



Appeal Decisions

Hearing and site visit held on 9 May 2013

by D. E. Morden MRTPI

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

Decision date: 10 February 2014

Appeal A: APP/Y3940/C/12/2186940 – Notice A

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 92 below.

Appeal B: APP/Y3940/C/12/2186944 – Notice B

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 93 below.

Appeal C: APP/Y3940/C/12/2186945 – Notice B

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 93 below.

Appeal D: APP/Y3940/C/12/2186946 – Notice B

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: Enforcement Notice withdrawn – no further action to be taken on this appeal.

Appeal E: APP/Y3940/C/12/2186949 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 94 below.

Appeal F: APP/Y3940/C/12/2186950 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 94 below.

Appeal G: APP/Y3940/C/12/2186951 – Notice D

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 95 below.

Appeal H: APP/Y3940/C/12/2186952 – Notice D

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 95 below.

Application for costs

1. At the Hearing an application for costs was made by Wiltshire Council against the appellants. This application is the subject of a separate Decision.

Procedural Matters

A. The Notices – Corrections, Variations and the Grounds of appeal

2. The parties had used a different lettering system for the appeals which took into account a withdrawn Notice and appeals against it which were no longer before me. I have used the letters I used at the Hearing which are as set out in Appendix 1 to this decision. Various amendments were made to the four Notices and to the grounds of appeal both before and during the Hearing and these are set out below together with other corrections and variations that I stated were necessary.
3. All four Notices, in the majority of their requirements, start with the word 'permanently' before the detail of the requirement is set out. The use of this word is both unnecessary and inappropriate having regard to the provisions of Section 181 of the Act, which states that compliance with an enforcement notice shall not discharge the notice. I shall vary the Notices accordingly using the powers available to me.
4. The appellants queried the inclusion of agriculture as one of the uses in the mixed use alleged to be taking place on each site (Notice A – Appeal A and Notice D – Appeals G and H) particularly regarding Hillbilly Acre. The Council stated that to its knowledge things were grown in the polytunnel on that site. The Council also stated that the lawful use of the land was agriculture and to a degree it was irrelevant as the use land for agriculture did not involve development. Any buildings necessary for any agricultural use of the land would, however, require permission due to the small size of each site. In my view there is no need to delete agricultural use from the description on that basis.

Notice A – Appeal A

5. The Council wrote to Mr Cooper on 20 December 2012 confirming that it had amended the allegation in paragraph 3 of the Notice (and consequently the requirements). The letter confirmed that references to 'areas of hard surfacing, polytunnel and partly constructed building' were deleted from the allegation. These three matters were similarly deleted from the requirements at 5(f). Also at 5(f) 'toy' was replaced by 'storage' so that the requirements matched the allegation relating to the shed. Finally requirements (h) and (i) were deleted. I shall correct and vary the Notice accordingly and deal with the appeals as they relate to the Notice as corrected.
6. The allegation refers to a material change of use of the land and includes some operations which are described as integral to the change of use as well as storage of a caravan incidental to the use. Incidental uses should not be described as part of the breach and the reference to the touring caravan should be deleted. The operational development from what I saw on site is not an integral part of the change of use. It should simply be described as operational development with the notice corrected to refer to both types of development and the relevant period amended to include both four years and 10 years. I will make those corrections to the Notice and any consequent variations.

7. The requirements in Notice A included at 5(e) the 'removal of the former lorry bodies' from the Land. This matter was not included in the allegation and it was agreed I should delete it from the requirements.
8. Appeals were originally lodged on grounds (a), (d), (f) and (g). The ground (d) appeal was concerned with the partly constructed building; ground (f) with elements (e), (f) and (h) of the requirements and ground (g) was about a matter of timing the appellant arguing compliance with the Notice as issued was impractical; some actions would have to wait until others had taken place before they could be implemented so more than one time period was needed.
9. As the partly constructed building was removed from the allegation, the ground (d) and (g) appeals were withdrawn. At the Hearing the appellant's representative confirmed that the ground (f) appeal was concerned with the removal of the lorry bodies. I am deleting the reference to removing lorry bodies from the requirements, and the appeal on ground (f) was withdrawn on that basis.

Notice B – Appeals B, C and D

10. The Council handed in a copy of a letter it had written to the appellants on 29 November 2012 confirming that it had amended the Notice. It stated that 'The effect of the substituted plan is to exclude the land known as Hillbilly Acre from the requirements of the Enforcement Notice.' As the substituted plan no longer included Hillbilly Acre within the red line area it completely withdrew the Notice in so far as it related to Hillbilly Acre. I shall, therefore, take no further action on Appeal D and I will correct the Notice to reflect the different area of land that it now includes (Appeal D is referenced APP/Y940/C/2186946 and is the appeal no longer to be determined).
11. Appeals were originally lodged on grounds (d), (f) and (g). The ground (d) appeal was only concerned with the fence at Hillbilly Acre and that site was removed from the Notice enabling the ground (d) appeal to be withdrawn. The appellant suggested a minor rewording of the requirements so that all that was needed was just to remove the fence and return the land to its previous condition; the appeal would be withdrawn on the basis of this variation to the requirements. I will deal with this shortly under the ground (f) appeal as the change was agreed by the Council and there would be no Notice to deal with at all if I treat the ground (f) appeals on appeals B and C as withdrawn. The appeals on ground (g) were also not pursued at the Hearing.

Notice C - Appeals E and F

12. Requirement (a) referred to five buildings being marked as 1-5 on the Notice Plan. The numbers 1-5 were not on the plan attached to the case file but were on the plan attached to the copy of the Notice in Mr Pearce's Appendix 1. For the sake of clarity I will attach a plan to this decision that has the buildings marked as 1-5 on it.
13. Appeals were originally lodged on grounds (a), (d) and (f). On grounds (a) and (d) the appellant confirmed that only three buildings remained (1 (the tractor shed), 4 (a shed) and 5 (the greenhouse)) to be considered. On ground (f) the only matters for consideration were requirements (c) and (d) which demanded the reinstatement of the land formerly occupied by the buildings to its position before any development took place, i.e., to match the contours and profiles of the immediately adjacent land and also the re-seeding of those areas.

Notice D – Appeals G and H

14. Notice D concerns the residential caravan use at Sunhill as well as the storage of caravans and some operational development. The appellant in paragraph 1.12 of the representations acknowledged that there was a small timber dayroom butted up against the caravan on that plot which the Council had missed off the enforcement notice as the site had not been revisited after the May 2012 appeal site inspection.
15. The parties agreed that there would be no injustice if the structure was added to those that should be removed if the appeal failed; the case had been argued on the basis that it had been included. To do that I would also need to add it into the allegation and as the parties were in agreement on the matter I shall do so.
16. This notice had the same problem in describing the allegation that Notice A had; it described the operational development as an integral part of the use but on site it did not appear to me to be so. The operational development should simply be described as that and the Notice corrected to refer to both types of development and the relevant period amended to include both four years and 10 years. I will make the necessary corrections.
17. Appeals were originally lodged on grounds (a), (d), (f) and (g). The appeal on ground (d) which had been for the hard surfacing and retaining walls was not pursued at the Hearing. The ground (f) appeal was on element (f) of the requirements (removing the septic tank).

