



Appeal Decisions

Hearing held and Site Visit made on 11 July 2023

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04/09/2023

Appeal A Ref: APP/Y3940/C/22/3299762

Land off Shop Lane, Wingfield, Wiltshire BA14 9LN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr T McGinley against an enforcement notice issued by Wiltshire Council.
- The notice, numbered ENF/2021/00892, was issued on 18 May 2022.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised material change of use of the land from agriculture to a mixed use consisting of the siting and residential occupation of caravans as well as the storage of caravans and portacabin together with operational development to facilitate the unauthorised use of land, namely the laying out of a hard-standing area and the creation of hardcore gravel access track.
- The requirements of the notice are:
 - a) Permanently cease the occupation of the Land for all residential purposes.
 - b) Permanently remove all the caravans from the Land.
 - c) Permanently remove the porta-cabin from the Land.
 - d) Permanently removal all ancillary residential items and paraphernalia which facilitate the unauthorised used of the Land, including but not limited to portable toilet, septic and waste water tanks and gas cylinders.
 - e) Permanently remove from the Land all vehicles, plant and machinery ancillary to the unauthorised use of the Land.
 - f) Permanently remove from the Land all materials used to create the unauthorised hard-standing area and hard-core track.
 - g) Reinstate the excavated areas of the Land to the original form and levels using top-soil and re-seed that part of the Land with a native grass seed mix.
- The period for compliance with the requirements is 9 months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.

Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Appeal B Ref: APP/Y3940/W/22/3293386

Land off Shop Lane, Wingfield, TROWBRIDGE BA14 9LN

- 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 T McGinley against the decision of Wiltshire Council.
- The application Ref PL/2021/08565, dated 5 September 2021, was refused by notice dated 18 January 2022.
- The development proposed is a change of use to private Gypsy site for 1 pitch to consist of a mobile home, touring caravan and day room.

Summary of Decision: The appeal is allowed and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. A letter from The Mead Community Primary School dated 10 July 2023 confirms the educational position of two of the appellant's children. This letter is from an independent organisation and contains matters of fact. The Council raised no objection to the letter. Furthermore, my acceptance of it caused no injustice to the Council's case nor did it affect matters raised by interested parties.
2. Mr Madden, acting for some interested parties, asked to hand up a document containing photographs of the development's alleged effects beyond the boundaries of the Land. Dr Ruston raised objection to the submission of this document due to the extent of its content, the time period over which the content had been gathered, the need for him to have detailed discussions with the appellant and to see the areas of land allegedly affected before being able to provide an informed response. While I did not see the document, I found Dr Ruston's concerns realistic, which would potentially prejudice the appellant's case. Mr Madden's document was turned away.
3. Due to the nature of the appellant's personal circumstances, this matter was discussed in a closed session.

Appeal A:

Matters Concerning the Enforcement Notice

4. In section 5 (d) of the enforcement notice (Notice), there are several typographical errors. The appellant and Council agreed that my correction of these errors would cause no injustice. Step (d) will be corrected to read *'Permanently remove all ancillary residential items and paraphernalia which facilitate the unauthorised use of the Land, including but not limited to portable toilet, septic and waste water tanks and gas cylinders.'*

The Ground (g) Appeal

5. An appeal on this ground is that the period for compliance falls short of what should reasonably be allowed. The appellant is seeking an extension of the period from 9 months stated in the Notice to 12 months, based on the appellant's personal circumstances. Those personal circumstances include, but are not limited to, the needs of the children, the health needs of the applicant and the need to be able to find a suitable alternative site in order to prevent a return to a roadside existence.
6. There is no doubt that the appellant's development of the land occurred over a relatively short time frame. This was however in response to a lack of any other suitable alternative option. I therefore need to balance the public interest in the Notice being complied with expeditiously against the private interests bound up in the development.
7. In this regard I am keen to ensure that the appellant should be given the most reasonable opportunity to find an alternative solution, in the context of the identified harm. I consider that extending the compliance period to 12 months would amount to the optimal position.

Conclusion on Appeal A

8. For the reasons given above, I conclude that the period for compliance with the Notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Appeal B:

Main Issues

9. This appeal does not seek to regularise all of the development identified in the allegation contained in the Notice, nor does it relate to all the development that has been carried out. As the development already carried out is unlawful, it has limited bearing on the matter before me for consideration, which is the proposed change of use to a private Gypsy site for 1 pitch, to consist of a mobile home, touring caravan and day room. Therefore, the main issues are:
- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on openness of the Green Belt;
 - The effect of the proposal on biodiversity, in particular the Bath and Bradford on Avon Bat Special Area of Conservation;
 - The effect of the proposal on the character and appearance of the locality; and
 - Whether any harm by reason of inappropriateness, and any other harms, would be outweighed by other considerations, so as to amount to very special circumstances required to justify the proposal.
10. It is a matter of common ground that the appellant meets the definition of Gypsies and Travellers in the Planning Policy for Traveller Sites (PPTS). Based on the evidential history provided, I see no reason to disagree and will proceed on that basis.

Reasons

Development in the Green Belt

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping it permanently open; the essential characteristics of Green Belts are their openness and their permanence. The development encroaches into the countryside, causing urban sprawl. It therefore conflicts with Green Belt purposes.
12. The Development Plan does not contain a specific Green Belt policy, the Council therefore rely on the National Planning Policy Framework 2021 (the Framework). Paragraphs 149 and 150 of the Framework set out the forms of development that are not inappropriate in the Green Belt. The proposal does not fall specifically within any of the forms of development identified in those paragraphs. Furthermore, the PPTS, at Policy E: Traveller sites in the Green Belt, confirms that Traveller sites, whether permanent or temporary, in the Green Belt are inappropriate development.

13. Paragraph 147 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). Paragraph 148 goes on to confirm that substantial weight will be afforded to any harm to the Green Belt. Furthermore, VSC will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Policy E of the PPTS also confirms that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
14. The appellant and Council agree that the proposal is for inappropriate development in the Green Belt and, having regard to the above, I see no reason to disagree.

Effect on openness

15. The assessment of impact on openness is about considering the presence of the development in the context of national policy, which seeks to keep Green Belt land permanently open, thus avoiding urban sprawl. This specific assessment is not about the quality of the development or its effect on the character and appearance of the area. The Court of Appeal has confirmed that the openness of the Green Belt has spatial and visual aspects¹.
16. The site contains a timber shed adjacent to the northern site boundary. This shed pre-dates the appellant's purchase of the site and local residents confirmed at the Hearing that it had been on the land 'forever'. Without the Gypsy site use, the land would otherwise be open. In spatial terms, the stationing of a mobile home, touring caravan and erection of a day room shown on the proposed site layout plan (drawing number: 21144/02), along with the associated hard surfacing, vehicles and domestic paraphernalia, inevitably takes up space in what is predominantly open land. The proposal would reduce spatial openness, but the reduction would be relatively small in the overall Green Belt context, the harm arising would therefore be limited.
17. Openness also has a visual element. The site is located off the end of a no through road, although a public right of way runs through and alongside parts of the site and another joins it just beyond the site and runs off in an almost perpendicular direction. The site has dense vegetation to three sides, with the fourth being defined by a low post and wire fence. Similarly, the access track has dense vegetation along part of the length of the southern boundary and low post and wire fencing to the rest of its length and all of the northern boundary.
18. With the exception of the access track, the proposed compound accommodating the mobile home, touring caravan and day room would be located in the north-eastern part of the site, which is screened from Shop Lane and the properties located off it by the heavy vegetation on the site boundaries. The remaining part of the site would be left as open grassland. Walkers would have short range views of the proposed development and of vehicles using the access track. Longer range views of the tops of caravans and vehicles would be available from Pomeroy Lane. The development would therefore cause very limited harm to visual openness.

