



Appeal Decision

Hearing Held on 7 and 9 December 2021

Site visit made on 9 December 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/Y3940/W/19/3243471

The Paddock, Hook, Wilts., SN4 8EA.

- 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 C and Mrs L Richards against the decision of Wiltshire Council.
 - The application Ref. 18/11739/FUL, dated 6 December 2018, was refused by notice dated 11 September 2019.
 - The development proposed is the change of use of the land to a residential caravan site consisting of 4 No. pitches each containing 1 No. mobile home, 1 No. semi-detached utility building, car parking, access and childrens' play area.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the land to a residential caravan site consisting of 4 No. pitches each containing 1 No. mobile home, 1 No. semi-detached utility building, car parking, access and childrens' play area, at The Paddock, Hook, Wilts., SN4 8EA, in accordance with the terms of the application, Ref. 18/11739/FUL, dated 6 December, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - The accord with the development strategy;
 - The effect on the landscape character and appearance of the area;
 - The effect on the living conditions of the occupiers of neighbouring properties; and
 - the need and 5 year supply of gypsy and traveller sites in the area.

Reasons

Background

3. The appeal site comprises a paddock, partly surfaced with gravel, which lies on the eastern side of Hook, a small village located in countryside to the west of Swindon. The site is accessed by a driveway leading between the residential properties of Elm House and The Paddock (previously known as Slough House). There are also dwellings in the short cul-de-sac of Windsor Close to the south of the appeal site.

4. At the time of my visit there was a static mobile home to the rear of Slough House and 5 touring caravans. The static caravan is one of two residential mobile homes that were permitted by the Council in 2014 following appeal decision APP/Y3940/A/12/2187892. In that case the Inspector concluded that while the principle of two residential mobile homes was acceptable and accorded with local and national policy, the siting and orientation of the caravans proposed would cause material harm to the living conditions of the occupiers of Elm House and Willow House in terms of outlook and privacy. The Inspector noted that the appellant had the opportunity to amend the layout and overcome this issue with a revised planning application.
5. Although the appellants have a gypsy heritage and travel for work, at the moment they occupy the house (Slough House). Other members of the appellants' wider family group (sister, daughter and family; son and family; and nephew and family) occupy the touring caravans on the land. It is these family members that the current appeal proposal seeks to accommodate on four pitches on a permanent basis. The Council recognises that the appellants and the other family members mentioned meet the definition of 'gypsies and travellers' under Annex 1 of the Planning policy for traveller sites (PPTS).
6. At the hearing the local community mentioned that an application had been refused and an appeal dismissed for a proposal for some 15 houses on land including the appeal site but this decision was made some time ago when different national and local policies applied and so little weight can be given to this decision now.

Policy context

7. The relevant part of the development plan for the site is the Wiltshire Core Strategy adopted in 2015 (WCS). The Council is at the early stage of undertaking a Local Plan Review (previously called Core Strategy) but this is not scheduled to be adopted before Q1 of 2023 and therefore no weight can be placed on its provision at the moment. The Council continues to prepare a Gypsy and Traveller Development Plan Document (DPD) and this is scheduled in the Local Development Scheme to be adopted in late 2022, however, Mr Smith agreed at the Hearing this adoption date is likely to be delayed. The DPD will take account of a recent Gypsy/Traveller Accommodation Assessment (GTAA) which was published in October in 2020. In the appeal this will be considered in the fourth issue.

Accord with the development strategy

8. Under the WCS, Hook is defined as a small village which does not have a settlement boundary, therefore in planning policy terms is located in the countryside. Core Policy 2 indicates that outside of development limits new development will only be permitted where this is in accordance with other policies in the strategy. The relevant one for this appeal is Core Policy 47 which permits proposals to meet the needs of gypsies and travellers and which is subject to specific criteria. The Council accepts that the conflict is limited to parts (vi) and (viii) of the policy concerning whether there would be an unacceptable impact on the character and appearance of the landscape and the amenity of neighbours and whether sensitively designed to mitigate the impact on its surroundings. Moreover, part (viii) indicates that the proposal should be appropriate in scale and character to its surroundings. Core Policy 57 deals with design and place shaping and part (vii) is relevant to the appeal particularly regarding the effect on

neighbours. Both of these requirements in the development strategy will be assessed under the following main issues.