B. Appeals remaining to be determined and grounds of appeal summary

18. Appeals A, B, C, E, F, G and H therefore remain to be determined in some shape or form after the corrections/variations set out above. The appellant also withdrew various grounds of appeal; some before the Hearing opened and others during the course of the Hearing. What remains to be determined is set out in the list below:
 - (a) Appeal A (Notice A); ground (a) and the deemed application. Ground (a) concerns all elements of the corrected description.
 - (b) Appeals B and C (Notice B); ground (f). These are duplicates (one in the name of each occupant). The appeals on Ground (f) are only concerned with element (c) of the requirements – the planting after the removal of the fence and a variation was agreed by the Council.
 - (c) Appeals E and F (Notice C); grounds (a), (d) and (f). These are also duplicates and only one has paid the fee to get the ground (a) appeal and deemed application considered. The ground (a) and (d) appeals concerned all elements of the allegation as corrected; the ground (f) appeal was only in respect of requirements (c) and (d) – re-contouring the land and re-seeding
 - (d) Appeals G and H (Notice D); grounds (a), (f) and (g). These are also duplicate appeals and only one has paid the fee to get the ground (a) appeal and deemed application considered. The ground (a) appeal concerned all elements of the allegation as corrected. The ground (f) appeal was only made regarding the requirement that sought the removal of the septic tank.

Background/History

19. The appeal sites form approximately the southern half of a much larger, roughly rectangular, site that was purchased by Mr D Cooper's father in 1971 and has subsequently been inherited by Mr Cooper, 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. 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 in 2011.
20. Mr Cooper, his sister and brothers have lived intermittently on the land over the years. The land is divided into four sites and these appeals concern the two southernmost areas (3. Hillbilly Acre and 4. Sunhill). The Council issued Notices on all four sites but there were no appeals lodged on the other two. Once those notices have been complied with there will be agriculture and recreation use on one and an agricultural use on the other.

The appeal on Ground (d) – Appeals E and F

21. The appeal on this ground relates to a tractor shed, a greenhouse and another small shed (about 3.7m by 2.5m) used as a potting shed located on Sunhill and marked on the Notice Plan as buildings 1, 4, and 5. The appellants admitted that documentary evidence regarding the erection of these structures was limited and even though the Council was asked if it had any photographs of the site from visits between 2005 and 2009, it confirmed that there had been very few visits in that period and there were no photographs.
22. Interested persons confirmed that it was not really possible to see into the site from the highway and they relied on aerial photographs. There were photographs of the tractor shed under construction in August 2008 and others taken in mid 2009 which showed it completed. The Council questioned whether it was the same building but from what I saw on site and from the various photographs produced I am satisfied that it is the same building. It was claimed that the other buildings were older than the tractor shed but there was no documentary evidence put forward regarding any of these buildings that could help show when they were constructed.
23. Both sides accepted that they were there in August 2009 as there are photographs that show that but the Notice was issued on 2 October 2012 and to succeed on ground (d) it was necessary to show that the buildings were there and substantially completed before 2 October 2008. There were no sworn statements produced by anyone who lived at the site but I cannot agree with the appellants' view that it would not be proportionate to get such sworn statements. When there is no documentary evidence to support what is being claimed sworn statements would certainly add weight to an appellant's case.
24. There was much anecdotal evidence from the appellants concerning activities that had taken place on the site and that the buildings needed to have been completed to enable that to happen but there was uncertainty about dates. The appellants placed great weight on the document produced by the Council at the Inquiry in 2012 (for the same development and also some adjoining land) setting down which buildings it thought were lawful. It did not however state that the buildings the subject of this Notice were lawful and indeed it was

only an opinion based on a visual check on site and a basic search of old records.

25. Interested persons also pointed out that whilst the aerial photographs that they had seen were not the best to try to find anything, it was generally not easy to tell if there was a building in a particular location or not and no great weight could be given to any claims that the photographs showed buildings.
26. I acknowledge that the Council did not have any good contrary evidence to that produced by the appellants but even they admitted that they had little to help show that the buildings the subject of an appeal were there at the relevant date. Taking all these factors into account I conclude, on the balance of probability, that there is insufficient evidence to allow these appeals and accordingly I shall dismiss them.

Policy Framework

27. Since the previous appeal decision, the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (PPTS) have both been published (27 March 2012). One year later (27 March 2013) the Framework took on greater significance, paragraph 215 setting out that the weight to be attributed to policies in existing plans became dependent upon their degree of consistency with the policies in the Framework.
28. The Development Plan comprises the South Wiltshire Core Strategy (SWCS), and the saved policies of the Salisbury District Local Plan (SDLP). The SWCS was adopted in February 2012 and replaced certain policies of the SDLP and the only current policy in the Development Plan which is concerned with gypsy sites is Core Policy 4 of the SWCS; it is broadly consistent with national policy as set out in the PPTS. The saved policies of the SDLP relevant to these appeals are CN5 dealing with development affecting the setting of listed buildings; C7 dealing with the protection of the landscape setting of Salisbury and G2 which is concerned with highway safety.
29. The Council is also preparing the Wiltshire Core Strategy (WCS), covering the whole of the county. This emerging Core Strategy was approved for pre-submission consultation in February 2012, and it was submitted to the Secretary of State in July 2012. The examination opened in May 2013 and ran until July 2013 but the process is still on going. It contains a gypsy site policy, Core Policy 47, but this is the subject of ongoing representations, and at this stage it carries only limited weight.
30. Work commenced on a Gypsy and Traveller Sites Allocations Development Plan Document (DPD) but preparation was halted following the Government's announcement that it intended to replace Circular 01/2006. Following the publication of the PPTS (which superseded 01/2006), and clarification of national policy, the Council intends to recommence work on the DPD but as it is necessary for the DPD to have regard to the WCS, work on it is on hold until the WCS is adopted.

The appeals on Ground (a) and the deemed applications for planning permission – Appeals A, E and G

Main Issues

31. The parties agreed that the main issues in these appeals were the same as had been considered in the appeal in February 2012 (when permission was sought

for the use of some of the two appeal sites plus two more sites on the adjoining land). Those issues were set out by the previous inspector as follows;

- (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.

32. He also had a fifth issue which was set out as 'whether any harm arising from the proposal would be outweighed by other material considerations' but the parties agreed that was not an issue as such but a means of carrying out the balancing exercise having considered all the issues. Finally the three appeals on the two sites need to be considered against the issues separately as well as considering their cumulative impact. Whilst the occupants are related, the two uses are basically the same and the access is shared, they are two separate planning units, there are some different structures on the two sites, separate enforcement notices have been issued recognising that fact and there are three separate appeals even though they were heard together.

Reasoning

Appeal A (Notice A) – Hillbilly Acre: stationing of caravan for residential use; storage of a caravan; construction of timber decking and a storage shed.

33. Dealing with the first main issue, there was little discussion on this in relation to either appeal. The Council referred to the 2012 appeal decision on the larger site and accepted a number of conclusions reached by the last inspector and that they were the same for both change of use appeals. In summary it conceded that there was an immediate need for gypsy and traveller accommodation; the uncertainty of the identification of sites through a DPD added weight to the need for accommodation; the appellants were all gypsies and Mr D Cooper had a significant need for accommodation; there was no evidence of a systematic search for gypsy sites; Mrs Willett had a permanent house although some weight had to be attached to her need for accommodation on a gypsy site as she was a gypsy; there was a lack of alternative accommodation on established gypsy sites.
34. The Council also stated that so far as it was concerned, there had been no material change in circumstances since the 2012 appeal decision that meant the conclusions needed exploring again. There were obviously going to be further delays in producing the DPD as the WCS had still not completed its process to adoption.
35. The inspector in 2012 examined the proposal (for eight caravans plus four touring caravans on the much larger site) against core policy 4 of the SWCS and found that the development satisfied four of the six criteria in the policy. Those concerning compromising a nationally recognised designation and the development's effect on the appearance and character are dealt with in the next two main issues.
36. He also considered the development against emerging core policy 47 of the WCS. Three of the five criteria were satisfied but highway safety and the impact on the landscape are considered in the main issues that follow. Policy H in the PPTS deals with Decision-taking and at paragraph 23 it states that new traveller sites in open countryside should be strictly limited. Sites that are

approved should not dominate the nearest settled community or put undue pressure on the local infrastructure. The development is not contrary to these last two criteria.

37. I agree with the previous inspector that some of the criteria in the relevant policies are satisfied but the development is contrary to other provisions in core policy 4 of the SWCS, core policy 47 of the WCS and policy H of the PPTS; other criteria are discussed below in considering the other main issues. I acknowledge that he was dealing with a more intensive scheme on an area of land about four times the size of the land constituting this appeal.
38. Looking at the second main issue, the Grade I listed building to the south east of the site (St Marie's Grange), is an impressive three-storey house was designed by the Victorian architect ANW Pugin as his own home. The important south-west elevation faces towards the River Avon and 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.
39. Belmont House (a Grade II listed building) is on the other side, to the north west of the appeal sites, 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 door case and a pediment above. 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.
40. 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.
41. The appeal site is close to St Marie's Grange, the separately listed wall forming the boundary between the listed building and the adjoining Sunhill. The caravan is sited on the upper level of the land and in line with St Marie's Grange (in relation to the road and the frontage). The caravan and the other structures on site seriously detract from the long standing open setting of the two listed buildings. In my view the development, due to its proximity to the grade I listed building St Marie's Grange causes substantial harm to its setting and should not be allowed to remain here any longer than necessary.
42. Belmont House is a grade II listed building and is less sensitive than St Marie's Grange. I acknowledge that there is quite a distance between the dwelling and the appeal site but the site would encroach into the landscape to the south east of the property and cause significant harm to its setting. I conclude on this issue that the development therefore conflicts with Policy CN5 of the Local Plan and, through compromising a nationally recognised designated building; it would also conflict with core policy 4 of the SWCS.

43. Turning to the third main issue and the question of the character and appearance of the area generally, 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 fairly substantial tree cover along this stretch of Southampton Road, which is interspersed with a number of dwellings.
44. There is reasonable tree cover around the appeal site and in the nearby area, the land on the other side of Southampton Road is well wooded, and it is unlikely in my view that the formal establishment of this pitch (or both pitches) would threaten the overall level of tree cover or that trees on adjoining land are likely to be removed. The tree cover prevents extensive views of the site but the presence of a caravan 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.
45. What is also apparent is that the caravan is partially filling up a historic well established gap between two listed buildings. The presence of the development erodes the character of the landscape on the east side of the River Avon at this point to the detriment of the landscape setting of Salisbury.
46. I conclude on this issue, therefore, that the development materially harms the character and appearance of the area. As such it conflicts with Policy C7 of the SDLP which seeks to safeguard the landscape setting of Salisbury and with criteria in Core Policy 4 of the SWCS and Core Policy 47 of the emerging WCS, which respectively require that developments are appropriate to the scale and character of their surroundings, and do not have an unacceptable impact on the character and appearance of the landscape.
47. Looking finally at highway matters and the effect on road safety, particularly along Southampton Road, the inspector in the last decision determined that the access was substandard and the material harm to road safety was sufficient to justify dismissing the appeal (at that time for development on four sites). The appellant accepted that the access was sub standard in its configuration and that the other issue was visibility to the north west for vehicles exiting the site.
48. The appellant argued that the previous inspector's decision was based on a much higher level of traffic generation than the current cases would produce. There were no extended families nor were there any children on the site to generate journey to school trips. The appellant also argued that the site was on the edge of Salisbury, that there was a good bus route into town so there was the option of using public transport rather than private motor vehicles for journeys.
49. Using public transport does not get around the fact that the access is substandard both in terms of sight lines and turning in radii. Accessing the site by vehicles cannot be eliminated nor can it be prohibited, there will always be visitors and deliveries even if the occupants keep their own journeys to a minimum.
50. Vehicles approaching from the south east have to carry out a U-turn to gain access to the site and there is insufficient width to allow for a car to do this safely. It would either have to go on to the wrong side of the access track in which case it could meet an oncoming vehicle exiting the site or on to the wrong side of Southampton Road in which case it would create a hazard to vehicles travelling along that carriageway.

51. Considerable time was spent at the 2012 Inquiry including hearing evidence from highway experts and examining the sight lines available at the site. No evidence was put before me to say that anything had changed regarding traffic levels or speeds, or that different criteria should be used. Sight lines were again measured on site and the visibility to the north west whilst measured at approximately 85m along the nearside at 2.4m back from the carriageway in the centre of the access was slightly better than the 63m measured in 2012 (natural hedgerows that line the nearside of the carriageway may have been cut back a bit compared to how they were then) that is still less than half the distance it should be (agreed last time as 176m) for a lightly trafficked access on to this type of road carrying the level of traffic that it does and at the speeds that it does.
52. I acknowledge that there would be less traffic movements than there was in the appeal determined in 2012 (as that concerned both these appeal sites and two more). However, that does not eliminate the highway safety problems caused by severely inadequate sight lines and site access radii even if it reduces the likelihood of incidents occurring.
53. Although that reduces the weight to give to that objection (compared to that attached to it in 2012) I consider that there is still material harm to highway safety as what can be achieved is well below the requirement. I conclude that the development fails to satisfy criterion (ii) of Core policy 47 of the emerging WCS and conflicts with criterion (i) of policy G2 of the SDLP.

Appeal G (Notice D) – Sunhill: stationing of caravan for residential use; storage of caravans; construction of a dayroom, hard surfacing, retaining walls, materially altering the landform and installation of a septic tank.

