CASE OFFICER'S REPORT

Application Reference: 2023/04935
Date of Inspection: 08.08.2023
Date site notice posted: n/a
Date of press notice: N/a

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan, local and national planning policy guidance and other material considerations as relevant.

2. Consultations summary

WC Highways – No Highway objection.
WC Spatial planning – Would normally be concerned about the loss of a mobile home that is authorised for a member of the Gypsy and Traveller community, but understand that there are personal issues associated with the application and the site has a history of allowing replacements for mobile homes.
Britford parish council – No comment
Coombe Bissett parish council – No comment

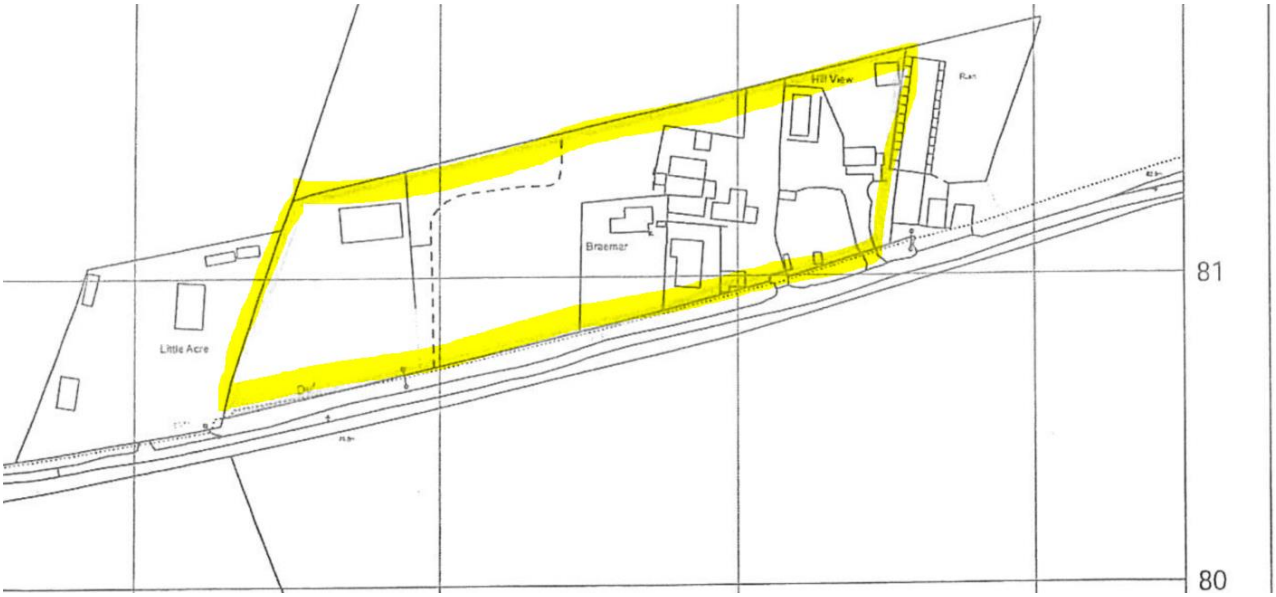
No representations from third parties were received

3. Site Description

The application site constitutes part of an area of land occupied by a number of mobile homes, dwellings and other associated buildings located off Old Shaston Drove, near Coombe Bissett.



Aerial photograph with site for new dwelling outlined in red



Plan showing area of land owned and controlled by Mrs E Cooper, known as 'Community Land'

The site has a good degree of existing screening within the surrounding landscape by virtue of existing hedgerows and boundary features, as well as being screened by existing buildings on the site. Access would be via the existing access serving the adjacent dwellings.

4. The Proposal

The application proposes the development of the land by the erection of a new detached one-bedroomed single storey dwellinghouse.

The applicants are of gypsy and traveller status and the proposal is to replace a mobile home, granted consent under S/2011/059 for occupation by persons from the Gypsy and Traveller community (which has recently been removed from the site due to it's poor condition, but the base of which is still visible on site) with a permanent single storey dwelling.

The proposal is to allow the son of the resident of the adjacent dwelling to live close by his mother and to provide care for her in the near future. This situation has been supported in evidence submitted with the application.

5. Local Planning Policy

Wiltshire Core Strategy Core Policies CP1, CP2, CP47, CP48, CP51, CP57 & CP64
Saved local plan policies C6 & H32 (Saved at Appendix D of the adopted WCS)
Planning Policy for Traveller Sites
NPPF & NPPG

6. Planning Considerations

This site is located within the designated Special Landscape Area of Salisbury (saved local plan policy C6 and adopted Core Policy CP51 refer), but is outside of the defined limits of development. For the purposes of the interpretation of the application site within the context of the local plan, the site is thereby defined as being within the countryside.

The application site is located within an area on the north side of Old Shaston Drove which includes a mix of bricks and mortar dwellings, small scale commercial uses and long established gypsy and traveller pitches.

Principle of the proposed development

Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Core Policy 2 addresses the issue of development outside of settlement boundaries. Under Core Policy 2, development will not normally be permitted outside the limits of development unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan.

Core Policy 2 states that development proposals outside of defined settlement edges will be strictly limited, and only acceptable in certain circumstances. Under normal circumstances therefore, the provision of a permanently built dwellinghouse within the countryside would be unacceptable in principle unless the exceptions criteria set out under CP48 are met:
WCS Core Policy CP48 deals with supporting rural life and explains the approach that will be taken to support rural communities, outside the limits of development of Principal Settlements, Market Towns, Local Service Centres and Large Villages and outside the existing built areas of Small Villages. The policy is based on the following key objectives:

- Protecting the countryside and maintaining its local distinctiveness.
- Supporting the sensitive reuse of built assets to help meet local needs.
- Supporting improved access between places and to services.
- Supporting the community in taking ownership of local services.

CP 48 states, that outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will only be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside.

However, of relevance to this application, Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan, *unless material considerations indicate otherwise*.

From the information submitted in support of the application it would appear that none of the exceptions criteria set out under CP48 apply to the current application. This has been previously confirmed by the Spatial Planning Senior Planning Officer in relation to other applications on this site (15/08191):

“The development plan strictly controls new residential dwellings in the countryside. The proposal is in conflict with Core Policy 2 in the Wiltshire Core Strategy as it does not meet any of the

exceptions in paragraph 4.25 of the plan. The first 3 exceptions are not relevant as the proposal is for a new bungalow, which constitutes residential development.

The forth exception via Core Policy 44 is not relevant as the proposal is not for an affordable dwelling on a rural exception site. Core Policy 46, which deals with specialist accommodation for vulnerable or older people, does not apply here either.

In terms of Core Policy 47, a proposal for an additional pitch would theoretically qualify as an exception under Core Policy 2; however the proposal is to erect a bricks and mortar bungalow to be lived in. Bricks and mortar structures can form part of a traveller pitch but only if they are not to be lived in (i.e. dayrooms).

Exceptionally, bricks and mortar accommodation on traveller sites in the countryside have been granted in Wiltshire before… where permission for replacement of a mobile home with a bricks and mortar bungalow was granted. The permission was granted because the evidence relating to the applicant's poor health was considered to outweigh the provisions in the development plan."

Notwithstanding the above policy context, the applicant has provided comprehensive information in respect of the personal, medical and family circumstances to explain and justify the proposed development. Additionally, independent medical evidence (in the form of doctor's letters) has been provided, further validating the personal and medical circumstances of the intended occupier(s) of the proposed new building.

Officers have carefully considered the submitted evidence and consider, on balance, that this does constitute a material planning consideration sufficient to dictate that the normal planning policy considerations in respect of the proposed development (i.e. in effect, the provision of a permanent dwelling outside of the defined limits of development) should not apply.

Therefore, on the basis of the intended occupiers' specific and demonstrated personal medical and family circumstances, it is considered the normal planning policy requirements (which would otherwise lead to a refusal of the proposed development) should not apply in this case, and the proposed development is considered acceptable in principle.

Impact on amenity

Being situated within a private gypsy site and adjacent to family members in other existing mobile homes it is considered the proposal would not unduly affect the amenity of other occupiers of the wider site or other residents within the surrounding area.

