



Appeal Decision

Hearing opened on 1 February 2012

Site visits made on 1 and 2 February and 10 May 2012

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 20 June 2012

Appeal Ref: APP/Y3940/A/11/2159865

Hillbilly Acre, Southampton Road, Clarendon, Salisbury, Wiltshire, SP5 3DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Cooper against the decision of Wiltshire Council.
 - The application Ref S/2011/708/FULL, dated 18 March 2011, was refused by notice dated 9 August 2011.
 - The development proposed is described as 'eight mobile units to be sited, 3 existing, 5 new'.
 - The hearing was conducted over four days, 1-2 February and 9-10 May 2012.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the hearing applications for costs were made by the Council and by Alderbury & Clarendon Residents Group (ACRG) against the appellant. These applications are the subject of separate Decisions.

Procedural matters

3. On the application form the location of Hillbilly Acre is given as Clarendon, Salisbury. The site is on Southampton Road, and I have identified it accordingly in the appeal details above.
4. The proposal is for a gypsy site, which the site plan shows divided into four pitches. There was no dispute between the Council, the appellant and ACRG that it would be reasonable to expect a touring caravan to be accommodated on each pitch, in addition to the mobile homes. The decision notice refers to alterations to the access, boundary treatments, parking areas and associated landscaping; and the appeal form includes associated ancillary development in the description of the proposal. A certain amount of operational development has taken place at the site, and there was discussion at the hearing as to whether any aspects were properly considered as part of the appeal proposal, as distinct from being provided in connection with agricultural use of the land.
5. Having regard to the plan of development at the appeal site prepared by the Council¹, it was agreed that the proposal is more clearly described as the change of use to a gypsy site, the siting of eight mobile homes and four touring caravans, alterations to the access, additional hardstanding on pitches 3 and 4,

¹ Appendix B in Document L1.

and fencing on the frontage of pitch 4. I have considered the appeal on this basis. A number of caravans are already on the site, the hardstanding has been formed and the fencing erected: the access alterations refer to work which would be undertaken to secure improvements at the junction with Southampton Road. The use of the description of development agreed at the hearing does not indicate that any other operational development on the site is necessarily lawful. It is open to the appellant to apply for a lawful development certificate in this regard, and this is not a matter for the current appeal.

6. A planning obligation in the form of a unilateral undertaking was submitted by the appellant. The obligation concerns a financial contribution towards public open space and children's play equipment in the locality.
7. The second reason for refusal refers, amongst other matters, to the designation of the land to the south-west of the appeal site as an area of high ecological value and to the nearby River Avon as a site of special scientific interest (SSSI) and a special area of conservation (SAC). However, the objection to the proposal is not made on nature conservation grounds, and at the hearing the Council confirmed that it was not pursuing a nature conservation objection.

Main Issues

8. I consider that the main issues in this appeal are:
 - (i) Whether the proposal would be consistent with policies applicable to gypsy site provision.
 - (ii) The effect of the proposal on the setting of the adjacent listed buildings.
 - (iii) The effect of the proposal on the character and appearance of the area.
 - (iv) The effect of the proposal on highway safety at the access to the site from Southampton Road.
 - (v) Whether any harm arising from the proposal would be outweighed by other considerations.

Background

9. The appeal site was purchased by the appellant's father in 1971, and has subsequently been inherited by the appellant, his sister and two brothers. It has been used by the family for a range of agricultural activities, including the growing of flowers, Christmas trees and fruit. In 1989, a personal permission for the stationing of a mobile home for a temporary period until 8 February 1990 was granted to the appellant. More recently, planning permission was refused for the siting of a caravan in 2001, proposals to construct a dwelling were refused in 2002 and 2008, the earlier of which was also dismissed on appeal. A previous proposal for a gypsy site was withdrawn last year.
10. The appellant, his sister and brothers have lived on the site intermittently over the years. The site is subdivided into four pitches, and although there is at least one caravan on each pitch, only pitch 3 is currently occupied: the appellant, his wife and one of his daughters have lived there since 2010.

Planning policies

11. When the hearing opened in February 2012, national policy on gypsy and traveller sites was contained in ODPM Circular 01/2006. Subsequently the Government published *Planning policy for traveller sites* (PPTS), which replaced Circular 01/2006 from 27 March. On the same date the *National Planning Policy Framework* (the Framework) came into effect, replacing a series of planning policy guidance notes and statements, including PPS5 – Planning for the Historic Environment and PPG13 – Transport. During the adjournment, the main parties and ACRG were asked to address these policy developments, and they were the subject of discussion when the hearing resumed in May.
12. In South Wiltshire, the Development Plan comprises Regional Planning Guidance for the South West (the Regional Strategy – RS), the South Wiltshire Core Strategy, and the saved policies of the Salisbury District Local Plan. The Localism Act provides for the revocation of regional strategies. The effect of revocation has been subject to environmental assessment, on which consultation has taken place, but revocation orders have yet to be laid before Parliament. For the time being, therefore, the RS remains part of the Development Plan and carries weight accordingly. However, the main parties and ACRG agreed that the RS contains no policies of relevance to the appeal.
13. The South Wiltshire Core Strategy was adopted in February 2012. On its adoption, the Core Strategy replaced certain policies of the Local Plan, and, within the South area, the policies of the Wiltshire & Swindon Structure Plan 2016. Policy H34 of the Local Plan and Policy DP15 of the Structure Plan, both concerning proposals for gypsy sites, were amongst those replaced, and the only policy currently in the Development Plan which is concerned with gypsy sites is Core Policy 4 of the South Wiltshire Core Strategy.
14. The Proposed Changes to the draft revised RS include Policy GT1, which sets out requirements for gypsy and traveller pitch provision by then local authority area. The intended abolition of regional strategies will remove the system of pitch targets specified at regional level. Local planning authorities will be expected to make their own assessment of need, and Policy B of the PPTS provides that they should set pitch targets which address the likely accommodation needs of travellers, working collaboratively with neighbouring local planning authorities. In these circumstances, the draft revised RS is unlikely to progress further, and this lessens the weight carried by Policy GT1.
15. The Council is also preparing the Wiltshire Core Strategy, covering the whole of the county. This emerging Core Strategy was approved for pre-submission consultation in February this year, and it is expected to be submitted to the Secretary of State in July. It also contains a gypsy site policy, Core Policy 47, but this is the subject of representations, and at this stage it carries only limited weight.
16. Work has commenced on a Gypsy and Traveller Sites Allocations Development Plan Document (DPD). The Issues and General Approach Consultation Document, which includes a site selection methodology, was published in 2010, but preparation was halted following the Government's announcement that it intended to replace Circular 01/2006. I heard that, following the publication of the PPTS, and clarification of national policy, the Council intends to recommence work on the DPD. The DPD is at a relatively early stage in its

preparation, and as yet there are no details available of possible site allocations.

