



Appeal Decision

Site visit made on 10 June 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal Ref: APP/Y3940/W/24/3354365

Land at Penn Farm, Capps Lane, Heywood, Westbury, Wiltshire BA13 4NF

- 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 Patrick Maguire against the decision of Wiltshire Council.
 - The application Ref is PL/2024/07006.
 - The development proposed is extension and alterations to existing storage building to provide function room, kitchen, toilets and washing facilities in association with on site public camping, and associated use of outdoor seating and play space, together with the provision of 1 No Gypsy and Traveller pitch, varying application PL/2021/08566 (in retrospect).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Patrick Maguire against Wiltshire Council. This application is the subject of a separate decision letter.

Preliminary Matters

3. The extensions and alterations to the building that form part of the appeal development have been carried out and the building is being used as a function room with kitchen, toilets and washing facilities. Also, the outdoor seating area and play space with equipment have been provided and the front part of the site is used as a Gypsy and Traveller pitch. As such, the appeal development has commenced.
4. The Council has granted planning permission for the appeal site to be used as 3 Gypsy and Traveller pitches (hereafter referred to as the existing permission). I have had regard to this permitted development as a fallback position in the event this appeal is dismissed.
5. A revised National Planning Policy Framework (the Framework) has been issued since the appeal was lodged. The parts of the Framework most pertinent to the assessment of this appeal remain largely unaltered and so there is no need to seek the parties' comments on the revisions.

Main Issues

6. The main issues are (i) whether the development would be in a suitable location having regard to accessibility and (ii) its effect on highway and pedestrian safety.

Reasons

The appeal development.

7. The appeal site forms part of a larger parcel of land in the appellant's ownership. The adjoining land is used as a camp site. According to the appellant, up to 10 tents can be pitched on the site all year round. Permitted development rights also allow the land to be used as a campsite for no more than 50 pitches for up to 60 days in any calendar year¹. Also, the land can be put to other temporary uses for up to 28 days in any calendar year under permitted development rights².
8. The description of development on the application form states the facilities within the extended building are "in association with the public campsite". However, the inclusion of this phrase within the description would not prevent use of the facilities by people who do not stay overnight. A planning condition would need to be imposed on any planning permission if it is considered necessary to limit how the development is used. Any such condition would need to meet the tests for conditions as set out in paragraph 57 of the Framework.
9. It is suggested that a condition could be imposed that requires the development to only be used for purposes ancillary to the camping activities. However, submissions from the appellant suggest it is not possible to manage who uses the facilities at all times and that it would be difficult for the Council to monitor overall activity³. As such, a condition that seeks to restrict the usage of the proposed function room as envisaged would be unenforceable. Also, it would place an unreasonable burden on the owner of the site to distinguish whether any person within the building does or does not comply with the usage restrictions.
10. Therefore, I have determined the appeal on the basis that the development is open to use by the general public and not just those that stay overnight at the adjoining campsite. Such an approach is consistent with the stated purpose of the planning application leading to this appeal to authorise the extended building and its use, primarily falling within Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987⁴. Class E includes the sale of food and drink principally to visiting members of the public without any restrictions.

Suitability of location.

11. The site is in countryside away from the nearest settlements of Bratton and Westbury. There are nearby public footpaths but it is fair to envisage that most visitors to the site travel by car given its fairly isolated location.
12. The development allowed under the existing permission would generate car trips to and from the site and some of these would not occur in the event the appeal development is retained. Also, the facilities within the building reduce the need for overnight guests of the campsite to travel to and from the site once they have pitched their tents.

¹ As defined under Class BC of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

² As defined under Class B of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

³ See pages 4 and 5 of the letter from LPC dated 19 July 2024.

⁴ Page 2 of the letter from LPC dated 19 July 2024.

13. At the same time, the facilities subject of this appeal are likely to attract more visitors to the campsite than the previous situation. Also, as no planning condition could legitimately be imposed to restrict the people that use the building, it is likely the room would be used by people other than overnight guests at the campsite. The function room can accommodate up to 80 people and it provides a large space for tables and chairs as well as a bar. As such, there is scope for the development to attract a significant number of visitors who otherwise would not travel to the site, thereby increasing the need for car journeys.
14. Core Policy 39 of the Wiltshire Core Strategy 2015 (the CS) is generally supportive of tourist development including where it is away from settlements. However, this support is subject to criteria including that the site has reasonable access to local services and a local employment base. It seems likely the function room would attract the need for service vehicles to travel to and from the site. Also, it cannot be assumed that staff to serve food and drink in the function room would live at or near the site, even though I understand the appellant and his brother currently operate the business. As such, CS Core Policy 39 does not offer unequivocal support for the appeal development.
15. Therefore, in some respects the facilities reduce the need to travel but they also attract more visitors, service vehicles and potentially staff. There is no information before me on actual trip movements to and from the campsite or predicted traffic levels having regard to the effects of the development. However, it is fair to assume that any owner of the building would want to maximise the use of the function room. With this in mind, I consider it likely the development would increase the number of car trips to and from the site, particularly given the size of the function room.
16. For these reasons, I conclude the development does not accord with CS Core Policies 60 and 61. Amongst other things, these look for development to be located to reduce the need to travel, particularly by private car.

Highway and pedestrian safety.

17. Capps Lane is generally a single vehicle width although drivers can pull over and allow vehicles to pass at several places. The narrowness and nature of the road does not encourage excessive speeds and from my observations it appears to be lightly trafficked. However, the lane is long and so there is a fair chance of drivers coming to and from the appeal site of meeting another vehicle.
18. Some stretches of Capps Lane are fairly straight but elsewhere there are bends where forward visibility is severely curtailed. These bends pose a significant risk of drivers unexpectedly meeting on-coming traffic. I note the appellant's evidence on the general lack of road accidents on Capps Lane. However, it seems likely that this reflects the low level of traffic usage and so I am unconvinced this evidence shows the road is inherently safe. Indeed, I consider the narrowness of Capps Lane and the lack of forward visibility in parts is not conducive to safe driving.
19. The traffic generated by the development increases the chance of drivers unexpectedly meeting on-coming traffic with consequential sharp braking and potential accidents. Also, it could lead to delay as drivers decide how to proceed and in some cases the need to reverse to allow vehicles to pass. Such situations would prejudice highway safety.

20. The Council has previously permitted other developments on Capps Lane, including that allowed under the existing permission. However, I am unconvinced from the information provided that these other schemes would have the same effect as the appeal development in terms of traffic generation along the lane. Therefore, it is not inconsistent with any previous decision to find the current development has an unacceptable effect on highway safety.
21. I fail to see how the development leads to any meaningful increase in the pedestrian use of Capps Lane. I envisage that those who walk to and from the site would utilise the nearby public rights of way across fields. These walkers need only travel a short distance along a fairly straight stretch of the road to get to and from the site. Therefore, traffic associated with the development does not increase risk to pedestrian safety.
22. Nonetheless, for the reasons as set out above, I conclude the development has an unacceptable effect on highway safety. In these regards, it would be contrary to CS Core Policy 57 and Core Policy 61. Amongst other things, these look to ensure the public realm, including the highway, is safe.

Other Considerations and Planning Balance

23. I understand the Gypsy and Traveller pitch to the front of the site is occupied. However, even if this appeal is dismissed the existing planning permission allows the appeal site to be used as residential accommodation for Gypsies and Travellers. Therefore, my decision would not interfere with any persons right to a private family life and a home as protected under the Human Rights Act 1998. For the same reasons, a decision to dismiss the appeal would have no effect on advancing opportunities for Gypsies and Travellers. Therefore, I have paid proper regard to the public sector equality duty as set out in the Equality Act 2010.
24. Paragraph 88 of the Framework supports sustainable rural tourism developments. The function room is likely to generate more car trips to and from the site so it is not wholly sustainable. Nonetheless, I attach positive weight to the benefits of the scheme in terms of enhancing facilities for visitors and supporting employment. Also, the development represents the re-use of an under-utilised building.
25. While not shown on the submitted plans, there are solar panels on the roof of the building that generate renewable energy, thereby helping to address the effects of climate change. A planning condition could be imposed to secure the retention of these features. Also, a condition could be included on any permission to secure measures to offset the ill-effects of the development on biodiversity and to secure a minor enhancement in these regards.
26. As such, there are advantages to the appeal development. However, even when considered collectively, I find the benefits are of insufficient weight to override the identified harm and conflict with CS policies.
27. The submissions indicate the development lies within zones of influence associated with Salisbury Plain Special Protection Area and Bath and Bradford on Avon Bat Special Area of Conservation. However, I need not consider the effects on these protected sites as I am minded to dismiss the appeal for other reasons. A finding that the development avoids harm to the integrity of these sites would not affect my overall conclusion.

Conclusion

28. For the above reasons, I conclude the development does not accord with the CS when considered as a whole and there is no justification to grant planning permission contrary to the development plan. Therefore, the appeal should be dismissed.

Jonathan Edwards

INSPECTOR