¹ *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466

Other considerations:

Biodiversity

19. Since the Council's refusal of planning permission, Co-ecology Ltd has carried out bat surveys and prepared an Assessment document relating to the development's effect primarily on the Bath and Bradford on Avon Bat Special Area of Conservation. This document confirms that surveys were carried out in April, May and September 2022, which I acknowledge is after the unauthorised development being enforced against had occurred. The Assessment confirms that the unauthorised development has had a negligible effect on the habitat of protected species and that mitigation measures can be secured to address it and deliver net gain.
20. Interested parties claim the site was used by birds, such as owls, and invertebrates, such as moths and butterflies. Their claims the development has resulted in the loss of habitat for such wildlife are however unsubstantiated. Furthermore, the developed part of the site would leave a significant parcel of land open for use by feeding birds and invertebrates. Given the presence of surrounding open fields and retained hedgerows in conjunction with proposed additional hedging, any effect of the development on such wildlife would be negligible.
21. Based on the information now available, the Council confirmed the biodiversity reason for refusal could be addressed by condition and as any negligible effects would be addressed through mitigation, an Appropriate Assessment would not need to be undertaken.
22. I find the Assessment provided by Co-ecology Ltd to be adequate for assessing the effects of the proposal. There is no evidence to suggest that the development is likely to have a significant effect on a European site, alone or in combination with other plans or projects. As such, I concur there is no need for an appropriate assessment to be carried out.
23. For the above reasons, the proposal accords with policy 50 of the Wiltshire Core Strategy (2015) (WCS), which seeks amongst other things to protect and enhance sensitive wildlife species and habitats throughout the lifetime of the development.

Character and Appearance

24. A description of the site and its immediate setting is set out in paragraphs 17 and 18. The village is accessed from Frome Road (B3109) and is characterised by predominantly residential development located off a series of lanes, including Shop Lane, Pomeroy Lane, Church Lane and Chapel Lane. Except for Church Lane, development along the lanes is one sided, surrounded by open fields interspersed with hedgerows and mature trees.
25. Development along Shop Lane is located along the same side as the appeal site. Dwellings are separated from one another by gardens and hedgerow boundaries. The appeal development would conform to the established character of development along Shop Lane and therefore the wider village. The proposed layout of the site is such that the mobile home, caravan, dayroom and associated vehicles would be screened by established and proposed boundary treatment.

26. For this reason, the development accords with policy 47(vi) of the WCS, which seeks to preserve the character and appearance of the landscape through sensitively designed developments.

Intentional Unauthorised Development

27. In accordance with government policy, 'Intentional unauthorised development' (IUD) is a material consideration to be weighed in the determination of planning applications. The appellant does not dispute that they occupied the site in advance of securing planning permission.
28. I have been provided with copies of injunctions demonstrating the appellant's unauthorised occupation of private land throughout the period July 2021 to September 2021. The application to which this appeal relates was submitted in September 2021. The planning application was refused on 18 January 2022, with this appeal being made on 20 February 2022. Before and throughout this period the appellant and his family had a roadside existence, latterly being confirmed by the Council as occupying a roadside position at Mill Lane, Heywood. The Council email of 11 January 2022 also confirms that unsuccessful attempts have been made to secure a residential pitch on council owned sites, and that situation is unlikely to change. Given these circumstances, I find it more than likely that the appellant and his family moving on to the appeal site in late March/early April 2022 was an inevitable outcome.
29. Part of the underlying rationale for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of the development through the use of planning conditions. The refusal of planning permission had not been appealed prior to moving on to the site. However, it is not an unrealistic expectation that the subsequently submitted appeal could succeed, providing an opportunity to impose conditions to mitigate the impact of the development. I am also mindful that the 1990 Act as amended makes provision for a grant of retrospective planning permission, and planning enforcement is remedial rather than punitive. The harm arising from IUD is therefore limited.

Pedestrian Safety

30. The public rights of way that run through and adjacent to the site have not been compromised. They remain open and accessible to all. I note the concerns about dogs running loose and anti-social behaviour, but I have limited details of incidents and/or subsequent complaints. I appreciate these matters can be concerning but refusing planning permission is not the only solution to remedy such concerns. In this context, pedestrian safety concerns attract very limited weight.