Reasons

Policies applicable to gypsy site provision

17. Core Policy 4 of the South Wiltshire Core Strategy has been adopted recently, and although it pre-dates the PPTS, it is broadly consistent with current national policy on gypsy site provision. As an up-to-date Development Plan policy, it is the starting point for consideration of the proposal against policies applicable to gypsy site provision. The first part of the policy sets out requirements for additional pitch provision. It then lists a series of criteria against which proposals should be assessed. Sites should be located within or close to a settlement as defined by the Sustainable Settlement Strategy. The nearest settlement is Alderbury, which the Council identified as a sustainable settlement². I heard that within Alderbury are two public houses, two shops (one of which contains a post office), a primary school and a village hall, and I consider that it provides a good range of local facilities and services. The north-western end of Alderbury is about 1.3km from the appeal site, and it is about 2km to the centre: these distances are not too great to cover on foot.
18. I have also taken into account the site selection methodology in the emerging Gypsy and Traveller Site Allocations DPD, although at this relatively early stage in its preparation its content carries only limited weight. The draft methodology includes various references to distances: ideally a site should be within a safe walking distance of 1.2km from a centre providing local facilities and services, although there are references to maximum distances of 0.8km from a bus stop, primary school, health facilities and a food shop. Elsewhere it explains that areas for search should initially cover 1km from key facilities of a doctor, school and food shop, but, that in the absence of suitable sites within 1km, sites up to 2km away could be considered. The site is about 2km from the centre of Alderbury, and there is a bus service along Southampton Road, with stops outside the appeal site, which provides access to Alderbury and also to Salisbury where a greater range of facilities and services are available. In these circumstances, I consider that Hillbilly Acre is close to a sustainable settlement, and that the proposal satisfies the first criterion in Core Policy 4.
19. The appeal site is of sufficient size to provide adequate facilities for parking, storage, play and residential amenity, and to ensure adequate levels of privacy for the occupiers. The only commercial activity intended is the continuation of the growing of Christmas trees and other plants, and each of the pitches includes space for this purpose.
20. The site is close to the River Avon: it rises up from the adjacent land by the river to Southampton Road, and the intended positions of the mobile homes are away from the lower south-west boundary. The majority of the site is within flood zone 1, where the risk of flooding is low, and the Environment Agency has raised no objection to the proposal, subject to conditions specifying floor levels and approval of a surface water drainage scheme. With these safeguards, the proposal would not be constrained by flooding.

² The inset map for Alderbury (Document O4b) includes Whaddon which is adjacent to the south-east, and references were made at the hearing to facilities and services in the overall settlement area.

21. Core Policy 4 requires that gypsy sites should not have the potential for adverse effects on river quality, biodiversity or archaeology. There is nothing before me to indicate that the proposal would have an adverse effect on any matters of archaeological interest. The adjacent land to the south-west, and the River Avon, is designated as an area of high ecological value on the Local Plan Proposals Map (Document O4a). This area includes Clarendon Meadows County Wildlife Site (CWS), which extends along the strip of land between the site and the river, and the River Avon itself is both an SSSI and an SAC. ACRG referred to the environmental significance of this area, and expressed concern about the effect of activities on the appeal site on the designated area. Reference is made to the presence of scrap metal and building materials, and to use of the site for car breaking, with the prospect of contaminants migrating towards the river. None of these alleged activities relates to the appeal proposal, but the appellant had no objection to a condition restricting commercial use on the site to agriculture, and preventing the stationing of more than one commercial vehicle over 3.5 tonnes on each pitch. Moreover there are other procedures to follow to address concerns about pollution and contamination.
22. The Council's Principal Ecologist has advised that occasional unobtrusive access would be unlikely to lead to a decline in the value of the CWS³, and I find no conflict with Policy C11 of the Local Plan which seeks to safeguard county wildlife sites. She explains that the SAC is important for six features: Atlantic salmon, sea lamprey, brook lamprey, bullhead, water crowfoot vegetation, and Desmoulin's whorl snail. The latter species occurs on emergent vegetation on and near the banks of the river, whilst the others all occur in the river channel. As the development is outside the SAC, there should be no direct impact, and she considers that it is too far away to cause an impact through light pollution, vibration or noise. Surface water would drain to a soakaway, and there should be no risk of runoff to the SAC. Given the assessment in relation to the SAC, the Principal Ecologist has not raised an objection in respect of the SSSI. She explained that potential contaminants and pollution from employment activities could have a harmful impact, and suggested a condition to prevent employment use. Subject to the imposition of conditions restricting commercial activities and vehicles, I do not consider that the quality of the River Avon or biodiversity in the vicinity of the site would be adversely affected or that the national recognised designations of the SSI and the SAC would be compromised.
23. Although it is intended that three of the pitches would accommodate extended families, this would not be a large scale proposal. In addition to the two adjacent houses, there are a number of other dwellings in the vicinity on Southampton Road and Shute End Road, and I do not consider that the proposal would be inappropriate having regard to the scale of the nearby community and settlement.
24. The remaining criterion of Core Policy 4 requires that development should be appropriate to the scale and character of the surroundings: I consider this and the effect on the adjacent listed buildings (another nationally recognised designation) elsewhere.

³ The Principal Ecologist did not appear at the hearing. Her assessment is contained in a memorandum submitted during the adjournment, Appendix A in Document L1.

25. I turn now to Core Policy 47 of the emerging Wiltshire Core Strategy. I have addressed requirements concerning flooding, internal space for parking and residential amenity, and proximity to settlements in relation to adopted Core Policy 4, and there is no conflict in respect of these matters. There is nothing before me to indicate that the site cannot be provided with appropriate services, that it is close to any hazardous land or installation, or that it suffers from poor ground conditions. A hydrogeological report, submitted with the application, does not point to any drainage problems on the land, and the Environment Agency has not expressed a contrary view. Criteria (ii) and (v) are concerned respectively with the safety and convenience of the access and the impact on the landscape, and I consider these matters elsewhere.
26. Some concerns have been expressed by local residents about the effect of the use of Hillbilly Acre on the living conditions of existing residents,. The site is situated between two residential properties, Belmont House and St Marie's Grange, and a third, Alderbury Holt is on the opposite side of the road. Both Belmont House and Alderbury Holt are positioned well away from the appeal site. The house at St Marie's Grange is relatively close to the south-east boundary, and the occupier expressed concern about noise. However, the proposal is for a residential use, and the appellant has agreed that commercial activities should be limited to agricultural work, which has been undertaken lawfully at the site for some time. In these circumstances, I do not anticipate that the use of the site as intended should unacceptably worsen the living conditions of nearby residents.
27. In the PPTS, Policy H (at paragraph 23) explains that new traveller sites should be strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. The policy, therefore, contemplates the prospect of sites coming forward in open countryside close to settlements, and in assessing the proposal against Core Policy 4 of the South Wiltshire Core Strategy, I have found that it is in such a location. Paragraph 23 also makes it clear that proposals should not dominate the nearest settled community, and that they should not place undue pressure on local infrastructure. The former test forms part of Core Policy 4, and there would be no conflict in this regard. There is no detailed evidence that infrastructure problems would arise as a result of the proposal.
28. Policy B (at paragraph 11) sets out a series of requirements for local traveller site policies. Although this forms part of the plan-making section of the PPTS, the considerations are also of relevance to assessing proposals which come forward separately from a DPD. Several of the criteria reflect matters covered in Core Policies 4 and 47. Given that the scale of the proposal would not be inappropriate in relation to the nearby residential development and that there should be no unacceptable effect on the living conditions of neighbours, I consider that it should enable peaceful and integrated co-existence with the local community. The presence of a settled base avoids the need for long-distance travelling and facilitates access to health and education services. The site would continue to be used for growing a variety of plants, enabling occupants to live and carry out some work from the same location, consistent with criterion (h). I have already referred to concerns about contamination and pollution from activities on the site (above, para 21). There is nothing before me to indicate that there would be any adverse environmental effects in respect of matters such as noise and air quality in the vicinity, or that the

health and well-being of travellers would be adversely affected by living on the site.

29. I consider the effect of the proposal in respect of the site access, and its effect on its surroundings and the adjacent listed buildings under other issues. These matters apart, I conclude that the proposal would be consistent with the provisions of Core Policy 4 of the South Wiltshire Core Strategy, Core Policy 47 of the emerging Wiltshire Core Strategy, and Policies B and H of the PPTS.

The adjacent listed buildings

30. Policy CN5 of the Local Plan explains that development outside the curtilage of a listed building should only be permitted where there is no harm to the character or setting of the building concerned. The Framework includes specific provisions concerning designated heritage assets. Paragraph 132 explains that substantial harm to a grade II listed building should be exceptional and in the case of a grade I listed building, wholly exceptional.
31. Immediately to the south-east of the site is St Marie's Grange. This impressive three-storey house was designed by the Victorian architect ANW Pugin as his own home. At the east corner is a bell tower with a conical turret, and a square tower rises above the main roof on the north-east side of the building⁴. The important south-west elevation faces towards the River Avon: there is an angled ground floor bay on the western corner and a two-storey bay to the chapel, with a central three storey element projecting forward between these features. Garden areas extend to the river, from which the house is set back in an elevated and imposing position. The stables and carriage house which is adjacent to the boundary with the appeal site, and the garden walls of St Marie's Grange are listed separately as grade II buildings. St Marie's Grange is a particularly significant building, because of its historical association with Pugin, the quality of its design, and its position in a predominantly open setting above the River Avon.
32. Belmont House is on the other side of the appeal site, set back from the boundary beyond an extensive garden area. It is close to Southampton Road, where the main entrance is set forward in a central bay with an arched and corniced doorcase and a pediment above. The garden area falls away in the direction of the river, above which extends the wide south-west elevation of the house with a series of sash windows and a bay at the right hand corner. The listing description refers to the importance of several internal features, including painted ceilings and grand marble fireplaces. Internal and external features contribute to the significance of Belmont House, together with its open setting.
33. The four pitches at Hillbilly Acre would each extend back from the internal drive adjacent to Southampton Road to the lower south-west boundary. The site plan shows the mobile homes generally positioned on the upper part of the pitches, and given the sloping nature of the site and the position of the drive, I anticipate that touring caravans and vehicles would also be parked on this part of the site. Caravans and vehicles would extend across the upper part of the site, where the additional hardstandings have been formed, and in line with the position of the adjacent listed buildings. Irrespective of whether other

⁴ The listing descriptions of St Marie's Grange and Belmont House are at Appendix VI to the Council's original statement. Photographs of the listed buildings are in Document O2.

structures, hardstandings and the access drive are considered to be lawful, the establishment of the four pitches would fundamentally alter the character of the upper part of the site, giving it a more developed appearance. I consider that the spread of development and the amount of caravans, vehicles and associated domestic paraphernalia would detract from the open setting of both listed buildings. The extent of tree cover around Hillbilly Acre and hedging on the frontage restricts views into and across the site, but it nevertheless forms part of the surroundings within which these listed buildings are experienced. Given the significance of the grade I listed building and its proximity to the appeal site, I conclude that the proposal would cause substantial harm to the setting of St Marie's Grange. As a grade II listed building, Belmont House is less sensitive, and extensive garden areas at that property would remain between it and the appeal site. However the gypsy site would encroach into the landscape to the south-east, and I conclude that this would cause significant harm to the setting of Belmont House. Accordingly the proposal would conflict with Policy CN5 of the Local Plan, and, as it would compromise a nationally recognised designation, it would also conflict with Core Policy 4 of the South Wiltshire Core Strategy.

