



# The Planning Inspectorate

Room 3D  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 444 5120  
Customer Services:  
0303 444 5000

Email: [west2@planninginspectorate.gov.uk](mailto:west2@planninginspectorate.gov.uk)  
[www.gov.uk/planning-inspectorate](https://www.gov.uk/planning-inspectorate)

Your Ref: PL/2023/00900

Our Ref: APP/Y3940/W/25/3360013

Development Services  
Wiltshire Council  
Development Services  
County Hall  
Trowbridge  
BA14 8JF

02 June 2025

Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Mr John Lee

Site Address: Charlie's Place, Land off Sodom Lane, Grittenham, Royal Wootton Bassett, Wiltshire, SN15 4JY

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access you may write to the Customer Quality Unit at the address above. Alternatively, if you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

<http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/>

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our

service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

[https://www.surveymonkey.co.uk/r/Planning\\_inspectorate\\_customer\\_survey](https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey)

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

***Sean Ernsting***

Sean Ernsting

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*



---

## Appeal Decision

Site visit made on 29 April 2025

**by Nick Davies BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2<sup>nd</sup> June 2025**

---

**Appeal Ref: APP/Y3940/W/25/3360013**

**Charlie's Place, Land off Sodom Lane, Grittenham, Royal Wootton Bassett, Wiltshire SN15 4JY**

- 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 Mr John Lee against the decision of Wiltshire Council.
  - The application Ref is PL/2023/00900.
  - The development proposed is change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn at Charlie's Place, land off Sodom Lane, Grittenham, Royal Wootton Bassett, Wiltshire SN15 4JY in accordance with the terms of the application, Ref PL/2023/00900, and the plans submitted with it, subject to the conditions in the attached schedule.

### Application for costs

2. An application for costs was made by Mr John Lee against Wiltshire Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - a) whether the site is suitable for the proposal, bearing in mind the accessibility of services and facilities; and,
  - b) the effect of the development on the character and appearance of the area.

### Reasons

#### *Accessibility of services and facilities*

4. Policy CP47 of the Wiltshire Core Strategy (Adopted January 2015) (the Core Strategy) provides a set of criteria which define broad locations where new Gypsy and Traveller caravan sites would be appropriate, and against which proposed sites will be assessed. Paragraph 6.59 of the Core Strategy signals an intention to prepare a Gypsy and Traveller Development Plan Document (DPD) to add detail to the interpretation and implementation of CP47, and to identify specific sites to meet the identified need for pitches. It also clarifies that applications submitted

before the DPD is prepared, as is the case with this appeal, will be assessed against the general criteria set out in CP47.

5. Criterion (v) of Policy CP47 requires proposals to be 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. The site lies in open countryside, so is not in a settlement. Grittenham, which lies about 1.5 kilometres to the east, does not contain any services or community facilities. The nearest recognised settlement is Brinkworth, which is just over 2 kilometres to the north. Facilities here include a primary school, church, village hall and pub. A full range of services, including a health centre, secondary school, supermarkets, and a leisure centre are found in Royal Wootton Bassett, approximately 4.5 kilometres to the east.
6. It is common ground that the site is not linked to these settlements by any form of public transport. The roads from the site to Brinkworth and Royal Wootton Bassett do not have lighting, footways, or segregated cycleways. Furthermore, they are winding, so the travel distances to the settlements are significantly greater than the direct line distances set out above. It is therefore highly likely that future occupants of the site would be reliant on private vehicles to access day-to-day services and facilities.
7. However, Policy CP47 does not require a new site to be well-served by public transport. It only requires a site to be near to existing settlements and within reasonable distance of services and facilities. In the absence of an adopted DPD to provide detailed guidance, some judgement is necessary in determining whether this is the case. In assessing this matter, I am mindful that Gypsy and Traveller sites in the countryside are not prohibited in principle by either the National Planning Policy Framework (the Framework), the Planning policy for traveller sites (the PPTS), or Policy CP47. Furthermore, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. It is therefore to be expected that occupants of new sites in rural areas will be reliant on private vehicles to access services to some extent.
8. In this case, the settlements at Brinkworth and Royal Wootton Bassett are relatively nearby. The centre of Royal Wootton Bassett, where there is a full range of facilities and services, is only a short drive away. The occupants of the appeal site would be a very similar distance from the settlements and services, and would use the same route, as the occupants of a Gypsy site that was recently allowed on appeal around 250 metres to the north. In that decision<sup>1</sup>, the Inspector concluded that the site was in a suitable location for the proposal, having regard to access to services and facilities, and would therefore accord with Policy CP47(v).
9. The appeal before me is for four pitches rather than two, so it could be expected to generate more traffic movements, but the pitches would likely be occupied by an extended family, so some journeys to obtain goods and services may be combined, thus reducing the overall number of trips. Furthermore, the proposal includes a barn so that the appellant and his family can operate a landscaping business from the site, hence reducing daily trips by occupants to places of employment. In any event, even without these factors, the travel distance to

---

<sup>1</sup> Appeal Ref: APP/Y3940/W/22/3312704

facilities and services is short, and the number of trips generated by the proposal would be modest.

10. To conclude on this issue, I find that the site is suitable for the proposal, bearing in mind the accessibility of services and facilities. It would therefore accord with Policy CP47(v) of the Core Strategy. It would also accord with Policies CP60 and CP61, which seek to reduce the need to travel by private car by planning developments in accessible locations.

### *Character and appearance*

11. The appeal site lies in a generally level landscape that comprises large fields bounded by dense hedgerows of varying height, which include many mature trees. Scattered farmsteads and equestrian developments and their attendant buildings are a characteristic feature of the area. However, the level topography and dense field enclosures mean that they are only readily apparent in close views. Consequently, from most public viewpoints, the area has the character of open countryside with few visible buildings. Whilst it is not a designated landscape it does, nonetheless, have intrinsic character and beauty that should be recognised in accordance with paragraph 187 of the Framework.
12. The appeal site is part of a large-scale geometric field, which is surrounded on three sides by hedgerows and an open drainage ditch. It is level, pastoral land, with open skies, so it displays some of the characteristic features of the Open Clay Vales Landscape Type<sup>2</sup>. It therefore contributes positively to the appearance of this part of the countryside. Its visual connection with the wider landscape is, however, limited, as it is screened to the north and east by dense, unbroken hedgerows. The western roadside boundary is also a thick hedge, but it does have two gateways, through which the field can be seen. To the south, though, there is no physical demarcation of the field, and the site is readily visible in its wider landscape setting from Footpaths BRIN19 and BRIN22.
13. The introduction of a barn and hardstanding, four dayrooms, and four pitches (each accommodating a touring caravan and a static caravan), together with parked cars and other domestic paraphernalia, would inevitably affect the undeveloped countryside. Whilst the open-fronted timber barn would not be an unexpected feature in this rural location, the day rooms would have a residential character, and the use of land to station caravans would not be in character with the open, pastoral surroundings.
14. However, in this case, the pitches and dayrooms would be effectively screened from northerly and easterly views by the high boundary hedges. They would be set back in the field, approximately 100 metres from the roadside boundary, and the existing field accesses would be closed with hedging managed to 2.5 metres in height. Consequently, the development would only be glimpsed, at significant distance, through the proposed new access. Furthermore, the drawings submitted with the application include the provision of a dividing hedge through the wider field to visually contain the development. This proposal was refined as part of the appeal submission<sup>3</sup>. In combination with the existing mature boundary hedging, the additional landscaping would ensure that the development would be effectively

---

<sup>2</sup> Wiltshire Landscape Character Assessment (December 2005)

<sup>3</sup> Landscape Implementation and Management Plan For Proposed Gypsy Site – WHLandscape: Project Reference: 24.1874

screened from the road. Consequently, its impact on the landscape from public viewpoints to the north, west and east would be negligible.

15. From the south, however, the site is currently entirely open to close views from Footpath BRIN22, which runs within ten metres of the southeast corner of the site. The landscaping proposals include a new mixed native hedge managed to a height of at least 2.5 metres along the entire southern boundary of the wider field, together with hedgerow trees, on the line of a historic hedgerow. In time, this would screen the development from view from the footpath. However, the scheme shows that, initially, the hedging plants would be 60 – 80 centimetres tall. It would, therefore, take some considerable time before the hedge attained 2.5 metres in height, and developed sufficient thickness to function as an effective screen. The appellant's Landscape Statement indicates that full mitigation would be achieved by year 15. In the meantime, the caravans and dayrooms would be readily visible from the footpath and would harm the open rural character and appearance of the area.
16. It has been put to me that the subdivision of the field would, in itself, be harmful to the landscape character of the area. However, whilst large geometric fields are referred to in the landscape character type, the level topography and dense hedgerow boundaries mean that panoramic views of the wider landscape are not readily obtained. The relative size and shapes of surrounding fields is not apparent from eye level, so, once the hedgerows were established, walkers on the footpath would not discern any discordance in the field pattern.
17. The majority of the wider field would also remain as grassland, despite concerns about the extent of hardstanding proposed. Being at ground level, even in views from the footpath, the proposed hard surfaces would be quickly assimilated into their surroundings by the proposed landscaping.
18. The impact of the proposal on views out of Great Wood, to the south, has also been raised. Whilst the evidence indicates that the woodland is under the management of the Wiltshire Wildlife Trust, there is currently no public access, and no public footpaths run through it. In any event, the edge of the woodland is approximately 200 metres away, so any views of the proposed development would be from a considerable distance, and through the filter of the woodland trees. Consequently, the visual impact from within the woods would be minimal.
19. To conclude on this issue, the proposal would be harmful to the open, pastoral character of the landscape when viewed from the public footpaths to the south. This would result in conflict with Policies CP47(vi), CP51, and CP57 of the Core Strategy, which seek to ensure that development does not have a harmful impact upon landscape character. The harm that I have identified would, however, be restricted to views from relatively short stretches of the footpaths to the south, which are already affected to a significant extent by the presence of the buildings, caravans and other agricultural paraphernalia associated with Gable End Farm. The harm would also be mitigated, in the longer term, by the extensive landscaping proposed as part of the scheme. Overall, therefore, the harm to the character and appearance of the area would be limited.

## **Other Matters**

20. Although it is not a matter of dispute between the main parties, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

(as amended) to have special regard to the desirability of preserving listed buildings, or their settings, or any features of special architectural or historic interest which they possess. Old Farm and Goddard Farm are Grade II listed buildings that lie approximately 200 and 300 metres, respectively, to the north and northeast of the site. The significance of these heritage assets lies in their period architecture, and in their historical functional relationship with the surrounding agricultural land. The proposal would involve development in the countryside relatively close to these listed buildings, but the level topography and intervening hedgerows means that there would be no intervisibility between the two. Consequently, the way in which the listed buildings are experienced would be unchanged, and the effect on their significance would be neutral, so the heritage assets would be preserved.

21. An ecology report<sup>4</sup> identified the ecological baseline for the site, and identified the mitigation measures that would be necessary to avoid any harm to biodiversity. I agree with the view of the Council's Ecologist, and I have attached a condition to secure the identified mitigation. There is therefore no evidence to indicate that the proposal would be harmful to biodiversity.
22. Evidence in representations shows flooding across part of the site in recent years. However, a Flood Risk Assessment (FRA) was submitted with the application, which modelled flood levels for the watercourses in the vicinity of the site. The FRA demonstrated that the proposed caravans and day rooms would be in Flood Zone 1, where there is a low risk of flooding. Whilst the barn would be in Flood Zone 3, it would be of "floodable" design, so it would not impede flood flow, or increase downstream flood risk. The Environment Agency and the Lead Local Flood Authority did not object to the proposal, subject to conditions securing details of foul and surface water drainage, and preventing the storage of caravans in the barn or the raising of ground levels. I agree, so I have attached conditions covering these matters. There is, therefore, no expert evidence to indicate that the proposed caravans would be at risk of flooding, or that the development would increase third party flood or pollution risk.
23. The proposal would involve a new access and would result in an increase in traffic movements in the vicinity of the site. However, the new access would emerge onto a straight road with good visibility in both directions, so would not result in additional highway danger. The roads leading to the site are wide enough for two vehicles to pass and they carry little traffic, so the moderate movements associated with the proposed use could be easily accommodated without causing any inconvenience to other road users. I am also mindful that the Highway Authority did not object, subject to conditions to secure the provision of the new access, and the closure of the existing field entrance. I have attached conditions to this effect. Consequently, there is no expert evidence to suggest that the proposal would result in unsatisfactory highway effects.
24. Other matters raised in representations include potential detriment to residential amenity and the loss of agricultural land. However, the site is sufficiently distant from other residential properties to avoid any harm to the living conditions of occupants, and the evidence indicates that, being Grade 4, the land is not best or most versatile agricultural land.

<sup>4</sup> Wessex Ecology - Preliminary Ecological Appraisal - Land at Manor Farm, Sodom Lane, Grittenham, SN15 4JY

## **Other Considerations**

25. Paragraph 10 of the PPTS requires local planning authorities, in producing their Local Plan, to identify and update annually, a supply of specific deliverable traveller sites sufficient to provide 5 years' worth of sites against their locally set targets. Taking account of pitch provision since April 2006, the Core Strategy identified a need for 66 additional permanent residential pitches in the period 2011-2016, and projected a further need of 42 between 2016 and 2021. However, no sites were allocated to meet this need, as it was intended that this would be done through a proposed DPD. To date, no DPD has been adopted, so there has been no planned provision to meet the identified need.
26. The need identified in the Core Strategy was based on a 2006 Gypsy and Traveller Accommodation Needs Assessment (GTAA). That is now out of date, having been superseded by GTAA's dated 2014, 2020, 2022 and 2024. The most recent of these covers the period 2024-39 and identifies a need for 188 pitches for Gypsies and Travellers that meet the planning definition in the PPTS, 73 pitches for Gypsies and Travellers that do not meet the definition in the PPTS, and 38 pitches for Gypsies and Travellers that could not be determined. However, the 2024 GTAA pre-dates the broader definition of gypsies and travellers in the current PPTS. Nevertheless, the Council acknowledges that the 21 pitches that have been granted planning permission since 1 April 2024 base date and any existing commitments are insufficient to demonstrate a five-year supply against the identified need in the most recent GTAA.
27. Whilst the evidence indicates that a DPD which will allocate sites is under preparation, I have not been provided with a copy of a draft, nor advised of an up-to-date timetable for its examination or adoption. The appellant's evidence indicates that a large volume of representations has been received following the consultation stage, which will need to be considered before the plan proceeds to examination and adoption. There are, therefore, currently no allocated sites to meet the need identified in the 2024 GTAA, and little prospect that this will change in the short term. In the meantime, there will be a continued reliance on the delivery of windfall sites to meet the identified need. The lack of planned provision of sites over many years, and a continued reliance on windfall sites to meet current needs are factors that weigh in favour of the proposal.
28. The appellant's Gypsy status is not a matter of dispute. The proposal would enable him and his family to settle on the land as a group, but with a degree of independence for the two eldest children, and a supportive environment for the appellant's ageing mother-in-law. There would be benefits to the family in having a settled base from which to access education and health services, and to run their landscaping business. However, little information has been provided regarding the family's current living arrangements, or the consequences for them if the appeal is dismissed. Consequently, there is little evidence to demonstrate that the appellant's personal circumstances should carry significant weight in my decision.

## **Planning Balance**

29. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Material considerations include the Framework and the PPTS. In this case, I have found that the proposal would conflict with development plan policies

that seek to protect the character and appearance of the landscape. The proposal would, therefore, conflict with the development plan as a whole. However, as the Council is unable to demonstrate a five-year supply of deliverable traveller sites, Paragraph 28 of the PPTS states that the approach to decision-making set out at paragraph 11d) of the Framework should be taken.

30. As the proposal does not affect assets of particular importance, sub-paragraph i is not applicable. Therefore, applying sub-paragraph ii, and the proposal's adverse impacts, paragraph 131 of the Framework says the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve. Paragraph 187 says that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside. The harm to the character and appearance of the landscape resulting from the development should, therefore, carry considerable weight. However, the harm would be localised and would, in time, be reduced as the proposed hedge planting matures.
31. Turning to the benefits, the proposal would address part of the considerable unmet need for pitches, in the context of the ongoing failure of policy to address that need. This is a matter that attracts substantial weight in my decision. The proposal would also provide economic benefits through employment during the construction phase, and the ongoing spend of residents thereafter. However, the relatively modest scale of the development means that these benefits would be limited.
32. In the absence of allocated sites, the need for pitches can only be met through windfall sites, most of which are likely to result in a degree of harm to the character and appearance of the countryside. In this case, the harm would be limited. Consequently, the adverse impacts of granting permission do not outweigh the benefits, so the presumption in favour of sustainable development set out at subsection 11(d)(ii) of the Framework should prevail.

### **Conditions**

33. I have imposed a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance (the PPG). Where I have agreed that the conditions are necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance and to avoid them being pre-commencement conditions.
34. I have imposed conditions related to ecological mitigation, flood risk, drainage, and highway safety, as already mentioned above. A condition requiring the submission of full details of landscaping and its future maintenance is also necessary to ensure that the impact on the character and appearance of the landscape is mitigated in the longer term.
35. It is necessary to impose a condition limiting occupation of the pitches to those who meet the government's definition of Gypsies and Travellers, contained in Annex 1 of the PPTS, so that the proposal contributes to the supply of pitches in the area. A condition limiting the numbers of caravans, the layout of the pitches, and the use of the barn is also needed, to prevent any increase in the scale, character, and visual impact of the development.

36. There is no evidence to indicate that the land is, or may be contaminated, so a condition relating to the steps to be taken if contamination is encountered would not pass the tests of reasonableness or necessity.
37. The Council has suggested a condition removing permitted development rights for structures, buildings, or means of enclosure. However, I have not been provided with any justification for such restrictions, or evidence of why the limitations imposed by the legislation on the exercise of permitted development rights would not be sufficient to avoid any significant harm. The PPG advises that blanket removal of freedoms to carry out small scale development that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity<sup>5</sup>. For these reasons, I have found the proposed condition would fail the tests, so I have not imposed it.
38. Although not suggested by the Council, I have considered whether it would be appropriate to impose a condition limiting the occupancy of the pitches to the appellant and his family. However, it is the substantial and long-term unmet need for pitches in general, rather than the personal circumstances of the appellant, that tipped the balance in favour of the development. Consequently, a personal permission would not be justified.

### **Conclusion**

39. The proposal would conflict with the development plan, but the material considerations, including the Framework, indicate that the appeal should be decided other than in accordance with it.
40. For the reasons given above, I conclude that the appeal should be allowed.

*Nick Davies*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: JL-JH-01 Rev B – Location Plan; JL-JH-02 Rev D - Site Plan; JL-JH-03 - Proposed day room - floorplan & elevations; JL-JH-04 Proposed barn - floorplan & elevations; JL-JH-05 Proposed access details.
- 3) Prior to any above ground building works, and before any caravans are placed on the site, a scheme for the discharge of surface water from the site, incorporating sustainable drainage principles, shall be submitted to, and approved in writing by the local planning authority. The details shall demonstrate that the proposed vehicular access over the ditch shall be constructed such that surface water drainage shall not discharge onto the highway. No caravan shall be occupied until the scheme has been fully

---

<sup>5</sup> Paragraph: 017 Reference ID: 21a-017-20190723

implemented in accordance with the approved details. The approved drainage scheme shall be permanently retained thereafter.

- 4) Prior to any above ground building works, and before any caravans are placed on the site, a scheme for the stopping up of the existing field access, to the north of the proposed access, shall be submitted to and approved in writing by the local planning authority. The stopping up shall take place in accordance with the approved details within one month of the first occupation of the development, and thereafter the sole means of vehicular and pedestrian access to the development shall be as shown on the approved plans.
- 5) Prior to any above ground building works, and before any caravans are placed on the site, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - location and current canopy spread of all existing trees and hedgerows on the land, full details of any to be retained, and measures for their protection in the course of development;
  - a detailed planting specification showing all plant species, planting sizes and planting densities;
  - all hard and soft surfacing materials;
  - the location and specification of the fence to delineate the 20 metre no build zone around the badger setts;
  - details and location of bat roosts and bird boxes;
  - description of existing and proposed ecological features to be managed;
  - an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 6) None of the caravans or day rooms hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) The development hereby permitted shall be carried out in full accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal, Land at Manor Farm, by Wessex Ecology and dated October 2022. None of the caravans or day rooms shall be occupied until the mitigation measures have been completed in accordance with the recommendations, and they shall thereafter be permanently retained.
- 8) None of the caravans or day rooms hereby permitted shall be occupied until the access, passing bay and parking areas have been completed in

accordance with the details shown on the approved plans. These facilities shall be permanently retained thereafter.

- 9) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary of the Planning policy for traveller sites, December 2024 (or its equivalent in replacement national policy).
- 10) No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than 4 shall be static caravans, shall be stationed on the site at any time. The caravans shall be sited in accordance with the approved drawing numbered JL-JH-02 Rev D - Site Plan. No caravans shall be stationed or stored within the barn.
- 11) No commercial activities shall take place on the site, including the storage of materials, except within the approved barn, which shall be used only for storage in connection with the maintenance of agricultural land and in connection with any landscaping business operated by the occupants of the site and for no other purpose.
- 12) No external lighting shall be installed on the site other than in accordance with details that have first been submitted to, and approved in writing by, the local planning authority.
- 13) There shall be no raising of existing ground levels on the site.

END OF SCHEDULE



---

## Costs Decision

Site visit made on 29 April 2025

**by Nick Davies BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2<sup>nd</sup> June 2025**

---

### **Costs application in relation to Appeal Ref: APP/Y3940/W/25/3360013 Charlie's Place, Land off Sodom Lane, Grittenham, Royal Wootton Bassett, Wiltshire SN15 4JY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr John Lee for a full award of costs against Wiltshire Council.
  - The appeal was against the refusal of planning permission for change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council's decision to refuse the application was made contrary to the advice of its Officers. The applicant acknowledges that this is not, in itself, unreasonable behaviour. However, it is contended that, in doing so, the Council has not provided adequate justification for departing from the professional guidance of its Officers. In particular, it is argued that the Council failed to produce evidence to substantiate its two reasons for refusal, and failed to determine the application in a consistent manner to similar recent cases. As a result, it is alleged that the Council prevented or delayed a development that should clearly have been permitted, having regard to its accordance with the development plan, national policy, and other material considerations.
4. The first reason for refusal related to the suitability of the site for the development, bearing in mind its distance from services and facilities. The Officer's report to Committee drew Members' attention to a recent appeal decision<sup>1</sup> for a similar proposal close to the application site. In that case, the Inspector concluded that the appeal site was in a suitable location for two Gypsy Traveller pitches, having regard to access to services and facilities.
5. The Council argues that the planning history, including the relevant appeal, was clearly set out in the briefing papers for Members. It acknowledges that the planning history is a relevant consideration, and that there are similarities.

---

<sup>1</sup> Appeal Ref: APP/Y3940/W/22/3312704

However, it is contended that the previous proposal was not identical to the current appeal, and each case must be considered on its own merits, so Members were entitled to exercise their planning judgement.

6. The PPG advises that not determining similar cases in a consistent manner is an example of behaviour that may give rise to a substantive award of costs against a local planning authority. The Committee Minutes do not record how or why Members concluded that the proposal before them differed to the extent that it could justifiably be determined differently than the previous appeal, which was on a site that is very similarly located in respect of services and facilities. Furthermore, the Council's Statement of Case provided little evidence to explain the divergence in the two decisions. The only distinction drawn being that the current case is for four plots, rather than two. Whilst this is the case, the proximity to a range of local services and community facilities remains the same.
7. Notwithstanding the difference in the number of pitches, both proposals were for relatively small-scale Gypsy and Traveller sites. The two sites are only about 250 metres apart, and occupants of both sites would have very similar journeys to obtain facilities and services. The Council has not sufficiently substantiated its reasons for determining the application in a manner that was inconsistent with this recent and relevant appeal decision. This amounts to unreasonable behaviour, leading to unnecessary expense for the applicant in contesting this reason for refusal.
8. The second reason for refusal related to the impact of the development on landscape character. On this issue, the applicant contends that Members unreasonably departed from the advice of the Council's Landscape Officer, who did not object to the application. Whilst not objecting, the Officer's consultation reply did note some residual landscape harm, so it was open to Members to give greater weight to this harm in the overall planning balance.
9. The applicant contends that too much weight was given to a perceived change in the status of Great Wood as a result of its sale to the Wiltshire Wildlife Trust. However, I see nothing in the evidence to indicate that this was an overriding factor in the Council's decision. The reason for refusal does not refer to Great Wood, and the Council's Statement of Case provides evidence of the impact that the proposal would have on the general landscape character of the area. In my decision, I concluded that there would be harm to the character and appearance of the landscape from the public footpaths to the south of the site. It therefore follows that I consider that the Council provided adequate substantiation for this reason for refusal.
10. The applicant also contends that the Council failed to balance the harms that it identified against the acknowledged failure to identify a five-year supply of deliverable Gypsy and Traveller sites. I am mindful here, that at the time the Council made its decision, the most recent version of the Planning policy for traveller sites had not been published. Consequently, the approach to decision-making set out at paragraph 11d) of the National Planning Policy Framework was not engaged. Nevertheless, the unmet need for Gypsy and Traveller sites was still an important material consideration, and this was recognised in the Officer's report to Members. Ultimately, it was for Members to conclude the relevant weight to be given to the various considerations. In my decision, I concluded that the pressing need for additional sites to meet the identified need outweighed the limited

landscape harm, but it was not unreasonable for the Council to weigh matters differently.

11. Whilst I have concluded that the Council acted unreasonably in respect of the first reason for refusal, it adequately substantiated its second reason. Consequently, it did not unreasonably prevent or delay a development that should clearly have been permitted, so a full award of costs is not appropriate. Nevertheless, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the first reason for refusal, and a partial award of costs is therefore warranted.

### **Costs Order**

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wiltshire Council shall pay to Mr John Lee, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting Refusal Reason 1 on the decision notice; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Wiltshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*Nick Davies*

INSPECTOR