Settled Community

31. Wingfield is a modest settlement, spread out along several lanes. Available services include a school, a public house and several businesses. The small-scale nature of the development respects the scale of and does not dominate the settled community, nor does it place undue pressure on local infrastructure. Along Shop Lane residential developments are predominantly detached properties with landscaped gaps between. The appeal site is located at the end of a no through road and a paddock and heavily landscaped boundaries separate it from the nearest dwelling. The development is therefore

appropriate to the scale and character of its surroundings and the settlement as a whole.

32. The unauthorised occupation of the site by multiple households could however feel domineering to nearby residential occupiers and lead to a fear of crime. The appeal proposal is however for a single household, which could be secured by condition. There is no evidence before me linking the site occupiers with criminal activity. Taking these factors together, I find there is no conflict with policy 47(viii) of the WCS.

Flooding

33. The site is not located within a zone where flooding concerns would be a barrier to development. The imposition of an appropriately worded condition would ensure that surface water drainage and potential run-off from the site does not cause flooding elsewhere.

Need for and supply of Gypsy and Traveller pitches

34. Policy 47 of the WCS required the provision of at least 66 permanent pitches during the period 2011- 2016 and there is nothing before me to show that such provision was met. Policy 47 goes on to require the provision for 42 permanent pitches over the period 2016-2021. The supporting text confirms that at the time of the local plan examination, the Council did not have a 5-year supply of traveller sites. The WCS gave a commitment to producing a Gypsy and Traveller Development Plan Document (GTDPD), which it claims would ensure compliance with national policy. The GTDPD is at a very early stage and to date no site allocations have been made to address the need identified in the WCS.
35. The Gypsy and Traveller Annual Assessment published in 2022 (GTAA 2022) forms the most up to date accommodation need of the travelling community in Wiltshire. The 2022 GTAA identifies a need for 79 pitches over the period 2022 – 2027. Within the 2022 GTAA, the appellant is identified as needing 1 pitch as the appeal site is unauthorised.
36. The Council confirms it has not allocated any Gypsy and Traveller sites in any development plan document. Furthermore, no sites have been identified through any call for sites exercise, which in turn has delayed the production of the GTDPD. While the Council is considering the release of land in its ownership, this would only be progressed as part of the emerging GTDPD. The Council concede they do not have a 5-year supply of land to meet identified need.
37. National planning policy requires local planning authorities to take account of their duty under the 1968 Act to make adequate provision for Gypsies and Travellers residing or resorting to their areas. The evidence before me fails to show how the Council has made adequate provision to meet the needs of Gypsies and Travellers despite national policy documents² requiring such provision for more than 29 years. The Council conceded at the hearing that they have failed to deliver sites via the development plan process, and it is unlikely that such provision would be delivered in the near future. For these reasons, I find there has been a woeful failure of planning policy.

² Circular 1/94 Gypsy Sites and Planning, Circular 1/06 Planning for Gypsy and Traveller Caravan Sites, PPTS 2012 and PPTS 2015

Alternative sites

38. There are no allocated sites and the Council confirmed there is a waiting list for local authority managed sites. Neither the Council nor the appellant has knowledge of vacancies at private sites. The appellant stayed on a private site during the Covid pandemic, however that site was restricted to 5 pitches and their presence was in breach of imposed planning conditions. The availability of bricks and mortar accommodation does not represent an appropriate alternative as it does not facilitate the nomadic habit of the appellant and his family.
39. The Council has long term knowledge of the appellant's roadside existence. They have helped the appellant try to find suitable alternative accommodation, without success. They have also confirmed they expect the appellant to have to return to a roadside existence if this appeal is unsuccessful. Taking all these points together I conclude there are no immediately available suitable alternative sites which could accommodate the proposed development.

Personal circumstances

40. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic wellbeing of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
41. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.
42. The site is occupied by the appellant, his wife and their 5 children, who range from 9 to 19 years of age. It has been established above that there are no alternative pitches available in the district, and if this household had to leave this site, they would be homeless. Dismissing this appeal would therefore deprive them of their home.
43. It was brought to my attention that 3 of the residents on the site have medical conditions requiring ongoing treatment. Evidence provided by Trowbridge Health Centre confirms the appellant's condition and the fact that he requires access to a permanent electricity supply to continue effective treatment. This would be lost if he had to move from the site. Evidence relating to the other 2 residents' health conditions is provided, but these do not show a specific need to remain at the site. Written confirmation was also provided that the appellant's 2 youngest children attend and have settled in well at The Mead School (Wingfield site).

44. The Council were not persuaded as to the severity of the personal circumstances claimed by the site occupiers. Notwithstanding this it seems to me that if the appeal was unsuccessful, it would take away a settled base for this household. Furthermore, there can be no doubt that they would have to return to living on the roadside, in view of the acknowledged lack of alternatives. This would likely mean disruption to the children's educational provision and other residents' ongoing health care provision. These factors weigh positively in favour of the development.

The Green Belt Balance

45. National planning policy attaches great importance to Green Belts. When considering any planning application, substantial weight should be given to any harm to the Green Belt. The proposed development is inappropriate in the Green Belt. In addition, the residential use and associated structures would cause a loss of openness and encroachment into the countryside, therefore harm to the purpose of including land in the Green Belt, albeit that I consider the degree of harm in spatial and visual terms to be limited. The appellant's occupation of the land in advance of planning permission being granted (intentional unauthorised development) attracts very limited weight. Pedestrian safety concerns also attract very limited weight.
46. I have found that the development would not, subject to the imposition of conditions, result in harm to biodiversity, the character and appearance of the area or the settled community and would not cause flooding elsewhere. These absences of harm are neutral in the planning balance and do not weigh in favour of the appeal.
47. The need for and lack of supply of sites for Gypsy and Travellers, the lack of suitable alternative sites along with the woeful failure of policy all weigh in favour of the development. The PPTS indicates that in Green Belt locations these factors should not amount to the significant material consideration they would otherwise do in a less strictly controlled area, when considering applications for the grant of temporary planning permission. The PPTS also states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish VSC.
48. However, an unlikely scenario is distinguishable from one that may never occur. Indeed, it seems to me that the Council's undisputed need for and lack of supply of sites for Gypsy and Travellers, the lack of suitable alternative sites along with the woeful failure of policy collectively attract significant weight. This leads me to conclude that such an exception to the probable position, as set out in the PPTS, would be justified in this case.
49. Personal circumstances including the appellant's medical need attracts significant weight, while other adult occupiers' medical needs attract moderate weight. Furthermore, the needs their child dependants are a primary consideration, which attracts the same substantial weight as that arising from inappropriateness in Green Belt.
50. I have balanced the harm to the Green Belt and any other harm against the factors which weigh in favour of the development. Having regard to the PPTS, I find that they clearly outweigh the harm identified. The very special circumstances necessary to justify the development have therefore been

demonstrated. Consequently, the proposal accords with the strategy for the protection of Green Belt land as set out in the Framework.

Conditions

51. I have considered the conditions suggested by the Council, which were discussed with the parties at the Hearing. In light of my reasoning, the occupancy of the site should be restricted to Mr Thomas and Mrs Rosemary McGinley, their adult children, Miss Whitney McGinley and Mr Terrance McGinley, and their dependent children.
52. An approved plans condition is necessary to define the extent of the planning permission. A condition limiting the number of pitches and caravans stationed is needed in order to protect the character and appearance of the area. Conditions limiting the size of vehicles parked and preventing commercial activity on the site are required in the interests of helping to safeguard the character and appearance of the area and the living conditions of residents.
53. A condition concerning the site layout, boundary treatments, drainage details, external lighting arrangements and soft landscaping works, including their replacement, if necessary, is required in order to help safeguard the character and appearance of the area and the living conditions of the site occupiers. A condition to secure the implementation of the bat habitat enhancement measures is also required, in the interests of biodiversity net gain.

Conclusion on Appeal B

54. For the reasons given above, I conclude that the appeal succeeds.

Formal Decisions

Appeal A

55. It is directed that the enforcement notice is varied by:

In section 5. WHAT YOU ARE REQUIRED TO DO step (d), delete all the words and substitute the words 'Permanently remove all ancillary residential items and paraphernalia which facilitate the unauthorised use of the Land, including but not limited to portable toilet, septic and waste water tanks and gas cylinders.'

In section 6. TIME FOR COMPLIANCE, delete '9 months' and substitute '12 months'.

56. Subject to the variations, the appeal is dismissed, and the enforcement notice is upheld.

Appeal B

57. The appeal is allowed and planning permission is granted for change of use to private Gypsy site for 1 pitch to consist of a mobile home, touring caravan and day room at Land off Shop Lane, Trowbridge BA14 9LN in accordance with the terms of the application, Ref PL/2021/08565, dated 21 September 2021, and the plans submitted with it, subject to the conditions set out in the attached Schedule of Conditions.

M Madge
INSPECTOR

SCHEDULE OF CONDITIONS

- (i) The development hereby permitted shall be carried out in accordance with the approved plans:
Site location plan scale 1:2500 drg no. TM21-SLP
Proposed site layout scale 1:500 drg no. 21144/02
Proposed dayroom plans and elevation scale 1:50/1:100 drg no. 21144/03
Site survey scale 1:500 drg no. 21144/01
- (ii) The site shall be occupied solely by Mr Thomas and Mrs Rosemary McGinley, their daughter Whitney, their son Terrance, and their dependent children.
- (iii) When the premises cease to be occupied by Mr Thomas and Mrs Rosemary McGinley, their daughter Whitney, their son Terrance and their dependent children, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.
- (iv) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one shall be a static caravan) shall be stationed on the site at any one time.
- (v) No commercial activities shall take place on the land, including the storage of materials used in connection with any business operated by the occupiers of the site.
- (vi) No vehicle over 3.5 tonnes 'gross unladen' weight shall be stationed, parked or stored on the site.
- (vii) Within 3 months of the date of this decision a scheme for the development of the site shall be submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The scheme shall include:
 - a) Details of foul and surface water disposal;
 - b) Details of all hard and soft landscaping including details of all new tree, hedge and shrub planting and all hard and soft surfacing materials; and
 - c) Details of all external lighting.The development shall be implemented in accordance with the approved scheme.
- (viii) The enhancement measures detailed in section 6 paragraph 6.5 of the approved report 'Bat Surveys and Assessment' by Co-ecology Ltd dated December 2022 shall be carried out in the first planting and seeding season following the grant of planning permission.
- (ix) All soft landscaping comprised in the enhancement measures and the approved details of landscaping shall be carried out in the first planting and seeding season following the grant of planning permission. All trees, hedge planting and shrubs 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.

APPEARANCES

FOR THE APPELLANT:

Dr Simon Ruston Ruston Planning Ltd

Mr T McGinley Appellant

Mrs R McGinley Appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Sims Senior Planning Officer, Wiltshire Council

Mr S Williams Enforcement Team Leader, Wiltshire Council

Mr H Totz Senior Planning Officer, Wiltshire Council

INTERESTED PARTIES:

Cllr J Kidney Wiltshire Council

Mr S Jenkins Wingfield Parish Council

Mr A Madden Thrings Solicitors

Ms H Geldart Local resident

Mr A Mines Local resident

Mr D Robinson Local resident

Ms K Hatfield Local resident

Mr J Clark Local resident

Ms A Harrison Local resident

Mr P Lawson Local resident

Mr J Geldart Local resident

Ms G Williams Local resident

Mr L Pratt Local resident

Mr A Wharton Local resident

Mr M Stillwell Local resident

Ms J Brown Local resident

Ms D Willis Local resident

DOCUMENTS

HD1 Letter dated 10 July 2023 from The Mead Community Primary School

HD2 Signed and dated Statement of Common Ground