54. The same arguments were made on behalf of both appellants at the Hearing on the issues and the Council made the same objections to this development although it stated, in respect of the second main issue that this one had a greater impact on the adjoining grade I listed building. Sunhill is sited immediately adjacent to St Marie's Grange and I agree that the development on the site therefore has an even greater impact on the setting of the grade I listed building than the development on Hillbilly Acre does.
55. Clearly it has less of an impact on the setting of Belmont House which is a grade II listed building but in my view it causes significant harm to the setting of St Marie's Grange for the same reasons I set out when dealing with the appeal on Hillbilly Acre. I conclude on the first issue that the development therefore conflicts with Policy CN5 of the SLDP and through compromising a nationally recognised designated building; it would also conflict with core policy 4 of the SWCS.
56. On the third main issue, there are more buildings and structures on the plot at Sunhill than on Hillbilly Acre and it has a more harmful effect on the character and appearance of the area than that other property. In the circumstances I conclude that this development would conflict with the objectives of the relevant policies (as set out in paragraph 46 above) just as the development on Hillbilly Acre does.
57. Turning to the highway safety issue, the objections have already been set out in paragraphs 47 to 53 above and this development, as acknowledged by the appellant, would have virtually the same unacceptable impact on highway

safety as the development on Hillbilly Acre. In these circumstances I conclude that the development would materially harm road safety.

Appeal E (Notice C) – Sunhill: erection of a shed, greenhouse, toy shed, wood shed and tractor shed.

58. This appeal is made on the basis that the appellant wants to continue with a smallholding/agricultural type use if the appeal for the residential caravan is dismissed. The toy shed and older wood shed were removed before the Hearing as they were in a poor state of repair and the ground (a) appeal is for the greenhouse, the tractor shed and the potting shed (buildings 1, 4 and 5 as set out on the Corrected Plan B). The buildings are used in connection with that agricultural use. The appellant would remove them, however, if it meant the application for the residential caravan was not refused.
59. At the opening, the appellants submitted that agriculture should be deleted from the allegation as there was little agricultural use on either plot although spring flowering plants and strawberries were propagated for sale on Sunhill. There was no evidence, however, of the level of agricultural use that took place or what the income was from the produce. As argued by the Council, there needs to be some justification for buildings associated with any agricultural use on this site bearing in mind its location, its very limited size and the objections raised. There was no evidence put forward to justify the erection of any buildings in connection with the now claimed agricultural use on the site.
60. In these circumstances I conclude that there is no justification for allowing the buildings to remain. They add to the out of character built form on Sunhill materially harming both the setting of the adjoining grade I listed building and also the character and appearance of the area and landscape setting of Salisbury.

Cumulative impact

61. I have concluded when looking at the three developments individually that their separate impacts are materially harmful and are unacceptable. In these circumstances the cumulative impact must also be considered unacceptable as it will be the result of an addition of all the harm already found when looking at the three appeals separately. In these circumstances the appeals on ground (a) must fail unless there are other material considerations that clearly outweigh the harm identified.

Other material considerations

Gypsy status

62. There was no dispute that all the appellants were gypsies. Mr David Cooper and his wife Alana live at Hillbilly Acre with their eldest daughter Chloe (who was 19 at the date of the Hearing). Mr George Wells lives at Sunhill. Mr Cooper's sister (Mrs Jennifer Willett) does not stay with him but currently lives in permanent accommodation; she has a council house that she is trying to swap with her daughter's flat. Mr Wells cannot stay in permanent housing.

Need for sites

63. The parties agreed that there was a need for accommodation generally in this part of the district. The inspector in 2012 agreed there was an immediate need for 17 pitches. It was claimed by the Council that much of that need would be

met by regularising some unauthorised sites but the appellants claimed this was not an appropriate way forward and there was uncertainty about how many pitches would get permission to stay where they were. There was no evidence that any planning permissions had been granted since the appeal in early 2012 and in my view this high level of need adds considerable weight in support of each of the appellants' cases.

Policy provision

64. At the time of the 2012 inquiry, planning permission had only been granted for one additional pitch since 2006 when there had been a requirement specified for the period up to 2011 of 18 pitches. The Council was preparing a DPD to identify sites but admitted this had been put on hold and was awaiting the adoption of the WCS. The lack of provision in the immediate future and the agreed need for pitches adds weight to the appellants' arguments that there is an unsatisfied need for sites in the area.

Alternative sites

65. There was no evidence put before me of any alternative sites (either public or private) that either of the appellants could go to should these appeals be dismissed. The lack of alternative sites adds weight to the personal needs of the appellants to remain here.

Personal Circumstances

66. There are no children and therefore no educational needs that have to be considered in either of these appeals. There were, however, a number of health issues affecting the occupants and the three older occupants all attended Harcourt Medical Centre regularly. Mr Wells has type 2 diabetes (diagnosed in 2004) for which he regularly attends hospital for treatment. He also requires regular eye check ups due to the diabetes and is on medication for gout and blood pressure. He also has peripheral vascular disease and other problems with his hip and back. Mr and Mrs Cooper also have health problems. Mrs Cooper suffers from fibromyalgia, prolapsed lumbar discs and migraines. She has undergone spinal injections and remains under the care of the clinic. Mr Cooper suffers from severe stress and having had a road accident in 2011 has post whiplash syndrome and is still receiving treatment. I attach some weight to these personal circumstances of the appellants when looking at each of the appeals.

Balancing exercise

67. I have found in each appeal that the development causes substantial harm to the setting of the adjoining grade I listed building St Marie's Grange, and also significant harm to the grade II listed Belmont House. Further, I concluded that on all three appeals there would be significant harm to the character and appearance of the area and Salisbury's setting and an important open area of mainly wooded character between the two listed buildings and down to the river.
68. This results in conflict with various criteria in the relevant policies although there was also compliance with other aspects of those policies. Finally, in respect of the two appeals involving a change of use, there would be significant harm to highway safety on Southampton Road due to the extremely poor access/exit at the site entrance; it has inadequate sight to the left for those exiting the site and inadequate turning radii for those turning left into the site.

69. I attach significant weight to the general need for gypsy sites in the area, the fact that the situation is not currently being addressed by policy and also the lack of alternative sites. The personal circumstances of the appellants in each case also carry some weight although there is nothing unusual about their medical history which implies that they could not be treated at some alternative medical centre if they could not find a permanent site in this locality.
70. I attach substantial weight to all these objections and, whether looking at the three ground (a) appeals (and deemed applications for planning permission) individually or considering them cumulatively, I consider that these objections clearly outweigh both the considerations relating to gypsy sites in general and the particular circumstances of the two different appellants.

Other Matters

71. The appellants' representative raised the question of a temporary planning permission rather than a dismissal if the appeals were unsuccessful. She also submitted that bearing in mind that the sites taken together were much smaller than that considered by the previous inspector in 2012,, the imposition of conditions would mitigate the harm sufficiently to make the developments acceptable.
72. Dealing firstly with conditions, I acknowledge that improvements could be made to the radii at the entrance to the site (by removing some more of the wall) and that would reduce the highway objection to some extent. There is nothing that can be done about the highly inadequate sight line however as the land is outside the control of the appellants. It was also suggested that planting and along the boundary with St Marie's Grange could be undertaken but that would go against the open nature of the land around the property. Similarly re-siting the caravans and other structures on the site does not help, particularly on Sunhill where any siting would be unacceptably close to the listed building.
73. It was also suggested that the appellants were willing to remove various structures and things such as lorry bodies from their respective sites but they should be removed in any event; they are basically just dumped there, it is admitted they have not been used for anything for about 10 years in the case of the lorry bodies, and it is not really appropriate to offer that as some sort of improvement that could be gained through conditions if permission was granted for the development.
74. Turning to the question of a temporary permission the appellants argued that the effect of the developments would be short lived and the land could be restored once the temporary permissions had expired. In my view, whilst I acknowledge that there are no readily available alternative sites and that the DPD for future provision has been put on hold, I consider that the harm caused by these developments is such that temporary permissions should not be granted for these developments.
75. The Council raised the question of precedent and submitted that this was one of those rare cases where it was appropriate to do so. It can be a material consideration if there is a real likelihood of the decision being cited as justifying development on other land. In this case the Council argued that given the recent history of the immediately adjoining land to the north west and the fact that it is all in the ownership of the Mr Cooper's family, it is realistic to suggest

that the applications for residential caravans on the other two 'plots' will be resubmitted if these appeals are allowed.

76. It was submitted that the ability of the Council to refuse those applications and apply its policies to protect both the setting of its listed buildings and the landscape setting of Salisbury will be severely diminished. I agree that it would be extremely difficult for the Council to resist proposals on that adjoining land if these appeals are allowed and that adds weight to the objections I have already set out.
77. I have had regard to the human rights of the families in question in considering the arguments put forward. I recognise that dismissing these appeals would result in an interference with the appellants' home and family life. I have taken into consideration throughout my deliberations Article 8 of the European Convention of Human Rights which sets out the right to respect for private and family life and the home and a positive obligation to facilitate the gypsy/traveller way of life. It is a qualified right, however, requiring a balance between the rights of the individual and the wider community interest.
78. I have also taken fully into consideration Article 14 which prohibits discrimination and the duty under S71(1) of the Race Relations Act 1976 to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and race relations between different racial groups. I have also had regard to the Public Sector Equality Duty set out in s149 of the Equality Act 2010 in considering all the arguments put forward by the parties in these appeals.
79. The harm the developments cause in terms of their detrimental effect on the environment is considerable. Those are matters which it is right to protect in the wider public interest and the legitimate aims of protecting that wider public interest can only be adequately safeguarded here by dismissing these appeals and removing these developments from the land.

Conclusion on the ground (a) appeals

80. I have considered whether conditions could be attached to a planning permission or whether a temporary permission could be granted but neither would overcome the strong objections I have found to these developments. For the reasons given above and having regard to all other matters raised I conclude that the appeals on ground (a) and the deemed planning applications should not succeed. The other material considerations are not of such weight that they justify granting permission to any of these developments and the appeals on ground (a) and the deemed applications for planning permission accordingly fail.

The appeals on Ground (f) – Appeals B, C, E, F, G and H

Appeals B and C (Notice B) – Sunhill: element (c) of the requirements as issued

81. On this ground the appellant stated that it was excessive to require further planting after the removal of the fence; the fence had just been erected behind existing planting none of which had been removed or damaged. The requirement should just be to restore the land to its previous condition. The Council agreed to this and I will vary the Notice accordingly. To that limited extent the appeals succeed.

Appeals E and F (Notice C) – Sunhill; elements (c) and (d) of the requirements as issued

82. On this ground the appellant argued that the Notice was not clear about what needs to be done to meet the requirement in (c) and as building 4 is located on a shared roadway which is all laid as hard standing it is not appropriate to seed that area. The tractor shed is built on bare earth and indeed none of the three structures has any foundations or footings.
83. The Council acknowledged that the three structures may have had minimal works undertaken in the form of footings or foundations so in that case there would be little to do once the structure had been removed. I consider that the Notice is clear and is basically requiring the land to be restored to its former condition. Even if there were no footings or foundations the ground under the structures will have been damaged and re-seeding will help restore it to its former condition. The Council had no objection to not re-seeding the land under building 4 and I shall vary the requirements accordingly. To that very limited extent the appeal on this ground succeeds.

Appeals G and H (Notice D) – Sunhill; element (f), removal of septic tank

84. The appellant argued that the lawful use of the land was accepted as agriculture and activities could take place there e.g., someone working there all day, that would require a septic tank to be provided. The Council stated that it considered the septic tank an integral part of the residential use on the site and it was usual in such circumstances to remove such associated/integral facilities from the land or from a building if the use was to cease. It was easy to argue that something ought to stay because it might be used in connection with some other use. If it proved essential a camping/chemical toilet could be provided.
85. An interested person at the Hearing also stated that it was not really an argument for keeping the septic tank to say that it might be used in connection with some other use that was not currently taking place; everyone could use the argument that it might be useful to have one in case it came in useful at some unknown point in the future for some as yet unknown use.
86. As stated by the Council in its representations, the Notice was issued to remedy the breach and failure to secure its removal would not achieve that purpose. In any event I agree with the point put forward by the Council that the tank is really an integral part of the residential use and should therefore be removed from the site. The appeal on this ground accordingly fails.

The appeals on Ground (g) – Appeals G and H

87. Whilst there was no ground (g) appeal on Notice C the Council agreed that the wording in paragraph 6d) contained extra words and made no sense. It was agreed that I should vary the requirement by deleting the superfluous words.

Appeals G and H (Notice D) – Hillbilly Acre;

88. The appeal on this ground was simply that Mr Wells was only being given six months to comply with the Notice requirement whereas Mr Cooper was being given 12 months. It was submitted that the six months period should be lengthened to 12 months. The Council stated that the reason for the difference was that Mr Wells lived in his caravan by himself but Mr Cooper had two dependants – his wife and adult daughter Chloe (who was 19 years old).

89. The Council also stated that it was far from certain that Mr Wells was actually living on the site at the time of the 2012 inquiry; he had denied living on the site at the time and stated that his home address was in Fairfield Road in Salisbury. The Council had been led to believe that he only came to Sunhill on an occasional basis as a respite during periods of ill health. It was accepted that he had subsequently advised the Council differently but in any event there is only him and his circumstances are different to Mr Cooper.
90. I acknowledge the arguments put forward by the Council but it was made clear in the representations at the Hearing that this site was Mr Wells' home and he could not live in a bricks and mortar home. The Council referred to other sites it owned but it admitted that there were no vacancies and it was not known if a space could be found for Mr Wells as there was also a waiting list of five applicants at the time of the Hearing for Council sites.
91. Whilst I understand that the Council is anxious to clear these sites it has to be taken into account that this is Mr Wells home, that it is accepted that there are no alternative sites and it will be some time before any policy document is produced that identifies where sites might be permitted. The alternative if Mr Wells has to move from here in those circumstances is illegal parking on some other land or at the roadside both of which are highly unsatisfactory alternatives. In my view it would be unreasonable to consider any period for compliance of less than 12 months bearing in mind that Mr Wells would be made homeless. I shall vary the requirement to that effect and to that very limited extent the appeal succeeds.

