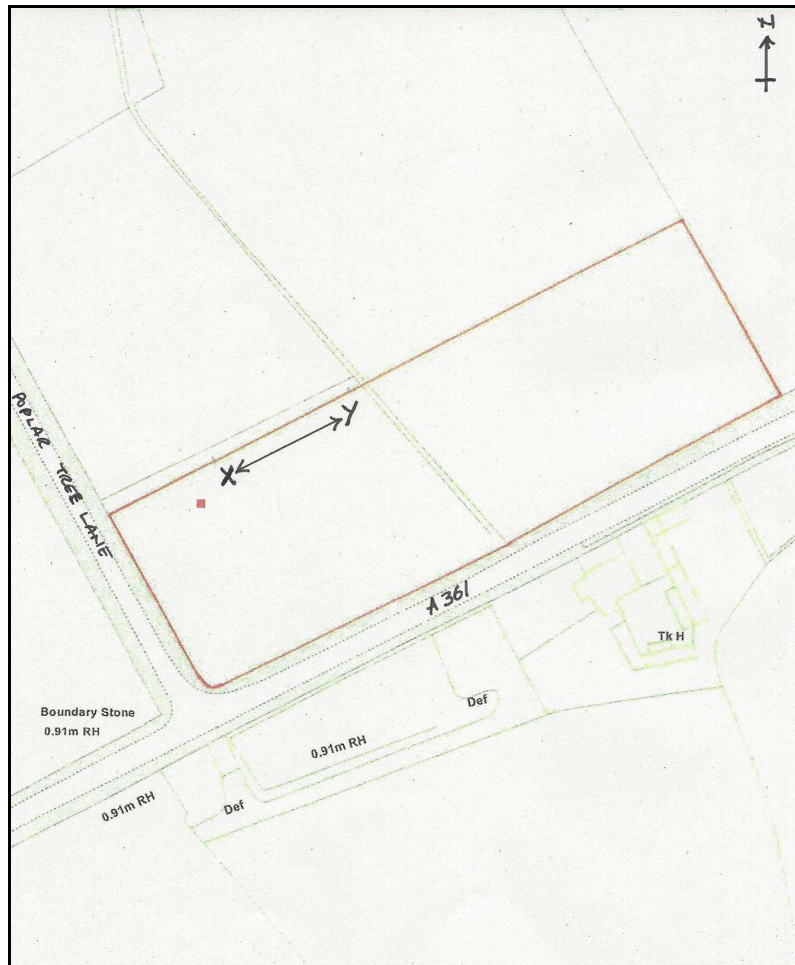
by **N P Freeman BA(Hons) DipTP MRTPI DMS - Inspector**

**Land at: Poplar Tree Lane, Southwick, Wiltshire, BA14 9NB**

**Reference: APP/Y3940/C/12/2178840**

**Not to Scale**

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## **APPEARANCES**

### FOR THE APPELLANT:

Dr A Murdoch MA MRTPI	Planning Consultant
Mr J Hurlstone BSc(Hons) CMILT MCIHT	Managing Director – The Hurlstone Partnership
Mrs T Cash	Co-appellant
Mr L Cash	Co-appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mr S Hawkins	Team Leader (Enforcement)
Mr M Kilmister	Area Team Leader (Planning)
Ms C Gibson	Spatial Plans Officer – Core Strategy Manager
Mr R Hannis	Highway Engineer

### INTERESTED PERSONS:

Cllr F Morland	Ward Councillor - Wiltshire Council
Cllr S Jones	Southwick Parish Council
Mr P Harcourt MRICS	Chairman of the Southwick Villagers' Association and local resident
Mrs C Harcourt	Local resident
Mr G Davis	Local resident
Mr D Brown	Local resident
Mr M Duhig	Local resident
Mr P & Mrs J Jones	Local residents
Mrs A Bradley	Local resident
Mrs R Pride	Potential house purchaser
Mr D & Mrs G Beaumont	Local residents

## **DOCUMENTS SUBMITTED AT THE HEARING**

- Doc 1 Council's letter of notification of the hearing, dated 19 November 2012, and list of persons notified.
- Doc 2 Stop Notice dated 30 November 2012 concerning the appeal site.
- Doc 3 Draft Core Policy 49 from the emerging Core Strategy for Wiltshire – latest version.
- Doc 4 Schedule of gypsy and traveller planning applications since 01/01/12 in North and West HMA and 3 related planning permissions (Cllr Morland).
- Doc 5 Schedules of gypsy and traveller pitches (Ms Gibson).
- Doc 6 South West Regional Assembly – GTAA Benchmarking Summary Report – January 2008.
- Doc 7 Gypsy and traveller count.
- Doc 8 Appeal Decision APP/Y3940/A/12/2173334 – dated 28/09/12 – Rose Field, Hullavington, Wilts, SN16 0HW.
- Doc 9 Council's schedule of additional conditions.
- Doc 10 *Moore v SSCLG & LB of Bromley [2012] EWHC 3192 (Admin)*.
- Doc 11 Copy of comments of Miss Ann Swift, a local resident, submitted to the Council on 27 April 2012.

## **PHOTOGRAPHS SUBMITTED AT THE HEARING**

- P1 & P2 Photos of the appeal site taken on 30 November 2012 by Mr Harcourt.
- P3 – P5 Three photos of the appeal site taken on 27 July 2012 by Mr Hurlstone.
- AP1 Aerial photo of the appeal site said to be from June 2006 (Appellant).
- AP2 Aerial photo of the appeal site said to be from 2009 (Harcourt).