



Appeal Decision

Site visit made on 15 October 2025

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal A Ref: APP/Y3940/C/24/3347549

Field to north of Sodom Lane (WT241435), Grittenham, Chippenham SN15 4JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Shane Bowers against an enforcement notice issued by Wiltshire Council.
- The notice was issued on 13 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land from agriculture to the mixed use of agriculture and for the stationing of caravans for residential purposes.
- The requirements of the notice are to:
 - a) Permanently cease to use the Land for the stationing of residential caravans; and
 - b) Permanently cease the residential occupation of the Land; and
 - c) Permanently remove all caravans occupied for residential purposes from the Land; and
 - d) Permanently remove all domestic paraphernalia associated with the residential use of the land including but not limited to the small decking area, garden furniture and tables, artificial grass, children's play equipment, timber dog house, portaloo and generators
 - e) Permanently remove all of the materials arising from steps (a) to (c) from the Land.
- The period for compliance with the requirements is: 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B Ref: APP/Y3940/C/24/3347551

Field to north of Sodom Lane (WT241435), Grittenham, Chippenham SN15 4JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Shane Bower and Mrs Lisa Bowers against an enforcement notice issued by Wiltshire Council.
- The notice was issued on 7 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, operational development carried out on the Land consisting of the installation of a septic tank, the laying of a Cotswold stone hard surface and erection of a timber shed.
- The requirements of the notice are to:
 - a) Permanently remove the Cotswold stone hard surface from the land approximately located within the area shaded blue in the "Detailed Plan" attached to this Notice
 - b) Permanently remove the timber shed from the land as identified in "Photograph A" attached to this Notice
 - c) Permanently remove the septic tank from the land as identified in "Photograph B" attached to this Notice
 - d) Permanently remove all of the materials arising from steps (a) to (c) from the Land
 - e) Seed the area of the removed Cotswold stone hard surface and septic tank with grass seed
- The periods for compliance with the requirement are:
 - a) 12 Months from the date this Notice takes effect
 - b) 12 Months from the date this Notice takes effect
 - c) 12 Months from the date this Notice takes effect
 - d) 12 Months from the date this Notice takes effect
 - e) Before 31st March 2026 or before the end of the next planting season following the end of the period of compliance with steps (a) – (d) above, whichever date is the greater.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal A Decision

1. It is directed that the enforcement notice is varied by: Deleting the time for compliance at section '6' stated as "12 months" and its replacement with "18 months". Subject to the variation, the appeals are dismissed and the enforcement notice is upheld.

Appeal B Decision

2. It is directed that the enforcement notice is varied by: Deleting the time for compliance at section '6' stated as "12 months" for steps a), b), c) and d) and their replacement with "18 months". Subject to the variation, the appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The notices were issued before the revisions to both the Planning Policy for Traveller Sites (PPTS) and the National Planning Policy Framework (the Framework). The main parties had an opportunity to comment on the changes.

Appeals on ground (a)

4. Under this ground of appeal, I must consider whether planning permission ought to be granted for the matters stated on the notices as the breach of planning control.

Main issues

5. The main issues are:
 - the effect of the developments on the character and appearance of the surrounding area.
 - the effect of the developments on the setting of nearby Grade II Listed Buildings.
6. A third main issue in Appeal A relating to the material change of use, is:
 - whether the development can provide suitable living conditions for the occupants of the site with respect to the effects of sound from the nearby highway network.
7. Lastly, I will need to consider the planning balance of any other material consideration in favour of the developments including personal issues, human rights and the best interests of any children living at the site, with any conflicts with the development plan.