Overall conclusions

92. For the reasons given above and having regard to all other matters raised, I conclude that all seven appeals should be dismissed. I shall uphold the enforcement notices with corrections and variations.

Formal Decisions

Appeal A (Notice A): APP/Y3940/C/12/2186940

93. I direct that the enforcement notice is corrected as follows:-
- (a) by deleting the words in paragraph 3 entirely and substituting therefor paragraph 3 as set out in Appendix 3A attached to this decision
 - (b) by deleting paragraph 4a) entirely and substituting therefor the words as set out in paragraph 4(a) in Appendix 3A attached to this decision
- I also direct that the enforcement notice is varied as follows:-
- (a) by deleting the words in paragraph 5 and substituting therefor the words as set out in paragraph 5 in Appendix 3A attached to this decision
- Subject to these corrections and the variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals B and C (Notice B): APP/Y3940/C/12/2186944 and 2186945

94. I direct that the enforcement notice is corrected as follows:-
- (a) by deleting the words 'and Hillbilly Acre' in paragraph 2
 - (b) by deleting the words 'attached plan' in paragraph 2 and substituting therefor the words 'Corrected Plan A attached to this decision'

I also direct that the enforcement notice is varied as follows:-

- (a) by deleting the words in paragraph 5c) and substituting therefor the words as set out in paragraph 5(c) in Appendix 3B attached to this decision
- (b) by deleting the word 'permanently' in paragraphs 5a) and 5b)

Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Appeals E and F (Notice C): APP/Y3940/C/12/2186949 and 2186950

95. I direct that the enforcement notice is corrected as follows:-

- (a) by deleting the words 'attached plan' in paragraph 2 and substituting therefor the words 'Corrected Plan B attached to this decision'.
- (b) by adding the words 'which are shown numbered 1 – 5 on Corrected Plan B' at the end of paragraph 3

I also direct that the enforcement notice is varied as follows:-

- (a) by deleting the words 'which are shown at 1-5 on the attached plan' and substituting therefor the words 'which are shown numbered 1 – 5 on Corrected Plan B' at the end of paragraph 5a)
- (b) by deleting the word 'permanently' in paragraphs 5a) and 5b)
- (c) by deleting the words 'by the end of the or;' after the words 'effect or' in the first line of paragraph 6d)

Subject to these corrections and variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of Appeal E.

Appeals G and H (Notice D): APP/Y3940/C/12/2186951 and 2186952

96. I direct that the enforcement notice is corrected as follows:-

- (a) by deleting the words in paragraph 3 entirely and substituting therefor paragraph 3 as set out in Appendix 3D attached to this decision
- (b) by deleting paragraph 4a) entirely and substituting therefor the words as set out in paragraph 4(a) in Appendix 3D attached to this decision

I also direct that the enforcement notice is varied as follows:-

- (a) by deleting the words in paragraph 5d) and substituting therefor the words as set out in paragraph 5(d) in Appendix 3D attached to this decision
- (b) by deleting the word 'permanently' in paragraphs 5(a) to 5(d), 5(f) and (5g).

Subject to these corrections and variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of Appeal G.

D E Morden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms A Heine	Principal, Heine Planning Consultancy
BSc MSc MRTPI	

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Pearce	Principal, Land Development Planning
BSc FRICS	Consultants
Mr S Hawkins	Team Leader (Enforcement) Wiltshire Council
MA MRTPI	

INTERESTED PERSONS:

Mr G Watt	Local resident
Mrs G Higgins	Local resident
Mr I Cole	Local resident
Mr P Viant	Local resident

DOCUMENTS

- 1 Council's letter regarding Hearing arrangements
- 2 Letter from Council to appellant dated 29 November 2012
- 3 Letter from doctor regarding Mrs Alana Courtney dated 2 May 2013
- 4 Appeal decision APP/Y3940/C/12/2178840 & 2178841
- 5 Council's update regarding development plan
- 6 Copy of application for a bungalow at Avon View, Old Southampton Rd
- 7 Article from Country Life regarding St Marie's Grange
- 8 Statement and accompanying plans/photographs from Mr G Watt
- 9 Statement and accompanying photographs from Mr I Cole
- 10 Statement from Mr C Horwood
- 11 Statement from Mr D Sargent
- 12 Statement from Mr P Viant

PHOTOGRAPH

- 1 Photograph of site entrance submitted by appellant.

APPENDIX 1: APPEALS LODGED & ORIGINAL GROUNDS OF APPEAL MADE

Appeal A: APP/Y3940/C/12/2186940 – Notice A

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr D Cooper against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the material change of use of the land from agriculture to a mixed use for agriculture and for the stationing and residential occupation of a caravan and storage of a touring caravan incidental to such use; stationing and storage of a caravan and use for domestic storage together with; operational development undertaken as an integral part of the material change of use comprising construction of areas of hard surfacing, timber decking, a polytunnel, a storage shed and a partly constructed building.
 - The requirements of the notice are as follows: (a) permanently cease to occupy the land for residential purposes, (b) permanently remove the caravans stationed on the land, (c) permanently remove all domestic paraphernalia from the land, (d) permanently cease to use the land for domestic storage, (e) permanently remove the former lorry bodies from the land, (f) permanently demolish and remove the areas of hard surfacing, timber decking, polytunnel, toy shed, and partly constructed building, (g) permanently remove all of the demolition materials arising from step (f) from the land, (h) reinstate the area of the land formerly occupied by residential mobile homes and decking to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and (i) seed the area of the land referred to in step (h) with grass seed.
 - The period for compliance with the requirements (a) to (h) inclusive is 1 year and for (i) 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) to (f) above, whichever date is the later.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/Y3940/C/12/2186944 – Notice B

Land at Hillbilly Acre and Sunhill, off Southampton Rd, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs J Willett against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the erection of timber fencing on the land adjacent to the highway, exceeding one metre in height.
 - The requirements of the notice are as follows: (a) permanently demolish the timber fencing, (b) permanently remove all of the demolition materials arising from step (a) from the land and (c) after step (b), plant along the length of the frontage of the land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
 - The period for compliance with requirements (a) and (b) is 1 month and for (c) it is one month from the date that the Notice takes effect or before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, 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.
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Appeal C: APP/Y3940/C/12/2186945 – Notice B

Land at Hillbilly Acre and Sunhill, off Southampton Rd, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Wells against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the erection of timber fencing on the land adjacent to the highway, exceeding one metre in height.
 - The requirements of the notice are as follows: (a) permanently demolish the timber fencing, (b) permanently remove all of the demolition materials arising from step (a) from the land and (c) after step (b), plant along the length of the frontage of the land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
 - The period for compliance with requirements (a) and (b) is 1 month and for (c) it is one month from the date that the Notice takes effect or before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, 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.
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Appeal D: APP/Y3940/C/12/2186946 – Notice B

Land at Hillbilly Acre and Sunhill, off Southampton Rd, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr D Cooper against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 3 October 2012.
 - The breach of planning control as alleged in the notice is the erection of timber fencing on the land adjacent to the highway, exceeding one metre in height.
 - The requirements of the notice are as follows: (a) permanently demolish the timber fencing, (b) permanently remove all of the demolition materials arising from step (a) from the land and (c) after step (b), plant along the length of the frontage of the land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
 - The period for compliance with requirements (a) and (b) is 1 month and for (c) it is one month from the date that the Notice takes effect or before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, 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.
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Appeal E: APP/Y3940/C/12/2186949 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs J Willett against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 2 October 2012.
 - The breach of planning control as alleged in the notice is the erection of buildings consisting of a shed, greenhouse, toy shed and a tractor shed.
 - The requirements of the notice are as follows: (a) permanently demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown at 1-5 on the Notice plan, (b) permanently remove all of the demolition materials arising from step (a) from the land, (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and (d) seed the area of the land referred to in step (c) with grass seed.
 - The period for compliance with requirements (a), (b) and (c) is 3 months and for (d) it is 3 months from the date this Notice takes effect or by the end of the or; *[sic]* before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (f) of the Town and Country Planning Act 1990 as amended.
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Appeal F: APP/Y3940/C/12/2186950 – Notice C

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Wells against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705..
 - The notice was issued on 2 October 2012.
 - The breach of planning control as alleged in the notice is the erection of buildings consisting of a shed, greenhouse, toy shed and a tractor shed.
 - The requirements of the notice are as follows: (a) permanently demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown at 1-5 on the Notice plan, (b) permanently remove all of the demolition materials arising from step (a) from the land, (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and (d) seed the area of the land referred to in step (c) with grass seed.
 - The period for compliance with requirements (a), (b) and (c) is 3 months and for (d) it is 3 months from the date this Notice takes effect or by the end of the or; *[sic]* before the end of the planting season following the date that the Notice takes effect whichever date is the later (for the avoidance of doubt the planting season runs from 1 November to 31 March the following year).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the ground (a) appeal and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.
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Appeal G: APP/Y3940/C/12/2186951 – Notice D
Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs J Willett against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 10 October 2012.
 - The breach of planning control as alleged in the notice is the change of use of the land from agriculture to a mixed use for agriculture, stationing and residential occupation of a caravan, storage of caravans and operational development undertaken as an integral part of the material change of use comprising the construction of hard surfacing, retaining walls, materially altering the landform and installation of a septic tank.
 - The requirements of the notice are as follows: (a) permanently cease to occupy the land for residential purposes, (b) permanently remove the caravans stationed on the land, (c) permanently remove all domestic paraphernalia from the land, (d) permanently remove the hard surfacing and retaining walls, (e) reinstate the land to its former contours and profiles, i.e., to match the contours and profiles of adjacent land, (f) permanently remove the septic tank and (g) permanently remove all of the demolition materials arising from steps (a) – (f) above, from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal H: APP/Y3940/C/12/2186952 – Notice D
Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Wells against an enforcement notice issued by Wiltshire Council.
 - The Council's reference is S/2102/1705.
 - The notice was issued on 10 October 2012.
 - The breach of planning control as alleged in the notice is change of use of the land from agriculture to a mixed use for agriculture, stationing and residential occupation of a caravan, storage of caravans and operational development undertaken as an integral part of the material change of use comprising the construction of hard surfacing, retaining walls, materially altering the landform and installation of a septic tank..
 - The requirements of the notice are as follows: (a) permanently cease to occupy the land for residential purposes, (b) permanently remove the caravans stationed on the land, (c) permanently remove all domestic paraphernalia from the land, (d) permanently remove the hard surfacing and retaining walls, (e) reinstate the land to its former contours and profiles, i.e., to match the contours and profiles of adjacent land, (f) permanently remove the septic tank and (g) permanently remove all of the demolition materials arising from steps (a) – (f) above, from the land..
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the ground (a) appeal and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.
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APPENDIX 2: THE ENFORCEMENT NOTICES - AS ISSUED

APPENDIX 2A - NOTICE A

2. THE LAND AFFECTED

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing and residential occupation of a caravan and the storage of a touring caravan incidental to such use
- (c) stationing and storage of a caravan and use for domestic storage
- (d) operational development undertaken as an integral part of the material change of use comprising the construction of areas of hard surfacing, timber decking, a polytunnel, storage shed and a partly constructed building

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently cease to occupy the Land for residential purposes
- (b) permanently remove the caravans stationed on the Land
- (c) permanently remove all domestic paraphernalia from the Land
- (d) permanently cease to use the Land for domestic storage
- (e) permanently remove the former lorry bodies from the Land
- (f) permanently demolish and remove the areas of hard surfacing, timber decking, polytunnel, toy shed, and partly constructed building
- (g) permanently remove all of the demolition materials arising from step (f) from the Land,
- (h) reinstate the area of the land formerly occupied by residential mobile homes and decking to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the Land immediately adjacent
- (i) seed the area of the Land referred to in step (h) with grass seed

APPENDIX 2B - NOTICE B

2. THE LAND AFFECTED

Land at Sunhill and Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the erection of timber fencing on the Land adjacent to the highway exceeding one metre in height

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently demolish the timber fencing,
 - (b) permanently remove all of the demolition materials arising from step (a) from the Land and
 - (c) after step (b), plant along the length of the frontage of the Land with Southampton Road where the fencing has been removed with tree/hedge species to match the existing adjoining planting in terms of position, distance and species.
-

APPENDIX 2C - NOTICE C

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission operational development comprising the erection of buildings consisting of a shed, greenhouse, toy shed, wood shed and a tractor shed

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown at 1-5 on the Notice plan,
 - (b) permanently remove all of the demolition materials arising from step (a) from the land,
 - (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent and
 - (d) seed the area of the land referred to in step (c) with grass seed.
-

APPENDIX 2D - NOTICE D

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing and residential occupation of a caravan
- (c) storage of caravans
- (d) operational development undertaken as an integral part of the material change of use comprising the construction of hard surfacing, retaining walls, materially altering the landform and installation of a septic tank

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) permanently cease to occupy the Land for residential purposes
 - (b) permanently remove the caravans stationed on the Land
 - (c) permanently remove all domestic paraphernalia from the Land
 - (d) permanently remove the hard surfacing and retaining walls
 - (e) reinstate the Land to its former contours and profiles i.e., to match the contours and profiles of adjacent Land
 - (f) permanently remove the septic tank and
 - (g) permanently remove all of the demolition materials arising from steps (a) – (f) above from the Land
-

APPENDIX 3: THE ENFORCEMENT NOTICES - AS CORRECTED AND VARIED

APPENDIX 3A - NOTICE A

2. THE LAND AFFECTED

Land at Hillbilly Acre, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing of a caravan used for residential purposes
- (c) stationing and storage of a caravan used for domestic storage
- (d) operational development comprising the construction of timber decking and a storage shed