Effect on landscape character and appearance of the area

9. In order to consider the visual impact of the proposed residential caravan site at the part of the hearing held on site we visited the local viewpoints indicated on page 16 of Mr Wooding's Landscape Statement. I also considered the proposal from the garden of No.5 Windsor Close at the request of the occupiers.
10. From the public right of way (PRW) that runs to the south of Windsor Close the appeal site is well screened by the garden of the houses and landscaped gardens of the existing properties. Further east, around 'Viewpoint 4', the existing field hedge generally screens the appeal site and I agree with Mr Wooding's conclusion that from this area there would be an imperceptible change in character to the landscape.
11. In the landscape generally to the north of the appeal site, the PRW runs alongside the parish hall site and travels north-west towards the telecom mast on high ground. There is a substantial hedge along the boundary of the field with only limited views though short gaps in the hedge over the field to the south. From the apparent alignment of the PRW around 'Viewpoint 6' there is only a limited view of the appeal site. Nevertheless, from this point the proposed caravans and utility buildings would result in a moderate harmful visual effect on the landscape character of the area but this harm would be limited in the area affected.
12. However, the proposal needs to be considered in the context of the extensive landscaping proposals put forward in drawing BW/AM/H/L1R1. In this, the proposal to erect a 2.25m timber fence as a screen along part of the eastern northern, western and southern edges of the appeal site could in itself be a stark visual intrusion into the countryside landscape. Nevertheless, I am satisfied that the additional planting proposed on the outside of the fence would result in an affective visual screen of the proposed caravan site in about two/three years after planting. The implementation and maintenance of such planting can be conditioned. Moreover, I have to take into account the presence of an existing but lower fence along the northern boundary of the site and that clumps of existing trees and lines of hedges are shown to be retained. Overall I find that the proposal with its specific new landscaping would not have a harmful visual impact on the rural landscape character of the area as seen from the public realm.
13. In terms of the general character of the area, although Hook is mainly a linear settlement along the C414, there is some development in depth with residential cul-de-sacs on both sides of the road, comprising Windsor Close, Dianmere Close, Bolingbroke Close and Drury Close. Although a residential caravan site is proposed rather than 'bricks and mortar' housing, the form of the proposal is not inconsistent with the present pattern of the village and it is appropriate in scale and character with its surroundings. The proposal does not conflict with the relevant criteria in parts (vi) and (viii) of Core Policy 47.

The effect on living conditions

14. The Council's expressed objection is with the effect on the occupiers of Elm House adjacent to the site and on properties on the opposite side of the C414 while other objectors refer to the relationship with other properties.

15. The Council considers that the appellants' estimate of an additional 20 vehicle movements per day using the access (based on extended family group movements) would give rise to a harmful degree of noise and disturbance to the occupiers of the adjacent residential property. However, the predicted level of traffic movement would amount to less than two movements per hour in day light hours and that is not a significant level which would be likely to harm the residential amenity of these neighbours. The access to the appeal site via the existing property at The Paddock is hard surfaced rather than gravel and there is a high 2.2m fence along the party boundary with Elm House. This would contain much of the noise from the movement of vehicles and contain most of the beams from vehicle headlights. I have also considered the effect of headlights from additional vehicle movements on the occupiers of properties on the eastern side of the C414 opposite the access but the degree and position of this light source would not give rise to unacceptable conditions in the public realm of the centre of the village.
16. Turning to the relationship with other properties, the southern edge of the appeal site alongside Windsor Close contains a thick hedge. Although the species in the hedgerow appear to be mainly deciduous, even at this time of the year in mid-winter the hedge provides a tall and substantial screen of the appeal site. Moreover, where there are small gaps in the hedge the landscaping scheme proposes further planting.
17. Overall on this issue I find that the caravan site proposed would not have an unacceptable impact on the amenity of neighbouring properties nor harm the living conditions of the occupiers of these properties. There is no conflict with part (vi) of Core Policy 47 or part (vii) of Policy 57.

Need and supply of gypsy/traveller sites

18. When the planning application was considered by the Council in 2019 the Council concluded that there was an oversupply of gypsy and traveller pitches based on the GTAA (2014) and the planning permissions granted for such development. However, an updated GTAA was published in June 2020 and from this the Council agrees that there is an identified need for 76 pitches in the period 2019 - 2024. This need is not met by permissions or allocations and the Council accepts that at the moment it cannot demonstrate a five year supply of deliverable sites as required under Policy B of the PPTS. Moreover, the Council accepts that there is a specific need for four pitches for gypsies or travellers at the appeal site.
19. I acknowledge the concern expressed by local people at the hearing that the GTAA (2020) has not been 'tested' in the formal plan making process particularly as background evidence to the forthcoming Gypsy and Traveller DPD. As such they say it should be given little weight. However, the GTAA has been undertaken by a professional company who are well established in this field. Although the document has not been tested yet I have no reason to believe that it overstates the local need for sites and there is no other detailed evidence before me on this topic.
20. I find that there is a clear unmet need for gypsy and traveller accommodation locally, which is not likely to be rectified for some time through plan making, pending the DPD adoption and Local Plan Review, and this should be given considerable weight in favour of the appeal scheme.

Other matters

21. Although not an issue raised by the Council as planning or highway authority, there is a local objection to the proposal on the basis that the access to the site would not have adequate visibility. The access to The Paddock enters the highway where there is a 30 mph speed limit. Guidance in Manual for Streets (MfS) indicates that for such a road the standard stopping distance (as adjusted) should be 43m. At the site visit I asked the main parties to indicate this distance informally on each splay and I also drove out of the access onto the highway. From my observations I am satisfied that there is reasonable visibility at the existing entrance to meet this national standard for the additional traffic movements involved, and the proposal would not harm highway safety.
22. Concerns are also raised about drainage matters and the disposal of both surface water and foul water from the site and there is said to be problems of drain capacity and flooding in the village. The proposal is accompanied by a Drainage Strategy which, in summary, indicates that surface water would be attenuated on site through a SUDS storage scheme before being discharged into a watercourse. This would result in no increase in water entering the ditch from the impermeable surfaces proposed. In terms of foul drainage this would be discharged to the public sewer in Hook Road and this is acceptable to Wessex Water. Implementation of these schemes can be conditioned. On the evidence put to me I am satisfied that there is not a technical objection to the proposal on drainage grounds.
23. Finally, there is concern that the appellants have not complied with conditions imposed on the previous permission. The resolution or enforcement of conditions are matters for the Council, however, I note that potential enforcement action over the number of touring caravans occupied residentially at The Paddock is pending the result of this appeal.

Planning balance

24. On the main issues I have found that the proposed residential caravan site providing four pitches for gypsies or travellers would not be harmful to the local landscape character of the area provided that the proposed landscaping scheme is undertaken. Neither would the proposal result in harm to the living conditions of the occupiers of neighbouring residential properties. These findings mean that the development proposed meets the requirements of Core Strategy Policies 47 and 57. On this basis the proposal accords with the local strategy set out in Core Policy 2 for development in the countryside which is justified as an exception.
25. This accord with the development plan overall has to be balanced with other considerations.
26. I place considerable weight on the findings of the most recent GTAA which indicates that there is clear unmet need for gypsy and traveller sites locally, contrary to the requirements of the PPTS, and at the hearing no alternative sites were shown to be affordable, suitable and available.
27. Local representations have raised other matters including concern about highway safety, drainage concerns and general compliance with previous conditions, but these have not been shown to be determinative factors against the proposal.

28. Overall, I conclude that the objections raised do not outweigh the benefits of the development and the clear accord with the development plan, and this indicates that the appeal should be allowed.

