



Appeal Decision

Hearing held on 25 April 2023 and 6 September 2023

Site visit made on 24 and 25 April 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/Y3940/W/22/3312704

Land at Grittenham, Chippenham SN15 4JY

- 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 Bowers against the decision of Wiltshire Council.
 - The application Ref PL/2021/04055, dated 16 April 2021, was refused by notice dated 8 June 2022.
 - The development proposed is the change of use of land to private Gypsy site and 2 no stables.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Bowers against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. During the appeal the appellant submitted amended plans. These sought to address the Council's concerns about harm to character and appearance. The amendments included replacing two separate day rooms and stable blocks with a single combined stable block and day room for each pitch and alterations to the layout of the pitches and additional landscaping.
4. These amended plans are the same as those for a revised planning application still under consideration by the Council. They have been the subject of public consultation. For this reason, I accepted the amended plans and I have determined the appeal based on these.
5. Matters in respect of noise did not form a reason for refusal and the Council's public protection officer raised no objections arising from the proximity of the site to the M4 motorway. However, at the Hearing, the Council raised a concern about what the height of an acoustic fence would need to be to secure satisfactory living conditions for future occupants and the implications of this on the character and appearance of the area. The appellant was given the opportunity to respond to this and the Hearing was adjourned to enable work around acoustic mitigation to take place. A noise assessment¹ setting out the proposed mitigation was subsequently submitted by the appellant.

¹ LFAcoustics – Noise Assessment, Land at Grittenham, Chippenham SN15 4JF, June 2023

6. Whilst not a reason for refusal, the Council was concerned as to whether the proposed mitigation would be effective in respect of whether it would secure satisfactory living conditions for future occupants. I have therefore gone on to consider the noise implications of the scheme in terms of both the visual impact of any acoustic fencing and the future living conditions on the site. This is covered in my main issues below.
7. In addition, both the visibility splay for the access and the ecological assessment were updated² to reflect the revised site layout and proposed landscaping. I have proceeded on the basis of these revisions.
8. The appeal site lies within the setting of two Grade II listed buildings, Goddard's Farmhouse and Old Farmhouse, referred to in the appeal documentation as the 'Old Farm'. The Council did not refuse the application based on harm to these heritage assets. However, in its statement of case, it set out that there would be harm to the listed buildings. Concerns were also raised by local residents in regard to this. This was discussed at the Hearing. Taking all this into account and my statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have considered this within my assessment below.

Main Issues

9. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would preserve the setting of nearby Grade II listed buildings;
 - whether the proposal would provide satisfactory living conditions for future occupants, with regard to noise and disturbance;
 - whether the appeal site is a suitable location for the proposed development, having regard to the effect of the proposed additional Gypsy/traveller site, in combination with existing sites, on the settled community;
 - whether the appeal site is in a suitable location for the proposed development, having regard to access to services and facilities; and
 - whether there are any material considerations which mean that the decision should be made otherwise than in accordance with the development plan.

Reasons

Character and appearance

10. The appeal site forms part of an open field. It lies within a flat and open landscape, characterised by a mix of both arable and pastoral fields defined by native field boundary/roadside hedgerows and associated hedgerow trees. There is some limited and dispersed development close to the site including to its south-west, the Old Farm and to its east, Goddard's Farmhouse which lies

² An Updated Preliminary Ecological Assessment & Mitigation strategy for Land at Grittenham, 10 July 2023

beyond an open field. Beyond the Old Farm, there is a single gypsy / traveller pitch which has not yet been brought into use but for which planning permission³ has been granted. This dispersed pattern of development set within a strongly rural landscape is a key feature of the area.

11. The appeal site, which has been used for grazing horses, contributes to the rural and open character of the area. It is enclosed by hedgerows to its southern boundary with Sodom Lane but otherwise open as it forms part of a larger field in the appellant's ownership. A public bridleway runs along the eastern edge of the field, separated from the adjacent field by hedgerows and trees with Goddard's Farmhouse beyond. It runs directly to the east of the appeal site. The M4 motorway lies immediately to the north of the field but is not visually prominent. The noise of the motorway pervades the surrounding area.
12. The proposal would enclose the appeal site which forms a rectangular area within the south-eastern corner of the field. Two L-shaped outbuildings, each providing stabling and a day room for each of the pitches would be positioned along the northern site boundary and two static caravans would be set towards the front of the site. Landscaping and an acoustic fence would partially enclose the site. The noise assessment determined that the fence would be 1.8m high.
13. Notwithstanding the conclusions of this report, the appellant's acoustic consultant conceded at the Hearing that in order for appropriate noise levels to be achieved on the site, a fence of around 4m high on each of the boundaries would probably be required. The Council considered a more flexible approach could be adopted but nevertheless a taller fence than that proposed would be needed. In view of this, it seems to me that a fence of 1.8m would be inadequate and a taller one would be necessary.
14. At 1.8m high, the fence would be visually intrusive and an urbanising feature where it would enclose a section of the field, this would become increasingly more so with any addition to that height. This would give rise to harmful impacts in terms of the open and rural character and appearance of the area.
15. Woodland planting comprising trees and understorey species to match those already present on the site and of local provenance, is proposed between the acoustic fence and the adjacent land outside the site. This is intended to limit harmful visual effects and compensate for the loss of a section of hedgerow removed to form a new access along Sodom Lane. However, this would take some time to become established and could not be relied on in perpetuity to screen the fence from view. Furthermore, the site is not characterised by trees and this level of clustered tree planting could appear somewhat anomalous within this open landscape.
16. The driveway into the site would be hard surfaced with 'quarry dust'. The static caravan positioned in the south-western corner of the site would also be close the retained boundary hedgerow along the lane and only partially screened by the woodland planting. It would be visible from the road, particularly when vegetation is more sparse during winter months. The siting of two caravans, fencing, the new access and driveway, the stable / dayroom buildings and other domestic paraphernalia would have an urbanising effect on the site. This would be harmful to the rural character of the area.

³ Council Ref: 20/05488/FUL

17. The harm arising would be visible from the public highway and the bridleway, both where it immediately adjoins the site as well as in more distant views looking south from where the bridleway continues over the motorway. The appellant's landscape consultant concluded that it would have a substantial adverse impact from these areas. Whilst landscaping proposals would help to soften and screen the proposal over time, this would not mitigate the harmful effect that would arise.
18. There is limited development within the wider area and where it exists it is characterised as dispersed farmsteads or small clusters of houses and other rural uses. The appeal proposal, cumulatively with the two farmhouses either side and the approved gypsy pitch to the south, would create a small cluster of development along the lane. The scale of the proposal in combination with these nearby sites would not result in an uncharacteristically large cluster of development, particularly as the consented gypsy site and Old Farm are both relatively well screened from the road. This would not however make the urbanisation of the site acceptable for the reasons I have already set out.
19. I appreciate that gypsy and traveller sites are a common sight in the countryside and not intrinsically discordant features, a point that has been made in other appeal decisions⁴ to which I have been referred. However, in this case the appeal site is set within a relatively open landscape, the development would be visible from various public viewpoints with urbanising features including hardstanding and high fencing, which would cause a loss of the openness and detract from the rural character of the area.
20. The day room/stable blocks would be clad in timber boards, stained black with red roof tiles. In this regard, they would be reflective of the materials used in Goddard's Farmhouse as well as appearing akin to other rural and outbuildings within the locality. However, they would be viewed in the context of acoustic fencing, two static caravans and hard surfacing. In combination, the proposal would fail to integrate with the rural landscape within which it would lie.
21. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies 47 (vi) and, in part, (viii), 51 (ii) and (vi) and 57 (i), (ii), (vi) and (xii) of the Wiltshire Core Strategy 2015 (the CS), paragraph 25 of Planning policy for traveller sites 2015 (the PPTS) and paragraph 174 of the National Planning Policy Framework (the Framework). Together and amongst other things, these strictly limit new traveller site development in open countryside and require proposals to recognise the intrinsic character and beauty of the countryside, to not have an unacceptable impact on the character and appearance of the landscape, taking into account the locally distinctive character of settlements and their landscape setting, visual amenity and to retain important landscape features.

Listed buildings

22. Both the Old Farm and Goddard's Farmhouse are Grade II listed buildings. These are farmhouses which are experienced within a rural setting, the appeal site as an open field contributes to that setting. As I have found in my reasoning above, the proposal would increase the amount of development within the open countryside and harm to the rural character of the area. Whilst

⁴ APP/G1630/W/17/3192162 – Brookside Stables and APP/R3705/W/18/3199149 – The Caravan Site, Highfield Lane

there is boundary vegetation between the appeal site and both these listed buildings, there would nevertheless be some loss of the rural setting which contributes to their significance.

23. Consequently, I find that the proposal would fail to preserve the settings of the listed buildings. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the listed buildings in accordance with the Act which requires that special regard must be given to the desirability of preserving a listed building or its setting.
24. The harm the proposal would cause to the significance of the listed buildings would be less than substantial and a low level of harm. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. I return to this in my heritage balance below.

Living conditions

25. Future occupants of the proposed development would be subject to continuous noise from the motorway which would be harmful to their living conditions. In order to avoid any such harm the scheme has been designed with the caravans sited towards the southern part of the site with the stable building/day rooms in the intervening space supplemented by the proposed 1.8m high acoustic fence.
26. The submitted drawings indicate there would be gaps within the acoustic fencing along the northern boundary. It is not clear if the submitted noise assessment has fully considered these as the 'calculated noise levels' indicate no difference between where the acoustic fence is proposed and where these gaps would occur.
27. Guidance set out within *BS8233:2014 Guidance on sound insulation and noise reduction for buildings* (BS8233) states that indoor ambient noise levels for dwellings during the daytime should be 35dB $L_{Aeq,16hour}$ when resting within a living room or bedroom and 40dB $L_{Aeq,16hour}$ when dining in a dining area. At night, ambient noise levels in bedrooms should be 30dB $L_{Aeq,8hour}$.
28. The acoustic report concluded that ambient internal noise levels within the mobile homes would be marginally below the recommended levels, they would, however, be reliant on windows being closed. Ventilation would be provided within the mobile homes, which I am told would also meet the requirement set out in *BS3632:2015 Residential park homes* in terms of insulation and double glazing.
29. Relying on closed windows and ventilation would not provide a satisfactory living environment for long term use, including through lack of access to fresh air. There would also be a risk of condensation build-up or potential overheating within the mobile homes. No evidence has been provided to demonstrate this would not be a risk.
30. BS8233 sets out that for external areas used for amenity space, it is desirable that the external noise level does not exceed 50dB $L_{Aeq,T}$ with an upper guideline value of 55dB $L_{Aeq,T}$ which would be acceptable in noisier environments.

31. The external amenity areas shown on the plans, which comprise a paved area outside the mobile homes, would experience noise levels over 60dB $L_{Aeq,T}$ during the daytime. This would be some 10dB above the recommended level and 5dB above the upper guideline value. This would not provide a satisfactory environment and future occupants would likely find the noise levels to be a serious annoyance, based on *World Health Organisation Guidelines on Community Noise*.
32. As an alternative, the appellant has proposed the use of the space outside the stable block/day room buildings. This space would experience noise only marginally above the upper guideline value. However, the space would be directly to the front of the stable doors where access would be required for horses and there would be practical issues associated with this which would make the use of this space.
33. BS8233 recognises that the guideline values are not achievable in all circumstances where development might be desirable. In noisier areas, it explains that a compromise between elevated noise and other factors, such as the convenience of living in the location or making efficient use of land, might warrant a relaxation.
34. It is not uncommon for gypsy and traveller sites to be located close to roads or other transport routes. However, in this instance there is no compelling evidence before me to suggest that this site is a desirable location for such development and I find no justification for any relaxation in the application of the guideline values for noise levels.
35. Drawing together my findings, the proposal, including the acoustic fence as proposed, would not provide satisfactory external amenity space and in order to achieve internal space with appropriate ambient noise levels, occupants would need to keep their windows closed. This would lead to other harms as I have outlined above. Whilst an alternative acoustic fence could be provided and may provide mitigation, this would need to be substantially taller than that proposed which I have found would be harmful in other respects. Overall, the scheme would not provide a satisfactory standard of living for future occupants.
36. I conclude that the proposal would not provide satisfactory living conditions, with regards to noise and disturbance. As this was not a reason for refusal, no policies have been identified against which there would be conflict. However, both Framework require a high standard for amenity for future users whilst the PPTS seeks the promotion of opportunities for healthy lifestyles. The scheme would provide neither of these and would therefore conflict with these policies in that regard.

Settled community

37. Paragraph 25 of the PPTS sets out that local planning should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
38. There is very limited development in close proximity to the appeal site and the small cluster of development forming the hamlet of Grittenham is some distance to the east. The nearest settlement of any size is Brinkworth which lies some 1.8 kilometres to the north beyond the M4 motorway.

39. The addition of two gypsy pitches some distance from both the hamlet and the village of Brinkworth would not dominate these nearby settled communities. Even taking into account the approved single gypsy pitch to the west of the appeal site, this would still not dominate the community.
40. I have not been provided with any information as to the mix of settled and travelling communities in the locality but I was neither guided to, nor did I observe, a proliferation of gypsy and traveller sites in the locality.
41. I therefore conclude that the proposal would not dominate the nearest settled community. It would therefore accord with the PPTS as referred to above and Policy 47 (viii) of the CS insofar as it seeks development to be appropriate to the scale of its surroundings and existing nearby settlements.

Accessibility

42. Policy CP47 (v) of the CS sets out that new development in respect of gypsy and traveller accommodation should be located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.
43. The site lies outside of a settlement and within the open countryside. There are no services or facilities within walking distance of the site with the nearest school indicated to be Brinkworth Primary School within the village of Brinkworth. Brinkworth has a few limited services and facilities. For a wider range of services, it would be necessary for future occupants of the site to travel to Wootton Bassett, the nearest large settlement to the appeal site. This is some 6 kilometres away.
44. There is no public transport from the site or along Sodom Lane. The distances to services are beyond a reasonable walking distance. Furthermore, there is no footway or street lighting. Given Sodom Lane is subject to a 60 miles per hour speed limit, walking along this road would not be an attractive option. It is therefore highly likely that future occupants would be reliant on the private motorised vehicles in order to meet their day-to-day needs.
45. However, reliance on private motor cars for accessing services and facilities is commonplace in rural areas. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. The distances from the appeal site to nearby settlements with services and facilities are short with drive times of less than 10 minutes. I do not consider the location unacceptable in terms of accessibility. This is the same conclusion reached by other Inspectors in appeal decisions⁵ to which I have been referred. I also note that the Council's spatial planner agreed this criterion had been met.
46. There is evidence that the Council has both permitted and refused other traveller sites in the open countryside outside settlements with similar distances to essential services. This includes the nearby site to the south-west. These have been assessed on their own merits, which I have done in this case.
47. The circumstances are not significantly different from those of the approved site to the south-west although the appeal proposal is for double the number of

⁵ APP/Y3940/A/13/2192339 – Land between railway line and Sand Pit Lane, Dilton Marsh and APP/Y3940/A/13/2196160 – Littleton Stables, Littleton

pitches. Whilst it has been suggested by the Council that this scheme was allowed on the basis of the personal circumstances of the applicant, there is no personal condition attached to that permission. This could not therefore have been the determining factor. The location in that case was considered acceptable. The appeal scheme is not in a materially different location.

48. I accept that two pitches would give rise to a greater number of trips. However, as the two pitches are proposed to be occupied by a single extended family, it seems reasonable that some trips would be shared which would limit the overall number of additional trips by private car generated by the proposal.
49. In conclusion, I find that the appeal site is in a suitable location for the proposal, having regard to access to services and facilities. It would therefore accord with Policy CS47 (v) of the CS, paragraph 25 of the PPTS and the Framework as referred to above. It would also accord with Policies 60 and 61 of the CS which seek sustainable transport, reducing the need to travel particularly by private car and for developments to be within accessible locations.

Other Considerations

50. As I have found that the proposal conflicts with the development plan in some respects, I now turn to whether other considerations put forward by the appellant outweigh that conflict. These are the need and supply of gypsy and traveller pitches in the County, the lack of alternative sites and the personal circumstances of the appellant and his family. I deal with each in turn.

Need for and supply of Gypsy and Traveller pitches

51. I have been referred to a recent appeal decision⁶ at Land at Shop Lane, in respect of the provision of a single gypsy pitch. The Inspector in that appeal concluded that the Council had failed to meet the identified need for Gypsy and Traveller pitches, it could not demonstrate a five year supply of sites and it has failed to make adequate provision to meet the needs of Gypsies and Travellers through the development plan process for a considerable period. The Inspector concluded there had been a woeful failure of planning policy in this regard.
52. The Council has not disputed that this is the current position in respect of the need for and supply of Gypsy and Traveller pitches. However, it argued that, based on the information provided in support of the application, the proposal did not relate to any identified need and is therefore considered as a 'windfall' site. Within its Gypsy and Traveller Accommodation Assessment 2022 (GTAA) which provides the most up to date assessment of need, it explains that 'windfall' sites such as being promoted here, would not count towards the pitch requirements expressed within the GTAA. Need arising from in-migration is also dealt with as 'windfall' and not counted towards the overall need within the County.
53. As part of the appeal, the appellant submitted personal information in support of his appeal. This set out that he and his family have been residing near Cricklade, which is located within Wiltshire. They have been there for 4-5 years but need to move to have a secure tenure and settled base. He confirmed that he had not been spoken to as part of the GTAA survey.

⁶ APP/Y3940/C/22/3299762 and APP/Y3940/W/22/3293386 – Land off Shop Lane, Wingfield

54. From this, it appears that the appellant and his family's needs have not been captured by the GTAA although they would have been resident in the County at the time of the survey. I do not know the reasons for this. I do however accept the point made that if people are not around at the time of the survey they may be missed. I shall also not draw any firm conclusions as to whether the GTAA provides an accurate reflection of need given I have limited substantive evidence around this.
55. Policy CS47 does not differentiate between occupiers whose needs were included in the GTAA and those whose were not. It remains that there is a shortfall in the supply of pitches and the appeal scheme would make a modest contribution to reducing this. This is the same conclusion reaching in a recent appeal decision⁷ in Chichester to which I have been referred. Whilst a different local authority and policy context to that which I am considering here, the circumstances are comparable.
56. In light of the above, I conclude that there is a significant need for sites within the County that has not been met. There has thus been a failure of policy as found recently by the Inspector in the Shop Lane appeal. The provision of two pitches would make a modest contribution to supply. Whilst this would not meet an identified need, it would nevertheless meet a need that has come to light, thus serving to not add to the overall need within the Borough. I give the need for and contribution to the supply of sites significant weight.

Alternative sites

57. No alternative sites have been identified for the proposed occupants. The appellant and his family currently reside on a private Traveller site. This was only ever intended to be a temporary stop as they had nowhere else to go. They are seeking to move. However, no firm evidence has been put forward to suggest that the appellant and his family cannot continue to reside where they are. I appreciate that the appeal proposal would provide a second pitch which would be occupied by the appellant's brother. He is currently residing with his parents in a bricks and mortar house. This does not suit him very well and he requires a suitable place to live.
58. At the time the application was made and the Council made its decision, no personal need had been put forward by the appellant. Therefore, whilst it is agreed that the absence of alternative sites can be afforded considerable weight in favour of the development, as has been supported by caselaw⁸, in the circumstances of the appeal and the fact that the appellant and his family are currently residing elsewhere, I attribute moderate weight to this.

Personal circumstances

59. The status of the appellant and his family as gypsy and travellers is not in dispute. The appeal site would be occupied by two households, the appellant, his and four children on one pitch and the appellant's brother on the other. There would be four children residing at the site between 3 and 14 years old. Access to both primary and secondary education would therefore be necessary. I have been provided with no evidence that they attend a school locally.

⁷ APP/L3815/C/21/3270919 & APP/L3184/W/20/3259671 – Land at 4 The Paddocks, Common Road, Hambrook, Westbourne

⁸ R (on the application of Doncaster Metropolitan Borough Council) v First Secretary of State and another [2007] EWHC 1034 (Admin)

60. Whilst the appellant and his family are currently residing on a private pitch, they require a new pitch in order to provide the family with stability and security. Currently, they pay rent on a rolling basis, they have no tenancy or lease agreements and could be asked to leave at a moment's notice if their landlord chose to do so. I am sympathetic to this need. However, there is nothing before me to indicate that the family are at any immediate risk of being asked to leave the site.
61. The appellant does not wish to raise his children at the private site which is large, comprising 16 pitches and where there are regular disputes between families, which I am told have turned violent at times. I have no firm evidence in respect of this, particularly as I am told the police are rarely involved.
62. In the event the appeal was dismissed, there is no evidence that the appellant or his family group would have to resort to a roadside existing or move from where they are currently staying. There is also no evidence that the educational needs of the children would not be met.

Heritage Balance

63. The proposal would cause a low level of less than substantial harm to heritage assets. In accordance with the Framework, this should be weighed against the public benefits of the proposal.
64. Several benefits would be of a personal nature to the appellant. However, the scheme would make a small contribution to the supply of pitches and would avoid adding to the current level of identified need within the County. Given the Council is lacking in such provision and has failed to meet needs, this is a public benefit. However, the contribution to supply is modest and this public benefit is not sufficient to outweigh the harm to the heritage assets I have identified.
65. As harm to heritage assets was not a reason for refusal, no development plan policies have been identified against which there would be conflict. However, the Framework seeks the conservation of heritage assets in a manner appropriate to their significance. The proposal would not achieve this.

Planning Balance

66. At the start of considering the issues in the planning balance I have borne in mind the duty placed on me within the Public Sector Equality Duty under section 149 of the Equality Act 2010 (the PSED). The appellant and his family are Romany Gypsies and have the protected characteristic of race. The PSED requires that a public authority must foster good relations between persons who share a relevant protected characteristic and those who do not. I have also considered the best interests of the children in the family group that intend to occupy the site as a primary consideration.
67. The proposal would cause significant harm to the character and appearance of the area. It would also cause a low level of less than substantial harm to the setting of two listed buildings. These would conflict with several criteria of Policies 47, 51 and 57 of the CS. In addition, it would also provide unsatisfactory living conditions for future occupants and harm to heritage assets, not in accordance with the Framework. These weigh against the proposal.

68. I have found that the proposal would not dominate the nearest settled community nor would it be in an inaccessible location. These aspects of the scheme accord with other criteria of Policy 47 as well as Policies 60 and 61 of the CS. These are neutral factors in my decision.
69. In favour of the appeal, the appellant and his family group would be provided with the security of tenure and the settled base that they are seeking together. No alternative sites have been identified. The provision would also make a small contribution to the supply of gypsy and traveller pitches in the context of a significant shortfall in supply.
70. Overall, I conclude that the proposal would conflict with the development plan as a whole. In combination with its conflict with the Framework, this would amount to significant adverse effects. These outweigh the other considerations, including the personal circumstances put forward, and do not justify the grant of planning permission.
71. I have had regard to the rights of the appellant under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home and the best interests of the children. It is a qualified right, and interference may be justified where that is lawful and in the public interest. The concept of proportionality is crucial.
72. The family group has never resided at the site. However, caselaw⁹ has established that the Article 8 rights of the proposed residents are engaged even though they are not yet on site. Both the appellant and his family and his brother, the intended occupants of the site, currently have somewhere to live. Dismissing the appeal would not render them homeless. Nevertheless, they would not be able to form the stable and secure family environment they are seeking, which I recognise would amount to an interference with home and family life. However, the interference would be in accordance with the law and in pursuance of a well-established and legitimate aim: the protection of the character and appearance of the countryside, protection of heritage assets and ensuring satisfactory living conditions.
73. I consider that the protection of the public interest cannot be achieved by means which are less interfering of the proposed occupants' rights. They are proportionate and necessary and hence would not result in a violation of rights under Article 8.
74. On balance, I am satisfied that the harm which would be caused by the development outweighs the other considerations to the extent that planning permission should not be granted.

Conclusion

75. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

⁹ Rafferty and Jones v SSCLG and North Somerset [2009] EWCA Civ 809

APPEARANCES

FOR THE APPELLANT:

Dr Simon Rustin	Planning Consultant
Mr Rhodri Crandon	Landscape Architect
Mr Les Jephson	Acoustic Consultant
Mr Bowers	Appellant
Mrs Bowers	Appellant's wife
Mr Bowers	Appellant's brother

FOR THE LOCAL PLANNING AUTHORITY:

Jane Fuller	Senior Planning Officer
Henning Totz	Senior Planning Officer Spatial Planning
Adrian Walker	Development Management Team Leader
Mark Goodwin	Senior Landscape Officer
Vicky Brown	Environmental Health Officer

INTERESTED PARTIES:

Elizabeth Threlfell	Wiltshire Councillor for Brinkworth Division
Claire Speed	Local Resident representing residents of Grittenham
Adrian Leighfield	Local Resident
Hazel Collingbourne	Local Resident
Catherine Fairgrieve	Local Resident
Alastair Fairgrieve	Local Resident
Grahame Greener	Local Resident

HEARING DOCUMENTS

HD1	Copy of Water Services Bill dated 6/4/2023
HD2	Appeal decision – APP/Y3940/W/20/3257110 Land at Brewers Pit, Bushton Road, Sandy Furlong, Hilmarton
HD3	Copy of Listings for Grade II listed buildings – Old Farmhouse ('The Old Farm') and Goddard's Farmhouse
HD4	Letter from Wiltshire Council, dated 30 June 2023, setting out the 'Council's Further Comments'
HD5	TDA.2812.03 (Rev B) – land east of Old Farm Grittenham – proposed site layout and outline landscape scheme
HD6	Small Sites Metric Calculation Tool (Biodiversity Metric 4.0)
HD7	LFAcoustics – Noise Assessment, June 2023
HD8	Biodiversity gain plan for Land at Grittenham 'By Willder Ecology 10/07/2'
HD9	An Updated Preliminary Ecological Assessment & Mitigation strategy for Land at Grittenham, 10 July 2023
HD10	Environmental Health Comments on Noise assessment, dated 16 August 2023
HD11	Appeal decision – APP/Y3940/C/22/3299762 and APP/Y3940/W/22/3293386 – Land off Shop Lane, Wingfield
HD12	Email from appellant's agent dated 5 September 2023, agreeing to pre-commencement conditions
HD13	Revised wording for suggested condition 16 (Ecology)

POST-HEARING DOCUMENTS

PHD1	Biodiversity gain plan for Land at Grittenham 'By Willder Ecology 10/07/23'
PHD2	TDA.2812.03 (Rev C) – land east of Old Farm Grittenham – proposed site layout and outline landscape scheme