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breaches of planning control have occurred within the last 4 years and the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) cease to occupy the Land for residential purposes,
 - (b) remove the caravans stationed on the Land,
 - (c) remove all domestic paraphernalia from the Land,
 - (d) cease to use the Land for domestic storage,
 - (e) demolish and remove the timber decking and a storage shed,
 - (f) remove all of the demolition materials arising from step (e) from the Land,
-

APPENDIX 3B - NOTICE B

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the erection of timber fencing on the Land adjacent to the highway exceeding one metre in height

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) demolish the timber fencing,
 - (b) remove all of the demolition materials arising from step (a) from the Land,
 - (c) after step (b), restore the land to its previous condition.
-

APPENDIX 3C - NOTICE C

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission operational development comprising the erection of buildings consisting of a shed, greenhouse, toy shed, wood shed and a tractor shed which are shown numbered 1 – 5 on the Corrected Plan B

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last 4 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) demolish the shed, greenhouse, toy shed, wood shed, and tractor shed the approximate positions of which are shown as 1-5 on the Corrected Plan B,
 - (b) remove all of the demolition materials arising from step (a) from the land,
 - (c) reinstate the area of the land formerly occupied by the buildings, to its contours and profiles as they existed before development took place, i.e., to match the contours and profiles of the land immediately adjacent,
 - (d) seed the area of the land referred to in step (c) with grass seed.
-

APPENDIX 3D - NOTICE D

2. THE LAND AFFECTED

Land at Sunhill, off Southampton Road, Alderbury, SP5 3DG

3. THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission the material change of use of the Land to a mixed use for:

- (a) agriculture
- (b) the stationing and residential occupation of a caravan
- (c) storage of caravans
- (d) operational development comprising the construction of a day room, hard surfacing, retaining walls, materially altering the landform and installation of a septic tank

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breaches of planning control have occurred within the last 4 years and the last 10 years

5. WHAT YOU ARE REQUIRED TO DO

- (a) cease to occupy the Land for residential purposes,
 - (b) remove the caravans stationed on the Land,
 - (c) remove all domestic paraphernalia from the Land,
 - (d) remove the day room, hard surfacing and retaining walls,
 - (e) reinstate the Land to its former contours and profiles i.e., to match the contours and profiles of adjacent Land,
 - (f) remove the septic tank,
 - (g) remove all of the demolition materials arising from steps (a) – (f) above from the Land
-

Annex to Appeal Decision - Corrected Plan A

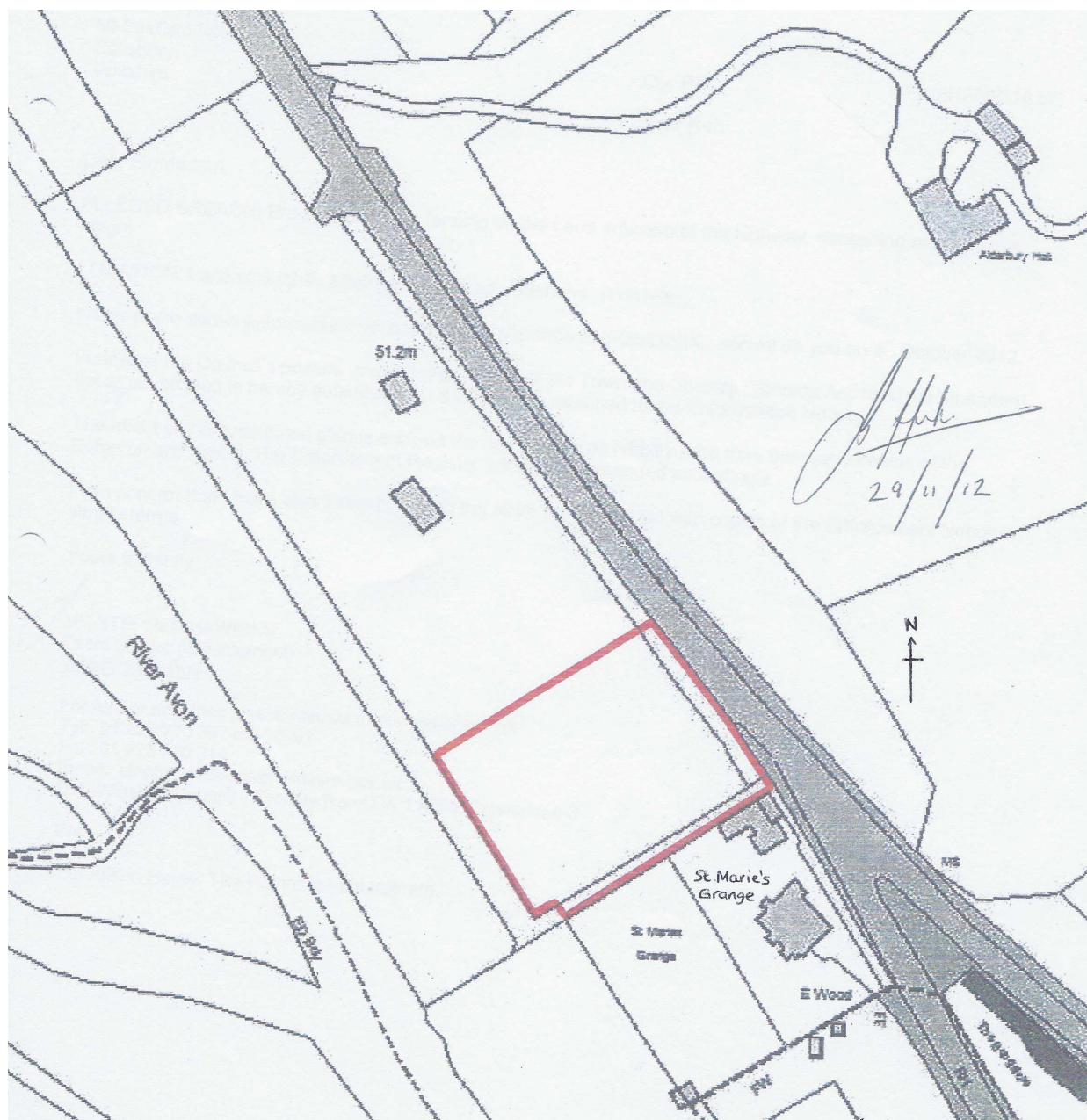
This is the plan referred to in my decision dated: 10.02.2014

by **D E Morden MRTPI**

Land at: Sunhill, off Southampton Road, Alderbury, SP5 3DG

Reference: APP/Y3940/C/12/2186944 and 2186945

Scale: Not to scale



Annex to Appeal Decision - Corrected Plan B

This is the plan referred to in my decision dated:10.02.2014

by **D E Morden MRTPI**

Land at: Sunhill, off Southampton Road, Alderbury, SP5 3DG

Reference: APP/Y3940/C/12/2186949 and 2186950

Scale: Not to scale