Conditions

29. The Council recommends 14 conditions which I will consider under the same numbering. In addition to the standard condition on the commencement of the development (No.1) it is necessary in the interests of clarity to impose a condition to specify the plans that are approved (No.2) and the development must be undertaken in accordance with them in the interest of the appearance of the area. As the proposal has been put forward and considered in relation to the specific policy on development for gypsies and travellers it is essential that an occupancy condition (No.3) is imposed to this effect. The decision to allow the appeal takes account of the proposed landscaping of the site and it is necessary that this plan is properly implemented and that the planted stock is maintained and replaced where necessary. I will therefore impose condition No.4 to maintain the appearance of the area. There is a similar necessity to impose condition No.5 regarding the screen fence.
30. In relation to condition No.6 Mr Smith agreed at the hearing that there is no provision within the GPDO for 'permitted development rights' for the operational development referred to in the condition and that this condition should be deleted. Regarding No.7 the proposal is to enclose the site with a high screen fence and it is not necessary to control other means of enclosure within this space or along the access to the site. I will therefore not impose this condition.
31. The proposal is for use as a residential caravan site and it is necessary to limit the number of commercial vehicles that may be kept there and restrict other commercial activity in the interest of maintaining the residential character of the area around the site. I will therefore impose conditions No's 8 and 9. I have taken account of the scale of traffic movement to/from the site and its effect on neighbours. This is likely to be less than that of unrestricted occupation as an extended family group is proposed. I will therefore impose condition No.10. to ensure that the development proposed does not harm the living conditions of neighbours. Likewise, condition No. 11 is necessary to limit the scale of the use to that applied for and a more intensive use would be likely to have an adverse effect on the appearance of the area and the living conditions of neighbours.
32. Given the close proximity of the site to other residential properties I agree that the submission and implementation of an external lighting scheme is necessary (No. 12) to prevent light pollution and disturbance. It is also necessary to require the implementation and retention of the proposed drainage scheme (No.14) in order to avoid pollution and flooding. Finally, I will not impose condition No. 13 as it is in effect a duplication of No.11 and is unnecessary.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01551/5 Rev 1 - Proposed fencing; 01551/4 Rev 1 - Double amenity block; 01551/1 Rev 1 - Existing layout - Received 22/01/2019 01551/2 Rev 4 - Site development scheme - Received 14/06/2019 BW/AM/H/L1R1 - Landscaping plan - Received 15/07/2019 01551/3 Rev 2 - Static Van - Received 19/07/2019.
- 3) The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (DCLG, 2015).
- 4) All soft landscaping comprised in the approved details of landscaping shall be carried out prior to first occupation of any part of the development hereby permitted or with a programme to be agreed in writing with the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
- 5) The fences shown on the approved plans shall be erected prior to first occupation of any part of the development hereby permitted and shall be retained and maintained as such at all times thereafter.
- 6) No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted, and shall not exceed 3.5 tonnes in weight.
- 7) Except for the keeping of commercial vehicles as defined in condition 6, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.
- 8) Occupation and use of the mobile homes and touring caravans hereby permitted shall be limited solely to and by family members of the occupants of the property known as The Paddocks and their respective partners, children and dependents.
- 9) No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than four shall be a static caravan) shall be stationed on the site at any time. At no time shall the four touring caravans hereby permitted be used as permanent occupation.
- 10) No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light

GN01:2011", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

- 11) Prior to the occupation of any part of the development hereby approved, the drainage facilities for the foul and surface water disposal proposed in the Drainage Strategy (Cole Eadson Consultants – Issue 2 – June 2019) shall be provided and shall thereafter be retained and maintained as operational.

APPEARANCES

FOR THE APPELLANT:

Dr A G S Murdoch BA, PhD, MRTPI	Planning Consultant, Murdoch Planning Limited.
Mr B Wooding, Dip LA, CMLI	Landscape Architect, Wooding Associates.
Mr C and Mrs L Richards	Appellants.

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Smith MRTPI	Planning Consultant acting for Wiltshire Council, Director, Simply Planning Limited.
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INTERESTED PERSONS:

Mr and Mrs Snell	Neighbours
Mr Collis	Chairman, Lydiard Tregoz Parish Council
Mr Thomas	Observer to assist local parties

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Additional Statement of Common Ground, December 2021.
- 2 Copy of planning appeal decision APP/Y3940/A/12/2187892.

- End -