From: Ethan Giles
Sent: Friday, January 12, 2024 4:03 PM
To: Millinship, David <David.Millinship@wiltshire.gov.uk>
Subject: Re: Planning application - PL/2023/08288 - Land at Spin Hill, Market Lavington, Wiltshire

Dear David,

Thank you for your email dated 03-January 2024. This response seeks to address the points raised within such and provide any clarity that is sought after.

Firstly, I can confirm that a land registry search has been undertaken to establish whether any relevant landowners exist for the land subject of this application. To the best of our knowledge, the Certificate B served on the local highways authority gives the relevant notice to all other landowners who own land within the red line boundary of this application.

In regards to your subsequent points, let me first clarify that personal circumstances will not be submitted to support this application as per my email dated the 01-December 2023. This is justified by the unmet need (backlog) for additional pitches in the district, the absence of a five-year land supply for additional pitches, and the lack of suitable, acceptable, affordable, available alternative sites, all of which are material consideration that should be given weight in favour of a grant of permission when determining this application. The above should all be considered before personal circumstances become relevant.

In terms of alternative accommodation, there is no burden on applicants to demonstrate that no alternative sites are available. This is supported in relevant case law, McCarthy v SoSCLG & South Cambridgeshire DC [2006] EWHC 3287. However, in terms of alternative sites, the following recent appeals within Wiltshire have made the succeeding conclusions:

- APP/Y3940/W/22/3312704 – the inspector concludes that no alternative sites have been identified for the proposed occupants.
- APP/Y3940/W/21/3271379 – the inspector states that neither party could identify alternative sites.
- APP/Y3940/W/21/3267074 – the inspector highlights that The Council were also unable to point out any vacant alternative sites or sites that benefit from an allocation or permission that should be considered.
- APP/Y3940/C/22/3299762 – the inspector notes that there are no allocated sites and the Council confirmed there is a waiting list for local authority managed sites, and neither the Council nor the appellant has knowledge of vacancies at private sites.
- APP/Y3940/W/18/3215416 – the inspector notes that the Council accepts that it cannot currently demonstrate the required 5-year supply of specific deliverable sites.

The above highlights that the need for and lack of supply of sites for Gypsy and Travellers, the lack of suitable alternative sites along with the substantive failure of policy all weigh in favour of the development.

Furthermore, this application is seeking permission for solely residential use. No business use is being sought after. This can be controlled via a suitably assigned condition such as or similar to: No commercial activity or use, including the storage of materials and waste or commercial vehicles, shall be carried out on the site.

Your position in regards to pedestrian access is noted, however, sites that rely on short car journeys for access to everyday services, in the context of both the lifestyle of the Gypsy and Traveller community and the more limited sustainable/active transport options available in rural areas, should be deemed suitable. The following recent appeals, concerning such, support this further:

- APP/Y3940/W/22/3312704 – the inspector accepts the likelihood of car reliance; however, trips are acceptably 'short' at less than 10minutes; and concludes that the site is 'suitably located'.
- APP/Y3940/W/21/3271379 – the inspector notes the Council's stance that with all essential services within 15 mins by car the site is reasonably accessible.

In terms of landscape harm, the proposed development would have, at worst, a limited impact upon the character and appearance of the area. Please note, Gypsy and Traveller pitches are features of the countryside and therefore the site would be in keeping with such. The aforementioned appeal decisions are all located in the countryside, or in the case of APP/Y3940/W/21/3271379 an Area of Outstanding Natural Beauty (AONB), further supporting this. Additionally, the modest scale of the proposed development is limited to ensure that the nearest settled community i.e., Market Lavington, is not dominated; in keeping with Policy C of the Planning policy for traveller sites (PPTS). Should there be any lasting visual concerns, these could be suitably minimised through the use of an appropriate landscaping scheme, which can be agreed via condition.

I can confirm that the required 5.3 metre clearance (exclusion zone) from the overhead electricity cables is achievable and maintained. Please see the amended proposed site plan depicting such. Other amendments included the incorporation of a grassed outdoor amenity space. I can also confirm that the site is already serviced by essential utilities i.e., water and electricity.

Regarding your drainage concerns, as stated in the application form, the site will be sustainably drained via the proposed loose bound permeable hardstanding. Water from the dayroom structures will be drained via the loose bound permeable hardstanding and the proposed soakaway, as shown in drawing no. '22_1260_003 Proposed Site Plan'. Proposed soakaways are subject to percolation tests which can be satisfactorily dealt with by a condition. Additionally, in accordance with Circular 03/99 and 11/95 final drainage details can be dealt with by condition and therefore details are not required at this stage.

I hope the contents of this email address your concerns raised or provides additional information to support your assessment of this application. When you have had time to consider this I would apricate and update and I look forward to hearing from you soon.