Reasons - Character and appearance

8. The appeal site is a substantial field which is largely open, and rises very gradually up towards the north. The surrounding landscape is characterised by similarly gently sloping, fields within an agricultural landscape separate by hedgerows which also include a number of substantial trees. The field systems are generally large and open in between the long, straight lines of hedges.
9. Scattered amongst this rural open scene are farmsteads with buildings grouped together amongst the largely undeveloped countryside. The nearest buildings are the grouping of the farmstead that surrounds Goddards Farm and the farmhouse

itself which is a grade II Listed Building to the east. Another is Old Farmhouse to the west, also a grade II Listed Building along with the other buildings around that. The site directly adjoins a track which is also part of the public footpath network and I walked up this track to the north where it goes via a bridge over the M4 motorway. Although the landscape is not subject to particular designations, given the above characteristics, this is an attractive rural area.

10. An area on the appeal site has been laid out with yellowy-brown gravel on its surface in a roughly rectangular shape as shown hatched in blue on the notice being considered in Appeal B. That gravelled area is enclosed by the robust hedge along the road frontage and partially by close-boarded fencing within the field as well as a field gate. In the corner of that area is a container which would appear to be from the back of a lorry. Adjoining the gravelled area, there's an area with darker chippings close to the mobile-home which is then on a concrete base.
11. It is further proposed, through the submitted "Landscape Planting Proposals" plan, to enclose the whole area with a 2.5m high acoustic fence with planting around the outside of that. The area within these enclosures would then accommodate the mobile home, a driveway, parking spaces including space for 2 touring caravans. Other additional planting is proposed around the fence.
12. The appeal site would have, before the development took place, contributed to the distinctive rural character. That was described in a previous appeal relating to this site (Ref APP/Y3940/W/22/3312704 – the previous appeal). The previous appeal proposal was for a 2 pitch caravan site and was dismissed. The site has now, with the inclusion of the existing stone chipping surface and positioning of the mobile-home, had an urbanising effect which has brought about a stark visual change in this part of the field.
13. This discernible and harmful change to the landscape character is very noticeable from the very close-by public right of way albeit less so from the road along the front of the site as the existing hedge provides some screening. Whilst substantial planting is proposed that scheme would create a further enclosed subdivision within the wider field which would go against the characteristic open nature of the fields and the traditional pattern of fields around here. The 2.5m acoustic fence would emphasis this change further. Although the mobile home and domestic activities would be partially screened, it would take time for the planting to mature and create any substantial screening which would be less effective when the trees and shrubs are not in leaf. Furthermore, notwithstanding how much the landscaping would screen the developments, the enclosure including the landscaping itself, by reason of the subdivision of the field going against the characteristic open field pattern, would look artificial and out of place.
14. In relation to the first main issue, both of the developments have harmful effects on the character and appearance of the surrounding area. This does not therefore comply with Core Policy 51 of the Wiltshire Core Strategy, adopted January 2015 (CS) which requires amongst other things, the protection, conservation where possible the enhancement of landscape character. With regard specifically to the occupation by the appellant and their family, they fall within the definition of gypsies and travellers as set out within the PPTS. CS Core Policy 47 relates to meeting the needs of gypsies and travellers and the development does not comply with bullet-point 'vi' as it would not have an acceptable impact upon the character and appearance of the landscape. The Framework advises that decisions should

ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping as well as being sympathetic to local character and landscape setting. That would not be achieved.

Reasons - Listed buildings

15. The Council has not explicitly within the reasons for issuing the notices, referred to the effects upon the settings of Listed Buildings. However, The Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 66(1) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, I shall have special regard to the desirability of preserving the building or its setting. Furthermore, this was something that the Inspector in the previous appeal considered.
16. The rural landscape including the openness of the large fields and sparse buildings are significant for the setting of both of the nearby Listed Buildings, Goddards Farmhouse to the east and Old Farmhouse to the west. The appeal site is roughly equidistant between these buildings and the small groupings of other buildings around them. The farmsteads are set within the rural agricultural landscape which in part relates to their function as places where farming took place. That is therefore part of the significance of their setting.
17. The effects on the landscape and the undeveloped space between the groupings of buildings, interferes with the previous openness of this gap between the Listed Buildings, creating an urban presence in contrast to the previous largely undeveloped fields. This harms the setting of both Listed Buildings.
18. The developments do not therefore preserve the setting of the nearby Listed Buildings. This involves less than substantial harm to the which, given the advice in the Framework, I need to weigh-up with the public benefits of the developments.
19. The less than substantial harm would be of a low level to the significance of the setting of the Listed Buildings. Many of the benefits, as I will go on to deal with below, are personal to the appellant and their family. However, the scheme would make a contribution towards the supply of pitches in the county where the Council is not meeting its obligations. The development therefore has the modest public benefit but I can only give that moderate weight which does not outweigh the harm to the significance of the heritage assets.

Reasons - Living conditions, Appeal A only

20. The position of the mobile-home is, according to the appellant, around 150m from the M4 motorway. The proposed 2.5m high acoustic fence would be higher than the 1.8m fence proposed at the time of the previous appeal. I have not been provided with expert evidence regarding how effective that would be to mitigate the effects of noise from the M4 motorway. At my site-visit, I could hear a consistent buzz of traffic from this very busy, multi-lane motorway. In the previous appeal, noise evidence was submitted and that highlighted the sensitivity of the site with respect to the noise from vehicles on the M4.
21. The appellant is relying upon another appeal decision on a different site at Old Farm and the approach taken in that case where a 2.5m acoustic fence was considered appropriate. The complexity of how sound energy will be affected by local circumstances and conditions, provides little justification for the same

approach on a different site even if it is nearby. The appellant mentions that in the previous appeal on this site it was agreed that a 4m high fence might be required to achieve appropriate noise levels. Even if a more flexible approach could be justified as suggested along with modifications to the mobile-home such as double glazing, I do not have sufficient evidence before me to give me the confidence that what is proposed now, would sufficiently mitigate for the noise generated by the nearby busy road. Furthermore, even with those mitigating measures, noise will have an impact at times when windows need to be opened such as in hot weather and occupants will be affected when using the outside areas.

22. In relation to this main issue, it has not been demonstrated that the development can provide suitable living conditions for the occupants of the site with respect to the effects of sound from the nearby highway network. The development would not be of sufficiently high standards of amenity and would not therefore comply with CS Core Policy 57(vii). Furthermore, it would conflict with saved Policy NE18 of the North Wiltshire Local Plan 2011 which, among other things, expects development not to be subject to excessive noise. I acknowledge that the appellant is willing to accept the noise impact, but it nonetheless results in a poor residential environment, particularly for young children.

Other considerations

23. The Council confirms that they cannot demonstrate a 5 year supply of deliverable sites for gypsies and travellers. They have not relied upon any updates to the Gypsy and Traveller Accommodation Assessment 2022 (GTAA) which is referred to in the previous appeal decision. At that time, the GTAA showed that there were insufficient sites. The appellant had not been surveyed in the process leading to the GTAA even though they did reside in the same county. Furthermore, the 2024 PPTS change to the definition of Gypsy and Traveller includes a broader range of people to include those who have stopped travelling permanently. From what is before me, there still appears to be a significant unmet need for sites. That is supported by the media reports that the appellant has referred to.
24. The PPTS states that in these circumstances, the provisions in paragraph 11(d) of the Framework applies. I am therefore required to grant permission unless any adverse impacts of the developments would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 7 below paragraph 11(d) indicates that this presumption in favour of granting permission is unless the policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. That can relate to designated heritage assets. Whilst I do consider there is harm as set out above to the significance of the setting of the nearby Listed Buildings, that is low-level harm and is not in itself a strong reason for refusing the development and footnote 7 does not apply.
25. The appeal site is outside of a recognised settlement and within the countryside. However, Brinkworth and Royal Wootton Bassett are within a short drive and they both contain services and facilities. Even if private vehicles would be the main form of transport, by rural standards the site is a short distance from the settlements and is in a suitable location for the development.

26. Although the appellant and their family had previously lived elsewhere, they required a more secure home which purchasing the appeal site was an attempt to resolve that. The amount of land in the appellant's ownership also enables him to keep horses which is part of his trade and traveller heritage and also helps with respect to some medical issues with one of the occupants. The occupants are registered with a local doctor's surgery. There are young children who live within the caravan and who attend local schools. This has helped them in establishing links with the local traveller community as well as form relationships generally. It has been a settled base from which to access education and health services. The best interests of these children is a primary consideration in the overall balance.
27. It is incumbent on me to have 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. The family losing their home would also lead to an interference with Article 8 of the Human Rights Act 1998 (HRA) which states that everyone has a right to respect for private and family life, their home and correspondence. This is however a qualified right and interference may be justified in the public interest with the concept of proportionality being crucial. I return to this in the overall balance. There are insufficient sites as I have set out above and it will be difficult for the appellant and their family to find an alternative place to reside. I also return to this in relation to ground (g), below.

The planning balance Appeal A

28. Given my conclusions on the main issues, the development plan as a whole, is not complied with. That is my starting point and that is consistent with the approach in the Framework. Furthermore, given the degree of harm in relation to the main issues, and the advice of the Framework that I have referred to, I give substantial weight to the conflict with the development plan policies and the related policies in the Framework. That harm relates to the effects on the character and appearance of the area, to the setting of the Listed Buildings and the living conditions of the occupants of the site.
29. The lack of alternative available sites and the modest contribution that the development makes to meeting that need has moderate weight. The best interests of the children who live at the site are important but the benefits as set out above must be balanced with my judgement that the site provides harmful living conditions. I do give this matter further moderate weight however. The personal family circumstances adds further weight in favour of the development.
30. The appeal has referred to by the appellant (Ref APP/C1435/C/18/3196899 and others) within an Area of Outstanding Natural Beauty where the inspector gave great weight to the harm but the other matters outweighed that. In that case however, there were other matters of relevance within the planning balance and I have considered this case on the basis of the merits of this development.
31. The benefits and lack of harm in other respects do however not outweigh the harm in relation to the first and second main issues including the harm to the development plan and policies of the Framework. The adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

If I were to grant a temporary planning permission, it would reduce the extent of time the harm would affect the character and appearance of the landscape and the settings of the Listed Buildings. The living conditions of the family would still be harmed even if that were over a shorter period of time. However in the overall balance, while the harm would be less, so would the benefits, such that I consider that the adverse impacts of approving the developments on a temporary basis would still significantly and demonstrably outweigh the benefits.

The planning balance Appeal B

32. The operational developments cause harm and do not comply with the development plan taken as a whole. Given the conclusion on Appeal A above, there are no material considerations sufficient to outweigh that harm.

Appeals A & B on ground (g)

33. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The notice allows for a 12 month period for compliance.
34. The appellant requests a 3 year compliance period but that would be tantamount to a temporary planning permission, which as I have explained above, would not be acceptable. Nonetheless, there is a considerable under supply of alternative sites for the appellant and their family to relocate to. The children living at the site would suffer disruption particularly during school term-times. A 12 month period would require compliance around the end of the calendar year which is normally in the middle of the academic year. It would be preferable for the family have sufficient time to plan ahead for any changes to their location and for schooling arrangements. It would make most sense for any changes to occur at the end of the academic year. Allowing 18 months for compliance would allow until around the end of July 2026 and would achieve that.
35. An 18-month compliance period would enable an in-depth search of alternative sites to be undertaken by the appellant to try and find a suitable location for the family and importantly would reduce disruption for the children. Under ground (a) I consider that a temporary planning permission would not be acceptable, but I consider that an 18 month period to comply would strike a more proportionate balance between achieving compliance in the interests of development plan policies and other material considerations, set against what is more reasonable for the occupiers of the site, particularly school-aged children. Requirement e) in appeal B does not need variation because the timing is relative to the other steps.
36. The appeal on ground (g) therefore succeeds to that extent.

Conclusion in both appeals

37. For the reasons given above, apart from success on ground (g), I conclude that the appeals should not succeed. I shall uphold the enforcement notices with variations and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Andy Harwood

INSPECTOR