Character and appearance

34. The appeal site lies within the landscape setting of Salisbury, where Policy C7 of the Local Plan restricts new development to prevent detriment to the visual quality of the landscape. There is substantial tree cover along this stretch of Southampton Road, interspersed with a number of dwellings. For some considerable time, the site has been used by the appellant and members of his family for growing various plants. This agricultural activity is consistent with the rural character of the area.
35. The proposal for four pitches, with 12 caravans, would intensify activity and development on the site. Whilst journeys to work at the site would be eliminated if pitches were established there, the use of Hillbilly Acre as a base for four family groups would generate other trips which are not work-related. In considering the effect on the adjacent listed buildings, I have found that the establishment of the four pitches would fundamentally alter the character of the upper part of the site, giving it a more developed appearance (above, para 33).
36. There is tree cover around the site, and I have no reason to expect that the establishment of the pitches would threaten the overall level of tree cover on the site itself or that trees on adjoining land are likely to be removed. Indeed an email from one of the trustees responsible for the land between the site and the River Avon, explains that there is no intention to thin the belt of trees there (Document A1). The tree cover prevents extensive views of the site, but the presence of some caravans already at Hillbilly Acre is apparent in certain views from the public footpath on the opposite side of the river and through gaps in the trees, hedging and fencing along the frontage. Although these views are restricted, the presence of development within the gap between St Marie's Grange and Belmont House would be apparent. This would erode the character of the landscape on the east side of the River Avon, to the detriment of the landscape setting of Salisbury. The appellant had no objection to a condition requiring additional planting and approval of the boundary treatment on the site frontage. This would enable the harsh fence at pitch No 4 to be replaced

or screened, although it would take some time for additional planting of appropriate species to provide effective screening from the road.

37. I conclude that the appeal proposal would cause significant damage to the character and appearance of the area. It would conflict with Policy C7 of the Local Plan which seeks to safeguard the landscape setting of Salisbury, and with criteria in Core Policy 4 of the South Wiltshire Core Strategy and Core Policy 47 of the emerging Wiltshire Core Strategy, which respectively require that proposals are appropriate to the scale and character of their surroundings, and would not have an unacceptable impact on the character and appearance of the landscape.

Highway safety

38. Southampton Road provides a route towards Salisbury to the north, and to the south-east of the appeal site it provides access to Alderbury and Whaddon before joining the A36. In addition to carrying local traffic, I heard that it is on occasions used by drivers as an alternative to the nearby section of the A36. The stretch of this road past the appeal site is subject to the national speed limit of 60mph. Traffic counts undertaken on behalf of the appellant record two-way am peak flows of between 376 and 423 vehicles past the site, and between 411 and 466 vehicles in the pm peak⁵. Off-peak weekday flows, counted from 1000 to 1100 hours, varied between 261 and 286 vehicles. Daily two-way weekday flows during the week were between 4401 and 4711 vehicles. Over the survey period, overall 85th percentile speeds of 55mph were measured in the southbound direction and 58.2mph northbound as vehicles descend the hill from Alderbury.
39. ACRG queried the length of the survey period, and the validity of the data for 15 March due to a traffic incident on the A36 and on several days when fog was present. However the weather records submitted show limited periods when fog was present during the survey period, with this weather condition only occurring in one peak hour, and traffic levels and speeds were not markedly different on 15 March from the other weekdays. The survey covers weekdays and the weekend, and no traffic data was submitted by any other party. I am satisfied that the appellant's survey is appropriately taken into account in assessing the highway implications of the proposal.
40. The appellant's highway consultant calculated that the use of Hillbilly Acre as a gypsy site would generate 28-40 vehicles per day, based on each pitch resulting in an equivalent number of trips to a conventional dwelling. In my experience this approach is generally accepted as appropriate. However, if the site were occupied as intended, with extended families on pitches Nos 3 and 4, I anticipate that the actual number of trips generated could be somewhat higher. In any event, the level of vehicle movements to and from the site would be modest compared with that on Southampton Road⁶.
41. Access to the site is taken directly from Southampton Road, towards the north-western end of the frontage. The Council had assessed visibility here with reference to TD 42/95 of the Design Manual for Roads and Bridges (DMRB),

⁵ The appellant's highway survey information is included in Mr Baker's statement, Document A9.

⁶ The existing traffic flows on Southampton Road will include those from the appeal site, where pitch 3 is already occupied and to which members of the appellant's family travel in connection with their work. Removal of the additional traffic flows from the residential use of pitch 3 from the traffic flow recorded on Southampton Road and of the journeys to work from the number of trips generated by pitches 1, 2 and 4 would not materially alter the effect of the proposal on traffic flow.

and, on this basis, ACRG had also applied the standards in TD 42/95. The appellant, on the other hand, argued that TD 41/95 was more appropriate. DMRB provides design standards for trunk roads, whilst Manual for Streets 2 explores where the design principles for residential streets can be extended to other roads. It recommends that, where speeds are above 40mph for significant periods of the day, the use of DMRB parameters for stooping sight distances is recommended. Given the recorded 85thile speeds of 55mph and 58mph (above, para 38), I agree with the main parties and ACRG that it is appropriate to use the DMRB in this case and not MfS2. As to which part of the DMRB is relevant, TD 41/95 explains that it applies to a range of situations up to developments where the level of traffic using the access would not exceed 500 vehicles per day. Above this threshold, TD 42/95 may apply. The scale of the proposal clearly points to the use of TD 41/95.

42. Based on the recorded speeds, TD 41/95 indicates that the visibility splay at the access should have a y distance of 176m along Southampton Road to the north-west and of 189m to the south-east. In the case of a lightly-used access, the usual x distance along the minor road may be reduced from 4.5m to 2.4m. A cul-de-sac of six dwellings is given as an example of such a situation, and the appeal proposal would be a comparable level of development. Where conditions are particularly difficult, the x distance may be further reduced to 2m, and the appellant's highway consultant suggested that, given the radii at the access and the slope down to the internal drives to the north and south, this was an appropriate standard to use. I do not share this view. It was agreed that at an x distance of 2m, vehicles waiting to exit from the site would project beyond the access. Southampton Road is well-used, and on each of my visits, I observed traffic moving freely. In these circumstances, I do not consider that the x distance should be reduced below 2.4m.
43. The extent of visibility was assessed as part of the site visits⁷. To the south-east, there is slight encroachment from vegetation on the site frontage, but I am satisfied that vehicles approaching from this direction would be seen throughout a 189m splay. Moreover, the boundary treatment could be repositioned, and a condition requiring access improvements could secure full compliance with the standard. To the north-west, however, visibility is restricted by the position of boundary treatment to 63m, and even when the splay is measured to a point 1m in from the carriageway edge, the length of the y distance only increases to 89m. These distances represent a considerable shortfall against the 176m splay which recorded speeds indicate to be appropriate, and given the proximity of the access to the boundary with Belmont House, the scope for improving visibility in this direction is limited. Southampton Road carries fast moving traffic, and I consider that the restricted visibility to the north-west would pose a serious threat to highway safety. It was argued on behalf of the appellant that, given the parallel alignment of the internal drive, drivers turning left out of the site from pitches 2-4 would be likely to position their vehicles at an angle to the carriageway. This would place them closer to the carriageway and slightly further north, increasing visibility in this direction. The corollary of approaching the road in this way is that it would make it more difficult for drivers to look to the right for traffic approaching from the south-east. For this reason I do not consider that it is an

⁷ Measurements were agreed at site visits on 2 February and 10 May 2012. The appellant's highway consultant was not appointed until after the February session of the hearing, and I explained that the measurements taken at the May site visit, which he attended, would supersede those taken previously.

appropriate approach, and it was acknowledged that there is no provision in the standard for assessing visibility in this way.

44. Forward visibility between vehicles turning into the site and following drivers, and between drivers turning right into the site and approaching vehicles has been assessed by the appellant's consultant. I agree that in these situations, where both vehicles are in the carriageway of Southampton Road, adequate levels of visibility would be achieved.
45. From the bellmouth of the access, drives lead into pitch No 1 and separately to pitches Nos 2-4. This area is wide enough for two cars to pass, but with a depth of 8.55m it would be difficult to accommodate a vehicle towing a caravan and another vehicle. There is a passing place at the head of the drive to pitches 2-4, but if a vehicle towing a caravan were leaving the site, it would not be easy to make use of this facility. TD 41/95 seeks a dwell area of at least 10m adjacent to the carriageway⁸. Whilst this dimension exists onto both drives, it may not be of sufficient length to accommodate a vehicle towing a caravan. Because of the alignment of the access drives, it would also be impractical for towing combinations to leave pitch No 1 and head north, and to enter the site to pitches Nos 2-4 without crossing the centre line on Southampton Road. Avoiding such manoeuvres would necessitate detours to the usual direction of travel. I appreciate that the trips involving towing combinations are only likely to occur on a limited number of occasions; however the constrained nature of the site access for manoeuvres involving such traffic reinforces my concern about highway safety.
46. My attention was drawn to a recent planning permission for formation of a second access to Belmont House: this is just beyond the boundary with the appeal site and has restricted visibility. Whilst I heard that there had been an occasion when this access was used by several vehicles associated with a filming event at the property, as a second access to a single dwelling, I would expect its use to be significantly less than that resulting from the appeal proposal. Moreover it represented an improvement on the original access where visibility was restricted by the tall boundary wall. The circumstances at Belmont House are not comparable to those at the appeal site, and the planning permission for a new access does not provide support for the appeal proposal.
47. I conclude that the appeal proposal would pose a serious threat to highway safety at the access from Southampton Road. In consequence it would fail to satisfy criterion (ii) of Core Policy 47 in the emerging Wiltshire Core Strategy.

Other considerations

The general need for gypsy and traveller accommodation

48. The need for gypsy and traveller accommodation is assessed in relation to four sub-areas of the County. It is common ground between the appellant and the Council that there is a general need for additional pitch provision in the South area where the appeal site is situated. Topic Paper 16, prepared as part of the emerging Wiltshire Core Strategy, updated the assessment of need from that included in the draft RS, which had specified the provision of 18 pitches in the former Salisbury District⁹ during the period 2006-2011. This historic level of

⁸ For development greater than a single dwelling.

⁹ The South area of the County covers the former Salisbury District.

need is included in Core Policy 4 of the South Wiltshire Core Strategy. Table 10 of the topic paper identifies requirements for 33 pitches in South Wiltshire for 2011-2016 and for a further 17 pitches in the subsequent five-year period to 2021. These figures are carried forward into Core Policy 47 of the emerging Wiltshire Core Strategy.

49. Table 6.1 of the Wiltshire Core Strategy Pre-Submission Document records the provision of a single pitch in the South area over the period 2006-2011, compared with the figure of 18 sought in the RS, and the main parties agreed that in consequence the figures for 2011-2016 in Topic Paper 16 included an immediate need for 17 pitches. The Council argued that there was the prospect of immediate need being met, at least in part, by the regularisation of unauthorised sites, and I note that reference is made to this approach in the topic paper. Whilst there was a suggestion that 10 or 11 pitches could be looked at as part of this approach, there is no certainty about the number of pitches which may come forward in this way. I find that there is an immediate need for gypsy and traveller accommodation, the level of which provides significant weight in support of the appeal proposal.

Policy provision for gypsy and traveller accommodation

50. Topic Paper 16 refers to a good supply of authorised sites in South Wiltshire, 73 pitches being recorded in 2011. Nonetheless there is a recognised need for accommodation, which has not been addressed by superseded Local Plan and Structure Plan policies¹⁰, or more recently the gypsy site policies in the two core strategies. Planning permission has only been granted for one additional pitch since 2006, compared with a requirement specified for the period up to 2011 of 18 pitches. The Council is preparing a DPD to identify sites, but this remains at a relatively early stage, having only recently been brought out of abeyance, and at present it is uncertain when sites would come forward for occupation through this process. I consider that the policy position in Wiltshire concerning the provision of gypsy and traveller sites adds important weight to the need for accommodation.

Gypsy status

51. It is intended that the site would be occupied by the appellant and members of his wider family as follows:
- Pitch 1 – Allen Cooper (brother of the appellant), his wife Fiona, and an adult son Andrew.
 - Pitch 2 – Edward Cooper (brother of the appellant), his wife Samantha, and their son and daughter.
 - Pitch 3 – David Cooper (the appellant), his wife Alana, an adult daughter Chloe, a second adult daughter Lorna with her partner, Jamie Whitehouse, and their son.
 - Pitch 4 – Jennifer Willett (sister of the appellant), her partner George Wells, an adult daughter Rebecca Willett with her two sons, and Matilda Cooper (mother of the appellant).
52. The appellant and his brothers have travelled widely with their families, seeking casual agricultural work, selling flowers and strawberries grown on the appeal

¹⁰ Policy H34 of the Local Plan and Policy DP15 of the Structure Plan.

site, and dealing in Christmas trees (some of which are grown on the site) amongst other activities. Mrs Willett has made wreaths and travelled to sell them, and Mr Wells has carried out tree work, hedge cutting, and fencing. The appellant explained that farm work had become more difficult to find in England, and for several years up to 2010 he had sought this type of work in France and Spain. He still travels away, for about 2-3 months in the year. I heard that Mr Edward Cooper and Mr Wells were not working at present, and reference was made to various health problems. In addition, Edward Cooper has two children of school age. The appellant's mother is elderly and in poor health. The definition in Annex 1 of the PPTS includes persons of nomadic habit of life who have ceased to travel on the grounds of health needs on the grounds of their own or their family's or dependants' educational or health needs or old age. On the information before me I consider that the appellant and his wife, his brothers and their wives, his sister and her partner, his mother, and Edward Cooper's children are gypsies for the purposes of planning policy.

53. The partner of the appellant's elder daughter is not from a traveller background and has not travelled to seek work. He has a full-time job, and it was acknowledged that he did not have gypsy status. Both of the appellant's daughters are also in employment: Lorna does cleaning work through an agency and Chloe works as a personal assistant. Depending on the circumstances, periods of paid employment may not result in the loss of gypsy status. However in these cases the only reference to work-related travelling as adults is when Lorna and Chloe have done so to help their parents, and there is no indication that the extent and pattern of travelling is consistent with a nomadic habit of life. The situation concerning Rebecca Willett and Andrew Cooper is similar. Rebecca Willett has a part-time job in child care, and travels sometimes with her mother and Mr Wells. Whilst schooling was given as a reason for travelling being limited, her paid job was also put forward in this regard, and the information before me does not indicate that Rebecca Willett has a nomadic habit of life. Andrew Cooper has a full-time job in a factory in Salisbury: his travelling is limited to going to fairs at weekends to work as a tattooist. None of these intended occupants appeared at the hearing, and the limited indirect information about them is insufficient to support a finding that they and their children are gypsies for the purpose of planning policy.

Personal need

54. I heard that the appellant and his family have lived in a variety of accommodation, including flats, houses, mobile home parks and gypsy sites. He referred to instances of awkwardness from neighbours when he occupied conventional housing which he attributed to his gypsy ethnicity. Whilst I do not underestimate the upset which can be caused by unneighbourly behaviour, the only specific instance Mr Cooper recalled was that of parking by other people outside his house. He explained that a reason for his frequent moves was that he was a restless person, and two years ago he moved onto the appeal site. He also referred to investigating numerous places for a site, but some were too expensive, and he reported instances where there was no co-operation with enquiries when it was realised that land was sought for a gypsy site. I note also that the appellant has put the site forward for inclusion in the emerging DPD. The information before me does not amount to evidence of a systematic search having been undertaken. Nevertheless, the appellant his wife and younger daughter have nowhere else to live at the present time.

Their need for accommodation is significant, although that of his daughter carries somewhat less weight in terms of the appeal proposal, given my finding concerning gypsy status.

55. All of the other intended occupants of Hillbilly Acre have conventional housing. The appellant's elder daughter and her partner have a second floor flat in Old Sarum. They are making efforts to obtain better conventional housing, and if they are successful they would not move onto the appeal site. Having regard also to my finding on gypsy status, I give little weight to their expressed need to live on the appeal site.
56. Turning to the prospective occupants of pitch No 1, it was acknowledged that Allen Cooper owned a house in Salisbury. Allen Cooper did not appear at the hearing, but in his statement he explains that he finds it difficult to live in houses, due to anti-social behaviour from neighbours, citing theft and abuse (Document A7). I note, however, that the title document indicates that he and his wife acquired their house 19 years ago (Document RG10), and whilst a house may not be his preferred form of accommodation consistent with his Romany background, he and his family have lived in one for a prolonged period of time. Moreover the only specific reference made to other accommodation sought concerned a bungalow with land where a mobile home could be sited. Given the gypsy status of Allen and Fiona Cooper, I attach some weight to their personal need for accommodation on a gypsy site. There is no specific evidence before me on this matter concerning their son, and, given his lack of gypsy status, his personal need to live on the appeal site carries little weight.
57. Edward Cooper and his family have a two-bedroom flat which they have occupied for over six years, but which is too small given the age and gender of the children. Mr Cooper referred to prejudice and unpleasantness from neighbours, and I do not doubt that a gypsy site would provide a more appropriate form of accommodation for the family. I note, though, that he declined an offer of a pitch on a public site. Whilst there were references in general terms to the unsuitability of public sites, no specific problems were identified. No other enquiries for accommodation had been made. I attach some weight to the family's need for accommodation on a gypsy site, in view of their status.
58. Finally I turn to the intended occupants of pitch No 4. Mrs Willett and Mr Wells live at Fairfield Road in Salisbury, where Mrs Willett has had a house since 1993. Mrs Willett explained that she had taken the house to ensure her children were not taken into care in the absence of other accommodation. There is no evidence of a systematic search for a gypsy site, but, as with Allen Cooper and Edward Cooper, I attach some weight to the couple's need for accommodation on a gypsy site, in view of their status. Mrs Cooper Senior has lived in a bungalow in Salisbury for about 12 years, but for the same reason concerning gypsy status I also attach some weight to personal need in her case. Rebecca Willett has a two-bedroom flat: her mother acknowledged that a house would meet her accommodation needs, and, given her lack of gypsy status, I attach little weight to her personal need to live on the appeal site.

Alternative sites

59. I have referred above (para 49) to the Council's suggestion that there was the prospect of immediate general need being met, at least in part, by the regularisation of unauthorised sites. However, not only is there no certainty

about the number of pitches which may come forward in this way, but I anticipate that any such sites would have existing occupants, and they would not, therefore, provide an alternative to the appeal site. There is no specific evidence that any suitable alternative sites are available at the present time, and the Council was unaware of any vacancies on public pitches. The lack of alternative accommodation adds further weight to the personal need of the appellant and his brothers, sister and mother. However, where there is little personal need for accommodation on the appeal site, I do not consider that this circumstance alters the position to any significant degree.

Personal circumstances

60. The availability of a settled base facilitates access to healthcare facilities, and is of importance to all intended occupants of the appeal site. Additionally, a range of medical conditions were referred to at the hearing. Allen Cooper has heart problems and diabetes, and Fiona Cooper has problems with her legs. Edward Cooper also has diabetes, and he has problems with blood pressure and dizziness: both his children have asthma. The appellant has diabetes and high blood pressure, and his wife suffers from fibromyalgia, depression and migraine. His daughter Lorna has a back problem, her partner Jamie Whitehouse has diabetes, and their son is gluten intolerant. Both Mrs Willett and Mr Wells have diabetes: Mr Wells also has osteoporosis, rheumatoid arthritis, and high blood pressure, and is receiving treatment for an accident to his toes. Rebecca Willett has heart palpitations and chest pains, and I heard that Mrs Cooper Senior suffers from a number of conditions, including heart problems and high blood pressure. She cannot move around unaided. The only documentary evidence concerning health matters is a letter about Mrs Alana Cooper from her doctor (Document A4).
61. Only indirect verbal information was provided about several of the intended occupants of the site, and the appellant's agent acknowledged that she had no instructions concerning health matters in respect of certain individuals. The evidence is general in nature, but a key consideration appears to be the importance of regular hospital and doctor's appointments. Insofar as Mrs Cooper Senior is concerned, it was argued that the family needed to be able to provide her with care throughout the day, but there is no evidence that she is unable to receive the assistance she requires in her present home. Most of the prospective occupants of Hillbilly Acre are able to access healthcare facilities from their existing housing, and, on the information before me, living on the appeal site would confer no additional benefit in this respect. The importance of maintaining access to healthcare facilities does, however provide additional important weight to the personal need of the appellant and his wife, and his daughter Chloe.
62. There would be five children living on the site: four attend school and the youngest is at nursery. All of the children are in families which live in permanent housing, and from the details given at the hearing their existing accommodation would appear to be more conveniently located than Hillbilly Acre for the schools and nursery they use. Although advanced as an argument in support of the appeal proposal, the appellant's agent acknowledged that there would be no advantage in educational terms in occupation of the appeal site. I agree: this matter carries no weight in support of the proposal.
63. It was argued that it was part of the families' tradition to be together. Whilst they are all based in the Salisbury area, those that travel regularly do not all

travel away together. Moreover they are able to continue to use the appeal site for the agricultural activities of growing plants, and this provides an opportunity for them to spend time together as a larger group. I consider that the wish of the families to live on the appeal site together represents their preference rather than being a factor of importance for their wellbeing. It adds no significant weight to support for the proposals.

The planning obligation

64. Paragraph 204 of the Framework reiterates the statutory tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and it specifies that obligations should only be sought where, amongst other matters, they are necessary to make the development acceptable in planning terms. The planning obligation would provide for a payment of £10,634.40 towards the provision or enhancing of public open space and play equipment in the locality. Policy R2 of the Local Plan requires provision to be made for open space as part of residential developments, and the justification explains that in the case of smaller sites contributions may be made towards off-site facilities. The Council confirmed that the amount provided by the obligation would meet its requirement for open space. However, whilst the use of standard formulae can be useful in giving greater certainty about the likely level of contributions sought, it is still necessary to consider the impact of the particular development concerned.
65. My attention was drawn to a recent proposal for a single dwelling in Alderbury which was dismissed on appeal due to the absence of a means of securing a financial contribution to public open space (Document L8). The full details of this case are not before me, and whilst the Parish Council has identified several projects in the locality on which Policy R2 monies could be spent, no specific information has been submitted to indicate whether general comments in the Local Plan about limited recreational facilities and little amenity space in the smaller settlements apply to Alderbury and Clarendon. I am not satisfied that the available evidence justifies the need for the contribution in the planning obligation. Consequently the first statutory test is not met, and I have not taken the obligation into account in determining the appeal.

Conclusions

66. The proposal for a gypsy site at Hillbilly Acre would cause substantial harm to the setting of the grade I listed building of St Marie's Grange and significant harm to the setting of the grade II listed building of Belmont House. In addition, I have found that it would be significantly damaging to the character and appearance of the area and that it would pose a serious threat to highway safety at the access from Southampton Road. For these reasons, there would be conflict with certain aspects of policies concerned with gypsy site provision, although in other respects the proposal would comply with these policies.
67. The general need for gypsy sites in South Wiltshire provides significant weight in support of the proposal, and the policy position which has not addressed that need is a further important consideration. The personal need for of the appellant and his wife for accommodation on a gypsy site is significant, but that of the daughter who lives with them carries somewhat less weight, given my findings on status. Other intended occupants of the site have accommodation in conventional housing. This is not in line with the gypsy status of the appellant's brothers, sister and mother, and I attach some weight

to their personal need for accommodation on a gypsy site. The lack of alternative gypsy site accommodation adds further weight to personal need in these cases. However, I attach little weight to the personal need of the younger adults who live elsewhere, given their lack of gypsy status and indications as to the suitability of conventional housing. Personal circumstances provide important weight to supplement the personal needs of the appellant, his wife and resident daughter, but otherwise provide no significant support for the proposal. The appeal site is situated between two listed buildings and would have a substandard direct access to Southampton Road. The extent of the harm caused by the proposal would clearly outweigh both the considerations relating to a gypsy site in general and the varied personal needs and circumstances of the intended occupants.

68. I have also considered the possibility of a temporary permission. Whilst paragraph 25 of the PPTS makes it clear that the absence of a five year supply of deliverable sites should be a significant material consideration when considering proposals for a temporary permission, this policy only applies to applications made from next year. On behalf of the appellant, it was argued that a temporary permission for five years for the existing three site occupants would be appropriate to provide them with sufficient time to find alternative accommodation. The Council and ACRG suggested shorter periods of three years and one year respectively. Whilst use of the appeal site for a temporary period by some or all of the intended occupants would be less harmful than on a permanent basis, I consider that that harm would nonetheless be so great, that it would not be outweighed by the considerations which support the proposal.
69. In considering this proposal, I have taken into account the human rights of the appellant and his relatives¹¹. Dismissal of the appeal would result in the loss of the home of himself, his wife and his daughter Chloe. In addition it would prevent the other intended occupants (with the exception of Jamie Whitehouse who is not from a Romany background) living on their land in accordance with their traditions. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights. However this interference must be weighed against the wider public interest. For the reasons given above, I consider that the impact on the setting of the adjacent listed buildings, the character and appearance of the area, and on highway safety would be extremely harmful. Taking into account all material considerations, I am satisfied that the legitimate aims of safeguarding the setting of the listed buildings, the character and appearance of the area, and highway safety can only be adequately safeguarded by dismissal of the appeal. The protection of the public interest cannot be achieved by means which are less interfering of the rights of the prospective occupants, and this would not constitute an unacceptable interference with their rights. Dismissal of the appeal is necessary and proportionate, and it would not result in a violation of the human rights of the appellant and his relatives.

¹¹ In the grounds of appeal, reference was made to Article 14 of the European Convention on Human Rights, which is concerned with freedom from discrimination. However this argument was not pursued at the hearing.

70. None of the suggested conditions would overcome my objection to the appeal proposal. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Richard Clegg

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss S Green	South West Law Ltd.
Mr D Cooper	Appellant.
Mr M Baker BSc CEng MICE FILT FCIT Euring	Director, Mark Baker Consulting Ltd.
Mrs J Willett	Prospective occupant of the appeal site.
Mr E Cooper	Prospective occupant of the appeal site.
Mr G Wells	Prospective occupant of the appeal site.
Mrs A Cooper	Wife of the appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Mr D R Pearce BSc FRICS	Director, Land Development and Planning Consultants.
Miss C Gibson	Core Strategy Manager, Wiltshire Council.
Mr A Madge	Team Leader, Development Management Southern Team, Wiltshire Council.
Councillor R Britton	Member of the Southern Area Planning Committee, Wiltshire Council.

FOR ALDERBURY AND CLARENDON RESIDENTS GROUP:

Ms J Ferguson	Consultant Solicitor, Wilsons Solicitors LLP.
Mr I Cole	Local resident.
Mrs E Cole	Local resident.
Mrs G Higgins	Local resident.
Mr C Horwood	Local resident.
Mr D Sargent	Local resident.
Mr P Viant	Local resident.
Mr G Watt	Local resident.

THE APPELLANT'S DOCUMENTS

A1	Email dated 20 January 2012 from a Clarendon Grange Trustee to Miss Green concerning land to the south-west of the appeal site.
A2	Bundle of appeal decisions concerning proposals for gypsy sites.
A3	Notes of judgement in <i>Maidstone BC v Secretary of State for the Environment and Dunn</i> .
A4	Letter dated 17 November 2011 from Harcourt Medical Centre to Miss Green concerning Mrs A Cooper ¹² .
A5	Letter dated 22 February 2010 from the Council to Relph Ross Partnership concerning structures on the appeal site.
A6	Pedlar's certificate for Mrs Willett.
A7	Allen Cooper's statement.
A8	Planning permission and plans for access at Belmont House, Southampton Road.
A9	Mr Baker's statement.
A10	Appendices to the response to supplementary statements from the

¹² The letter refers to Mrs A Courtney: Mrs Courtney is the same person as Mrs Cooper.

- Council and ACRG.
- A11 List of intended occupants of appeal site¹³.
- A12 Planning obligation concerning contribution towards public open space and children's play equipment.

THE LPA'S DOCUMENTS

- L1 Appendices to the Council's supplementary statement.
- L2 Schedules of gypsy sites and encampments in Wiltshire – 2011.
- L3a-b List of structures on appeal site and accompanying plan.
- L4 Plan of nature conservation designations in the vicinity of the appeal site.
- L5 Schedule of saved Local Plan policies.
- L6 List of suggested conditions.
- L7 Letter dated 14 July 2011 from Alderbury PC concerning funding for recreation facilities.
- L8 Appeal decision concerning a new dwelling on Lights Lane, Alderbury.

ALDERBURY AND CLARENDON RESIDENTS GROUP'S DOCUMENTS

- RG1 Extracts from TD 42/95 – Geometric design of major/ minor priority junctions.
- RG2 Letter dated 26 October 2009 from the Council to Relph Ross partnership concerning a proposed building at the appeal site.
- RG3 Letter dated 23 May 2001 from Clarendon Park PC to Salisbury DC concerning a planning application for a caravan at the appeal site.
- RG4 Environment Agency documents concerning waste.
- RG5 County Surveyors Guidance Note – Road Materials Containing Tar.
- RG6 Appendices to Ms Ferguson's letter dated 11 April 2012.
- RG7 Notes of judgement in Ewen Developments Ltd v Secretary of State for the Environment and North Norfolk DC.
- RG8 Judgement in Murfitt v Secretary of State for the Environment and Another.
- RG9 Appendices to Ms Ferguson's letter dated 2 May 2012.
- RG10 Official copy of register of title for 5 Fairfield Road, Salisbury.
- RG11 Judgement in Medhurst v Secretary of State for Communities & Local Government.
- RG12 Extracts from TD 41/95 – Vehicular access to all purpose trunk roads.

OTHER DOCUMENTS

- O1a-l Bundle of photographs of the appeal site.
- O2 Photographs of Belmont House.
- O3 Photographs of St Marie's Grange.
- O4a-b Extract from Local Plan Proposals Map and Alderbury Inset.
- O5a-c Report, Highways consultation response and plan concerning planning application for access at Belmont House.
- O6 Extracts from the Structure Plan.
- O7 Extracts from the Local Plan.
- O8 Extract from Local Development Scheme.
- O9 Extracts from Gypsy and Traveller Site Allocations DPD Issues and General Approach Consultation Document.

¹³ The list was updated verbally at the hearing by the appellant and other intended occupants.

- O10 Plan showing listed buildings adjacent to the appeal site.
- O11 Policy GT1 of the Draft Revised RS (Proposed Changes).