Kind Regards, Ethan

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Ethan Giles

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On Wed, 3 Jan 2024 at 14:57, Millinship, David <David.Millinship@wiltshire.gov.uk> wrote:
Hello Ethan,

Apologies for the delay with my response. I initially missed this email when it was received and only picked up on it last week.

In terms of an update, the application has been restarted with a valid date of 8th Dec 2023. New consultations are being sent and I'll need to display a new site notice.

I had discussed my thoughts with the Planning Manager before Xmas. Firstly, the site location needed amendment and the ownership notice served for the application to be valid. I had thought it possible that Certs may need to have been served on both the LPA (highways) and the landowner of the track that provides access to the site (also a PROW). Can you please confirm that this isn't needed (as the land would either be within the applicant's ownership or part of the adopted public highway)?

In terms of our policy and the national guidance, it was difficult for me to say whether the proposal did comply in general principle or not. You have said that personal information has not been provided as the site is not in green belt. It is not within my understanding that, whether a site is within Green Belt or not, should warrant submission of information relating to the background and personal circumstances of a proposed site occupier. National guidance states that LPA's should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

> *a) the existing level of local provision and need for sites.*
> *b) the availability (or lack) of alternative accommodation for the applicants.*
> *c) other personal circumstances of the applicant.*
> *d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.*
> *e) that they should determine applications for sites from any travellers and not just those with local connections.*

In terms of point a, the LPA has our G&T needs assessment which is currently under review. Due to the size of the county area (and previous existence of 4 district councils) our needs assessment is split into four areas with this site being within the Eastern Area. It would be useful to know whether the applicant (Mr Price) has been engaged with the needs assessment as this is relevant to our consideration of the broad principle (i.e. would this site meet an identified need or would it be a windfall site). I can't assess point b, based on the information submitted. It would be in your interests to provide details of the applicant's current accommodation and why they would need (or want) to occupy the application site. As with point b, it would be very useful to provide details of personal circs, particularly with regards to the needs of children that may be living at the site (would they be attending local primary/secondary schools). Also, would the site be a mixed business and residential site (info

on how many business vehicles/nature of any business activities would be relevant to wider amenity considerations and possible conditions should the LPA be able to support the broad principle).
Point d (in my understanding) places emphasis on our local policy. I believe we have an identified need within the Eastern Area (and certainly at authority wide level). However, the site is unallocated, and our local policy requires a site specific assessment to confirm whether a site may be appropriate. The policy (Core Policy 47) asks for sites to meet certain criteria:

> *i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.*
>
> *ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.*
>
> *iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.*
>
> *iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.*
>
> *v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.*
>
> *vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*
>
> *vii. Adequate levels of privacy should be provided for occupiers.*
>
> *viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.*

Firstly, we have concerns over the location of the electricity cables. No details about these have been submitted (how they would be dealt with – as I recall there are exclusion zones for development within a certain proximity of such cables and these also enter the ground within the site). Highways are satisfied with vehicular traffic safety but a safe access for pedestrians would not appear to be able to be secured. The public highways in the area are rural roads, mostly without footways and if children are to be expected to attend local schools, they would be making daily trips to and from the site along unsuitable roads. For Point iii see concerns raised in point i. I have concerns that other services could be reasonably installed (drainage is a concern).

Iv would seem to be broadly satisfied by the proposed design, unless the layout needs to be changed to accommodate exclusion zones around the cables. V is I think satisfied in terms of distances to services, but safe access is another matter (see above). In my view there would be landscape harm but, as the surrounding countryside is not of a high designation (not National Landscape – AONB) the weight we can give to the harm may be quite limited (I'm yet to fully assess this in the context of other matters). Privacy for future occupiers should be able to be secured. In broad terms the scale of the development is likely to be appropriate to the nearby village but there are general visual impact and landscape concerns over the character of the site.

Lastly, both the national guidance and CP47 state that priority should be given to previously developed land. I don't consider the site to be PDL with regards to the NPPF definition. Its only known lawful use was for agriculture and despite some limited (possibly unauthorised) development the site remains rural in character. I appreciate that we are likely to have a need and cannot demonstrate an up-to-date supply of sites so the fact that the site is not PDL may be less of an issue. Considering the issues as a whole, it is currently my view that a refusal can be justified. Further information about the intended site occupiers would warrant a re-assessment but I don't believe that all matters can be addressed.

The application has been called in (to planning committee) if officers are minded to support the scheme. So, it is in your interests to submit additional information and to attempt to address some of the concerns before I can finalise my recommendation as (if I am able to support the scheme) my assessment would need to be detailed and robust to present to committee.

This information represents my informal opinion and is given in good faith. It is in no way binding on any future decisions of the local planning authority.

I trust this information is of assistance to you and I look forward to your response.

Kind regards,

Dave

David Millinship

Planning Officer

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