Impact on the character of the surrounding landscape

WCS Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character and states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

By reason of the single storey form of the building, and by reason of substantial natural screening afforded by existing mature trees and hedgerow screening and the topography around the application site, it is considered the proposed development would not adversely affect the existing character of the surrounding landscape.

Highways considerations

The Highways officer has not raised a highway concern in respect of the development, which is the stance taken on numerous previous applications on the site.

Loss of an authorised gypsy and traveller pitch

The application would involve the loss ("replacement") of an existing authorised static mobile home (recently removed from the site, but due to the nature of mobile homes another could be replaced without the need for pp as its consent related to a use of land, not to a specific structure) which constitutes a gypsy and traveller pitch, having planning consent under reference S/2011/0590. This authorised pitch is not a temporary consent and is not a personal permission. The occupation of the mobile home is restricted by Condition to person(s) of gypsy and traveller status, as follows:

> 2. The occupation of the mobile home hereby approved shall be limited to a person or persons of gypsy and traveller status as defined within ODPM Circular 01/2006, or a widow or widower of such a person or persons, and to any resident dependants.
> REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant, being of Gypsy and Traveller status which are considered, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.
> POLICY: H34 (Gypsy Sites) of the adopted local plan and Core Policy 4 of the emerging South Wiltshire Core Strategy

As such, the existing pitch could be occupied by any person or persons of gypsy and traveller status and thereby constitutes an important gypsy and traveller pitch within the Wiltshire Council South Housing Management Area, where the provision of pitches is currently at a significant deficit and for which there is a recognised ongoing significant need.

In this respect it is of significant note that PPTS (2015) at paragraph 4(h) lists as one of the Government's aims in respect of traveller sites:

"to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply"

The application will result in the loss of a Gypsy and Traveller mobile home, but the site appears to have capacity for additional units if justified , thereby there will not necessarily be a net loss of the Council's current numbers/provision of gypsy and traveller pitches in the South Housing Management Area, where there is currently a significant deficit.

Planning permission has been granted on two separate occasions on this extended family site to replace mobile homes with permanent dwellings when there has been sufficient personal justification to do so (15/08191 and 19/07690/FUL) . Both approvals have been implemented. There remain a number of other mobile homes on the site occupied by other members of the

extended family. The application contains information as to how the ownership of the site is retained within the extended family, administered by one of the family who has resided on the site since the 1970's. There is no indication to show that this ownership situation will change in the near future and the site therefore remains as a recognised site for Gypsies and Travellers.

The site lies within the catchment of the River Avon SAC, where there are acknowledged issues with nutrients (in this case Phosphates) entering the river system to the detriment of the water quality. However this application does not result in an additional dwelling feeding into the system and the agent has provided evidence to demonstrate that the existing means of foul water disposal from the mobile home on the site until very recently still exists and can be used for the new dwelling. Therefore the scheme has no impact on the integrity of the SAC.

7. Conclusion

On the basis of the intended occupiers' role in supporting the specific and demonstrated personal medical and family circumstances of an existing resident of the site, it is considered the normal planning policy requirements (which would otherwise lead to a refusal of the proposed development) should not apply in this case, and the proposed development is considered acceptable in principle.

The proposed development is considered acceptable in terms of its scale, design and materials and would not result in undue impacts on the amenity of neighbours or adverse impacts on the existing character of the surrounding landscape. The proposed development is considered acceptable in terms of Highway safety.

RECOMMENDATION
Approve, subject to Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Plan, Block Plan, Floor Plans and Elevations – Drawing no. 04023 1, received on 20th June 2023.

REASON: For the avoidance of doubt and in the interests of proper planning.

3) No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the

development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

Informative Notes

1) Non Mains Drainage: A non-mains sewerage system is proposed. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year, and is of a standard that will meet the requirements to minimise the amount of phosphate and other nutrients entering the River Avon SAC catchment.
For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality". Any installation of a Package Treatment Plant needs to meet approval of the Environment Agency's requirements under their permitting rule.

2) The development hereby approved could be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.
More information and the charging schedule for CIL can be found using the following link:
http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm