



Appeal Decision

Hearing held on 16 July 2025

Site visit made on 16 July 2025

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/Y3940/W/25/3359751

Land east of Restrop Road, Lydiard Green, Swindon, Wiltshire, SN5 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Paul Varey against the decision of Wiltshire Council.
 - The application Ref is PL/2022/00239.
 - The development proposed is change of use of land to use as a residential caravan site for 12 gypsy families, each with two caravans including no more than one static caravan, together with laying of hardstanding, construction of driveway and installation of package sewage treatment plant.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is common ground between the main parties that the prospective future residents of the site are Romani Gypsies. I proceeded on that basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety;
 - whether or not suitable foul drainage would be achieved;
 - the effect of the proposal on biodiversity, with reference to protected species;
 - the question of the need for and supply of gypsy / traveller sites; and,
 - the personal circumstances of future site residents.

Reasons

Character and appearance

4. The appeal site comprises a fairly large, open field of grass pasture bound by a mixture of trees, somewhat gappy hedging, and post and rail fencing. It is in the open countryside on the northeast corner of Greatfield Crossroads, which forms the junction of Restrop Road, Greathills, Lydiard Green and Greenhill. The latter three roads take their names from hamlets they lead to close by to the south, east and

west respectively. The site has an existing access at its southwest corner, onto Restrop Road, directly adjacent to a bus stop served by a small shelter.

5. The area around the site is rural but notable for this close-knit series of hamlets. It is in the County Landscape Character Area 8A 'Swindon-Lyneham Limestone Ridge' which is in part characterised by peaceful fields of open pasture bound by trees and hedgerows. The appeal site is highly reflective of this character area in these respects. It is prominent at the crossroads with its open southwest corner allowing views across the site to the tree clump which marks its northeast corner.
6. The site would not dominate nor promote coalescence between the local hamlets. Whilst it is very close to Lydiard Green, there is limited intervisibility between the site and the settlement and so they feel separate. There are swathes of intervening countryside between the site and Greathills and Green Hill. Given also that gypsy and traveller sites tend to have a specific, self-contained appearance, the proposal would actually conform to the prevailing pattern of residential development in the area insofar as it would read as a small and distinct inhabited place in its own right.
7. I also accept that traveller sites are common in the countryside, can be an integral part of its character, and that owing to higher land values in urban areas, more sites will need to come forward in the countryside to meet the need for sites generally. Given that around 40% of Wiltshire comprises three National Landscapes, sites that come forward are likely to be in the undesignated open countryside such as this. Nonetheless, given the intense scale and density of the proposal, and the likely extent of parked vehicles and domestic paraphernalia around the pitches, the openness of the pasture and its grass landcover would be highly compromised.
8. Augmentation of the boundary hedgerows with suitable, indigenous species would offer a degree of enhancement and a contribution to the Great Western Community Forest. However, the new areas of planting would also compound the critical loss of openness. Given the public prominence of the site from the surrounding highway network, the considerable loss of open pasture and grassland landcover would lead the proposal to have significant harmful landscape and visual effects in my view.
9. Consequently, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with the relevant visual and landscape aims of Policies CP47, CP51 and CP57 of the Wiltshire Core Strategy (adopted 2015) (the WCS). It would also conflict with the National Planning Policy Framework (the Framework) and the Planning Policy for Travellers Sites (the PPTS) insofar as they require gypsy and traveller development to be environmentally sustainable and for decisions to contribute to and enhance the natural and local environment.

Highway safety

10. Restrop Road is under the national speed limit to the north but changes to a 30mph zone adjacent the existing site access. It is a rural secondary distributor road, and traffic is fast moving to the north. However, the settlements and examples of ribbon development in the area promote a place function just as much as a movement function around the appeal site. Given such, the Manual for Streets 1 and 2, rather than the Design Manual for Roads and Bridges, provide the appropriate technical standards upon which to assess the proposed access arrangement.

11. The altered site access would provide a new bell mouth, truncated at the north adjacent the bus stop area, and splays offering 77m and 74m visibility to the north and south respectively. The appellant's speed survey identifies the 85th percentile speeds in these respective directions as 37.5mph and 38.5mph. These figures pass a sense check, given the location of the site access at the point of change from 30mph to the national speed limit, and correlate with my own observations at the site visit. Accepting this data, the splays would sit well within the requirement for 59m splays espoused by Manual for Streets 1 and 2, albeit this figure relates to 37mph speeds, just shy of the speeds recorded here.
12. There are dips in Restrop Road to the north and south. However, whilst this does partially limit the visibility of oncoming vehicles, this is not to such an extent that vehicles disappear, or one is unaware they are approaching. Whilst there is one documented personal injury collision at the adjacent junction recorded in 2017, and local knowledge and photographs of unreported incidents, the level of evidence does not indicate a manifest safety issue in this location. Other incidents occurred further away along Lydiard Green and so lack relevance to the proposed access.
13. Even If these incidents did suggest an issue with the existing junction, this would not necessarily indicate an issue with the proposed access. It has not been clearly articulated why the proximity between the proposed access and the crossroads would result in conflict between the two. Rather, at the hearing it was explained by the appellant's highway expert that there is little evidence that relationships such as that proposed here between the access and junction pose an inherent safety risk. This position is reflected in Paragraph 9.2.1 of the Manual for Streets 2.
14. The enhanced access would necessitate the translocation of an existing 30mph sign, currently aside the access, further to the south. The give way line leaving Lydiard Green at the Greatfield Crossroads is in a position where, even with the road sign moved, it would not unacceptably inhibit northward visibility for vehicles. In terms of network capacity, increased traffic resulting from the development is likely to be very modest within the context of a busy secondary distributor road and so would not in and of itself cause any substantive highway safety issue.
15. As for the relationship to the bus stop, Restrop Road is narrow at this point and a concrete hardstand on the opposite side adds a further constraint. Vehicles towing caravans leaving the site and turning north would at the very least come very close to overstepping the access onto the area where pedestrians likely congregate waiting for a bus. However, both drivers of the vehicles and any pedestrians would be aware of this relationship, and the actual movement of towed caravans from the site would be infrequent. In my view, with drivers taking typical amounts of care and due attention, the movement could be carried out without significant conflict arising.
16. Accordingly, I conclude on this issue that the proposal would have an acceptable effect on highway safety. It would accord with the highway safety aims of Policies CP47 and CP61 of the WCS, the Framework and the PPTS.

Foul drainage

17. Part iii of Policy CP47 of the WCS refers to whether a site can be properly supplied with essential services, such as sewerage and drainage. The PPTS and Paragraph 135 of the Framework respectively refer to the health and well-being of gypsies and travellers and other people affected by development.

18. As there is no available foul sewer connection nearby, a package treatment plant is proposed, with cleaned effluent intended to be discharged to a drainage field. In such circumstances, the Planning Practice Guidance advises that schemes should be supported by sufficient information to understand the potential implications for the water environment.
19. Whilst I do not doubt that the underlying limestone can support infiltration generally, the necessary extent and location of the drainage field is not established. The surface water drainage strategy put forward also relies on ground infiltration and the drawings show it would likely take up the lion's share of space on site. I am further mindful that the site generally slopes towards the northeast corner. Siting foul drainage fields directly underneath some of the pitches probably would be unsuitable from a health and wellbeing perspective. I am not aware of any suitable alternative land within the control of the appellant where the effluent drainage field could be sited. On the evidence before me, therefore, I am not satisfied that the foul drainage strategy put forward for the site can actually be physically accommodated.
20. An appeal decision is put to me at a site in Buckinghamshire. Whilst the Inspector was content to impose a condition requiring further details of the foul drainage, in doing so they identified a significant area of open space within the control of the appellant, which allayed concerns about the deliverability of the strategy.
21. Whilst I accept that a condition would ultimately provide control to prevent development until a strategy had been agreed, such a condition must first pass the test of reasonableness. As I am unable to conclude that the foul drainage strategy is actually feasible on or off the site, a condition requiring the details of that strategy after permission is granted would fail this test and so cannot be imposed.
22. My conclusion follows on this issue that suitable foul drainage would not be achieved. In this respect the scheme would conflict with the relevant environmental and related health and well-being requirements of Policy CP47 of the WCS, the PPTS and Paragraph 135 of the Framework.

Biodiversity, with reference to protected species

23. The Government's statutory Biodiversity Net Gain requirement does not apply to this scheme. Policy CP50 of the WCS does, however, expect development to provide no net loss to the local biodiversity resource.
24. The development would remove and/or compromise the semi-improved grassland habitat within the appeal site. On the other hand, the scheme provides an opportunity to retain and manage undeveloped margins around the edge of the site, with new mixed native species planting, including new trees and hedgerows offering late nectar sources and winter fruits. Given such, I am satisfied that, with a condition securing the finer details, no net loss of local biodiversity resources would result from the development.
25. That being said, Policy CP50 also seeks schemes to protect specific features of nature conservation value. The pasture across the site offers potential habitat for the Great Crested Newt (GCN). The site is also inside an area with main population centres for GCN and important connecting habitats which aid the natural dispersal of GCN. Furthermore, the site is within 250m of, and has connectivity to, three ponds. Whilst the ponds are of poor to average value for GCN, the above factors make it a reasonable prospect that GCN is on the appeal site.

26. Whilst a preliminary ecological appraisal of the site has been undertaken, there is a lack of substantive survey work to demonstrate that this is not the case. In the absence of such, the presence of GCN cannot be ruled out, particularly given that the grassland was not close cropped but appeared long and unmanaged on my site visit. If GCN is on site, the development of the grassland habitat would likely cause harm to the favourable conservation status of this protected species.
27. The 06/2005 Government Circular: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System makes clear that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a development, is established before permission is granted, otherwise all relevant considerations may not have been addressed. This is also, therefore, a matter which should not be left to a planning condition.
28. For the above reasons, there is insufficient information before me to conclude that the proposal would not have an unacceptable effect on biodiversity, with reference to protected species, specifically GCN. This leads me to conclude that the proposal would conflict with the relevant ecological and environmental aims of Policies CP47 and CP50 of the WCS, the PPTS and the Framework.

The need for and supply of gypsy and traveller sites

29. The PPTS requires Local Planning Authorities to make their own assessment of the need for gypsy and traveller sites, to set pitch targets for travellers which address the likely needs, and to identify a supply of specific deliverable sites sufficient to provide a 5-year supply of sites against their locally set targets.
30. The Wiltshire Gypsy and Traveller Accommodation Assessment (GTAA), (June 2024) estimates a need for of an additional 299 permanent gypsy and traveller pitches in Wiltshire from now until at least 2038. This is substantially more than that set out by Policy CP47.
31. Subsequent changes to the PPTS include the broadening of the definition of gypsies and travellers to encompass everyone with a cultural tradition of nomadism or living in a caravan. The level of unmet need is therefore likely to be even higher than that as established by the GTAA. This attracts substantial weight, as does the contribution that the scheme would make to addressing this unmet need, in a location with adequate access to services and facilities.
32. The Council has no five-year supply of sites. The intention was for allocations to be identified by the emerging Gypsies and Travellers Development Plan Document (the eDPD), but the adoption of the eDPD has stalled, and given the changes to the PPTS, is unlikely to happen any time soon. Even if the DPD is adopted, the quantum of sites it will allocate is beholden to a 'call for sites' exercise and other constraints, such as the extent of the aforementioned National Landscapes, and the amount of Wiltshire that is at risk of flooding. It is therefore doubtful at this stage whether the level of unmet need will be reflected in the allocations even if adoption of the eDPD comes to pass. This matter attracts substantial weight in its own right.
33. The issues the Council is having with the DPD are indicative of a wider record of policy failure. The Council has never allocated sites for gypsies and travellers and so has never met the needs of the gypsy and traveller community. The concept of policy failure therefore also attracts significant weight in favour of the appeal.

Personal circumstances

34. The Public Sector Equality Duty (PSED) requires that when carrying out its functions a public authority must foster good relations between persons who share a relevant protected characteristic and persons who do not. That authority has a duty to eliminate discrimination, harassment, and victimisation, and also a duty to advance equality of opportunity between those persons who share a relevant protected characteristic and those who do not.
35. The Human Rights Act establishes a right to respect for one's private and family life, home and correspondence. Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight.
36. The prospective residents of the site were well represented in number and orally at the hearing. Each pitch, bar one, would be occupied by people with tangible familial links to one another, and there would be four generations of one specific family on the site. Where family ties are not present the individuals have travelled with the group for a long time and so in effect are part and parcel of the wider family unit. Providing a shared settled base for the group would help to facilitate the traditional and nomadic gypsy and traveller way of life.
37. Within the group is an elderly individual with health conditions cared for by a family member who lives very close to the site. Living here would optimise the individual's care. There are also up to seventeen children. All but one of the families intending to live on the site are facing an existence which can at best be described as unlawful in planning terms, with most currently 'doubling up' on overcrowded pitches elsewhere. In all the cases this existence has been highly disruptive and has hampered access to health care and education. In some cases, children have not had access to a state education at all, despite their parents' best intentions.
38. Overcrowded pitches are also at heightened risk of fire and the spread of fire. I am mindful that the prospective site residents have endured these circumstances while patiently awaiting the outcome of first the planning application and now this appeal.
39. The Council accepts that there are no suitable, affordable alternative sites for these people to resort to. As such, the logical outcome of the dismissal of this appeal would be the prolonging of the current circumstances residents face, which is in planning terms akin to a roadside existence. Such an existence has become even more challenging following the introduction of the Police, Crime and Sentencing Act 2020, which has made unauthorised camping by a single caravan a criminal offence, with potential penalties including confiscation of the family home and imprisonment.
40. These personal circumstances attract substantial weight in my decision. In particular, it is in the best interests of the children that the site provides a settled base from which they can thrive, with stable access to healthcare and education. This is a primary consideration in favour of the appeal.

Other Matters

41. The Council is also concerned that inadequate outdoor space, especially child's play space, would be provided on the site. Whilst there is limited communal open

space within the proposed layout, each pitch would have amenity space that people could use. Given the way in which gypsy and traveller sites are communally used, with children visiting different pitches to play with friends and family, I am satisfied that adequate residential amenity and play areas are provided within the scheme.

Planning Balance

42. Given the harms I have identified above, in particular the conflict with Policy CP47 of the WCS, the proposal conflicts with the development plan when read as a whole.
43. The Council's lack of a five-year supply of gypsy and traveller sites engages Paragraph 11 d) of the Framework. It states that in such circumstances permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. As that is not the case here, Paragraph 11 d) ii) then provides that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key, referenced policies.
44. I have already set out the significant and powerful considerations in favour of allowing this appeal. I am especially mindful of the personal circumstances before me and the effect that dismissing this appeal is likely to have.
45. However, the potential harm to a protected species is also a compelling consideration. Critically, given the onus the PPTS and the Framework place on the wellbeing of both gypsies and travellers and the settled community, the unresolved implications of a substandard foul drainage scheme for both site residents and neighbouring residents are significant. Future site residents, including children, are entitled to expect a settled base which adequately supports their health and wellbeing. Given also the harm to the character and appearance of the area, the balance of considerations leads me to find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
46. A permanent permission is not therefore appropriate. A temporary permission would time limit the landscape and visual harm but would not resolve the issue of the foul drainage. Any harm to GCN would arise even in relation to a temporary development. The same holds true for the prospect of a personal permission.
47. Consequently, the other considerations before me do not indicate that I should make my decision other than in accordance with the development plan. In reaching this view I have carefully considered the Human Rights issues that are pertinent, and I have had due regard to the PSED. However, the protection of the public interest cannot be achieved by means which are less interfering of the prospective resident's rights and I consider that dismissing the appeal is both proportionate and necessary in this case.

Conclusion

48. For the reasons given above the appeal should be dismissed.

Matthew Jones
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Marc Willers KC	Counsel, instructed by Philip Brown
Philip Brown	Agent
Alan Dales	Highway Expert
Dean Smith	Prospective Resident
Rocky Taylor	Prospective Resident
Mark Stevens	Prospective Resident

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Walker	Planning Manager
David Millinship	Senior Planning Officer
Mark Goodwin	Senior Landscape Officer
Ian Fry	Senior Highway Officer

INTERESTED PERSONS

Cllr Andrew Matthews	Wiltshire Council
Cllr Mel Allsop	Lydiard Millicent Parish Council
Cllr Sarah Hill Wheeler	Lydiard Millicent Parish Council
Jensen Hill	Local Resident
James Stubbs	Local Resident
Carol Morris	Local Resident
James Buckland	Local Resident
Stacey Buckland	Local Resident

DOCUMENTS SUBMITTED DURING OR AFTER THE HEARING

Enforcement Notice and particulars related to adjacent site
Design Manual for Roads and Bridges extract
Potential highway condition
Potential personal condition