



Appeal Decision

Site visits made on 30 January and 15 April 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/Y3940/W/23/3324411

The Paddock, Heath Lane, Startley, Chippenham SN15 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs MacDonald against the decision of Wiltshire Council.
 - The application Ref is PL/2022/08276, dated 24 October 2022, was refused by notice dated 19 December 2022.
 - The development is described as the erection of a storage building in association with existing traveller caravan site.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a storage building in association with existing traveller caravan site at The Paddock, Heath Lane, Startley, Chippenham SN15 5HH in accordance with the application Ref PL/2022/08276, dated 24 October 2022 subject to the following conditions:
 - 1) All planting, seeding or turfing shown on Proposed Site Layout and Detailed Landscape Scheme Drawing Number TDA.2266.03 Rev B comprising the approved details of landscaping shall be carried out in the next planting and seeding season following this decision; and any trees or plants which within a period of 5 years from the completion of the landscaping works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 2) Within 3 months of the date of this decision the drainage features detailed within the Drainage Strategy (SLR Ref: 407.064441.00001) dated June 2023 shall be fully implemented. The drainage features shall thereafter be retained for the lifetime of the development.
 - 3) The building hereby permitted shall only be used incidental to the existing traveller caravan site. At no time shall it be severed to function as a separate entity or used for commercial or industrial activity.

Preliminary Matters

2. At the time of the site visit I noted that the building has been completed. The application has been submitted retrospectively and I have dealt with the appeal on this basis.
3. The Council advise that they no longer seek to defend the fourth reason for refusal in respect of drainage. On this basis I therefore have not addressed this matter in the reasoning below.

4. I have been made aware of the planning history for the site and that planning permission was granted on appeal¹ for the change of use of land to a private gypsy and traveller caravan site consisting of three pitches, utility dayrooms and associated works in February 2020. Whilst I have borne this in mind, I have determined the appeal development on its own individual merits taking into account all of the relevant information provided and the site as it currently stands.

Main Issues

5. The main issues are:

- Whether the development is consistent with local policies relating to the location of new development;
- The effect of the development upon the character and appearance of the area;
- The effect of the development upon the living conditions of nearby occupiers with regard to noise, traffic and air pollution; and
- The effect upon the safe and efficient operation of the local highway network.

Reasons

Appropriate location

6. The building subject of this appeal is part of an established traveller site formed of three pitches located within open countryside. Core Policy 2 of the Wiltshire Core Strategy (2015) (CS) sets out that development will not be permitted outside the defined limits of development unless permitted by other policies within the CS. CS Policy 34 relates to employment uses and states that such uses will be supported in Principal Settlements, Market Towns and Local Service Centres.
7. The building is used by the appellants to store and work on historic vehicles that are then taken to traditional Gypsy fairs. They advise that no staff or customers come to the site.
8. Whilst I note the Council's comments there is no substantive evidence before me to indicate that the building has been constructed for the purpose of or is being used for commercial or employment purposes.
9. Having regard to the information available I am satisfied that the building is being used for purposes associated with the appellant's traditional habit of life and that the activities taking place have not tipped the balance resulting in commercial or industrial activity.
10. As such, whilst the building is located beyond the defined limits of development, I do not find the location of it unacceptable as it is associated with an established traveller site rather than a new commercial or employment enterprise in open countryside. As such, I find no conflict with CS Policies 1, 2 and 34.

¹ APP/Y3940/W/19/3225487

Character and appearance

11. The appeal site lies on the southern side of Heath Lane formed of the building, subject of this appeal, and three traveller pitches with associated structures arranged around a yet to be completed green. This site is positioned behind a site accommodating two pitches.
12. Development along Heath Lane is sporadic limited to the appeal site, a handful of dwellings, a building storage yard and agricultural buildings. The site lies within open countryside characterised by open fields. That said, large-scale poultry sheds and other rural buildings and barns are scattered across the wider landscape.
13. The appeal building is externally constructed from dark coloured metal sheeting positioned parallel to Heath Lane separated by an area of vegetation.
14. Irrespective of its use, the building by and large has the appearance of an agricultural building, which are found locally and are not uncommon in rural landscapes. For this reason, it does not, in my view, appear as an incongruous feature within the local landscape.
15. The building is located on a previously undeveloped area of the traveller site, but it is flanked by existing pitches and vegetation. Whilst there has been some further urbanisation of the site, it is well contained and does not encroach into the wider landscape. Given the site context and presence of other buildings locally it would not have an unacceptable effect on the rural character of the area.
16. Having regard to the appellant's Landscape Statement and my observations during the site visits it is apparent that the development is most evident in localised views from Heath Lane. However, due to its muted colour palette and set back from the roadside it does not appear as an overly intrusive feature. Furthermore, it is partially screened by vegetation filtering views of it to a degree. This vegetation would be supplemented with new planting which would assist in further softening the development.
17. There is adequate space around the building and, in my view, it does not undermine the layout of the neighbouring pitches or result in a cramped arrangement through the introduction of built form.
18. As such, I conclude that the development does not unduly affect the character and appearance of the area. It accords with sections ii, iii, vii and ix of CS Policy 51 and sections i, iii and vi of CS Policy 57 which, amongst other things, seek to ensure a high standard of design and that developments do not have a harmful impact on landscape character. It would also accord with paragraphs 135 and 180 of the National Planning Policy Framework (the Framework) which, amongst other things, seek to ensure that developments are sympathetic to local character including landscape setting and recognise the intrinsic character and beauty of the countryside.

Living conditions of existing occupiers

19. At the time of my second site visit I observed several vehicles of varying ages and states of repair parked within the building. However, it has the appearance of an informal set up, akin to a hobby rather than a commercial enterprise. Whilst working on vehicles is likely to generate some noise from the use of

tools and machinery, given its informal nature and that most activity would take place inside the building, I am not persuaded that it would generate excessive levels of noise or air pollution so as to unduly affect the living conditions of local residents. Furthermore, taking into account the distance between the appeal building and the nearest dwellings noise and air pollution is unlikely to be noticeable from nearby houses.

20. The pitches on site are occupied by the appellant's and their immediate family and there is no evidence to suggest that individual pitches are likely to be sold off or occupied by non-family members. In any event given a nomadic habit of life is an integral part of gypsy and traveller culture it is conceivable that the occupiers of these pitches would be working away or travelling for parts of the year and thus they would not experience activities associated with working on vehicles on a regular basis.
21. Present within the immediate area is a building storage yard and agricultural buildings. Therefore, it is not unreasonable to assume that residents along Heath Lane experience a degree of noise and non-domestic traffic movements from activities associated with these uses.
22. Given the degree of non-domestic activity and vehicle movements already taking place along the road and the ancillary and informal nature of the development I have no reason to believe that the development is resulting in an unacceptable impact upon living conditions of nearby occupiers, in respect of traffic, or that it is likely to do so in the future.
23. I conclude that the development is unlikely to adversely affect the living conditions of nearby occupiers in respect of noise, traffic and air pollution. As such, it accords with section vii of CS Policy 57 which, amongst other things, requires developments to have regard to the compatibility of adjoining buildings and uses and the amenities of existing occupants. It would also accord with paragraphs 135 and 180 of the Framework which, amongst other things, seek a high standard of amenity for existing and future users and aim to prevent new development resulting in unacceptable levels of noise pollution.

Local highway network

24. Part of Heath Lane is a bridleway that connects to the wider network of public footpaths. That said, there appears to be a moderate flow of vehicle movements along the lane including larger vehicles associated with the building storage yard and nearby agricultural buildings.
25. Paragraph 115 of the Framework advises that development proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.
26. The use of the building would most likely involve additional vehicles using Heath Lane, however given its informal nature these movements are likely to be occasional. Even if this did involve larger vehicles there is sufficient space within the site for vehicles to turn around and leave in forward gear.
27. Heath Lane is relatively straight with good visibility along the road. Due to its rural nature, it is likely that vehicle speeds are low. As such, drivers would have a clear view of any oncoming traffic and users of the bridleway well in advance and would have ample time to respond accordingly. For these reasons

it is unlikely that users of Heath Lane would be unduly inconvenienced or endangered by the development.

28. Although not formally laid out there is adequate space within the building and site to accommodate the appellant's vehicles. As the building is used by the appellant and does not attract staff or customer vehicles, the development is unlikely to result in vehicles being displaced onto Heath Lane causing an inconvenience for users or unduly affecting the safe and efficient operation of the road.
29. I note representations made by residents suggest that there are existing highway issues. However, there is nothing substantive before me to support this. Therefore, I give this limited weight in coming to my decision.
30. As such, I conclude that the proposed development would not adversely affect the safe and efficient operation of the local highway network and would accord with section xiv of CS Policy 57 and CS Policy 61 which, amongst other things, encourage the safe movement of people through Wiltshire and seek to mitigate the impact upon highway users and local communities.

Other Matters

31. There is no credible evidence to indicate that the site is being used for the manufacturing of mobile homes or as a waste transfer yard. In addition, there is nothing substantive to indicate that allowing a retrospective development would result in a precedent. As such, I give these matters negligible weight in coming to my decision.
32. Concerns regarding alleged breaches of the extant planning permission is a separate matter and not one for me in consideration of a section 78 appeal.

Conditions

33. I have considered the imposition of conditions in relation to the contents of the Framework and the Planning Practice Guidance. As the development is retrospective it is not necessary to impose a time limit condition for implementation or a condition specifying the approved plans. In order to achieve a satisfactory appearance and in the interest of sustainability conditions relating to soft landscaping and drainage have been imposed. As the proposal has been advanced on the basis of meeting the requirements of the appellants a condition restricting the use of the building is deemed necessary.

Conclusion

34. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR