

Supporting Statement

**Land at Spin Hill,
Market Lavington,
Devizes,
SN10 4NS**

December 2025

Green Planning Services Limited

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Appendix 1 - Developing near overhead lines or substations _ EMFS

Appendix 2 – EMF The Facts

Appendix 3 - 2024.03.24 CO EG Email Chain

1. INTRODUCTION

- 1.1. Green Planning Studio Ltd (“GPS”) have been instructed by Mr. John Price and Ms Emily Turner to submit an application for full planning permission for ‘the use of land for the stationing of caravans for residential purposes and the erection of a dayroom ancillary to that use’.

2. SITE & SURROUNDINGS

- 2.1. The site is D shaped and is surrounded by a mixture of residential properties and agricultural fields. There are overhead electricity cables that cross the site, supported by timber pole supports with support cables located near the site access.
- 2.2. The site has an existing vehicular access from the public highway at Ledge Hill, onto a shared access track.
- 2.3. The site is used as a domestic allotment, located on the south-western side of Ledge Hill, approximately 700m from the nearest settlement boundary. Ledge Hill forms the sites North Eastern boundary. The Lodge, residential property, borders to the South East, with agricultural fields extend to the North and South West
- 2.4. The site is located 1.2km North West of Market Lavington which boasts a school and a co-op.
- 2.5. Kings Road bus stop is 100m from the site.
- 2.6. The site is outside of a development boundary and is within the countryside but is not within the ‘open countryside.’

3. PLANNING HISTORY

Reference	Notes	Decision Date	Decision
17/00732/OUT	Change of use from domestic allotment to residential (Outline application with all matters reserved)	11/07/2017	Refused
PL/2023/08288 (“the previous application”)	The use of land for the stationing of caravans for residential use and erection of a dayroom ancillary to that use	02/05/2024	Refused

4. THE PROPOSAL

- 4.1. The proposal is for the use of land for the stationing of caravans for residential purposes. In effect the proposal includes a single Gypsy and Traveller pitch
- 4.2. The proposals therefore assists Wiltshire Council in addressing their current unmet need for Gypsy and Traveller pitches. This adds significant weight in favour of granting the application.

- 4.3. Access will be taken from the existing access to the site.

Technical Documents

- 4.4. The proposal is accompanied by the following documentation

22_1260A_001 Site Location Plan

22_1260A_002 Existing Site Plan

22_1260A_003 Proposed Site Plan

22_1260A_P01-101 Planning Statement

PEA produced by Arbtech dated 25/10/2024

BNG Assessment produced by Arbtech dated 28/10/2024

Bat Emergence Survey produced by Arbtech dated 14/08/2025

Reptile Survey produced by Arbtech dated 21/11/2025

5. PLANNING POLICY

Development Plan

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2. The current Local Development Framework for the application site is;

National Planning Policy

- 5.3. The most recent version of the National Planning Policy Framework (“NPPF”) was published on 12th December 2024, coming into effect immediately.
- 5.4. The National Planning Policy Framework (NPPF) is relevant and a material consideration in planning decisions as per NPPF paragraph 2.
- 5.5. Key elements of the NPPF relevant to this application are:
- 5.6. Paragraph 61 which seeks to ensure sufficient land is developed to boost the supply of homes including ‘that the needs of groups with specific housing requirements are addressed.’ The 2023 NPPF expanded this paragraph and states ‘The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.’ This remains a focus of the 2024 NPPF

- 5.7. Paragraph 63 which requires that the needs of travellers must be addressed, both those that meet the definition in the PPTS and those that don't.
- 5.8. Paragraph 63 sets out how *"context, size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to...travellers...)"*
- 5.9. Paragraph 135c of the NPPF stipulates that *"planning policies and decisions should ensure that developments are sympathetic to local character"*.
- 5.10. Planning Policy for Traveller Sites ("the PPTS") is the current National Policy in relation to provision for gypsy caravan sites. It was published on Monday 26th March 2012 and came into effect on Tuesday 27th March with the publication of the National Planning Policy Framework. The PPTS was amended in August 2015, December 2023 and most recently December 2024.
- 5.11. Elements of the policy with significant relevance to this application are:
- 5.12. The clear intention of paragraph 4 to increase the number of gypsy sites with planning permission.
- 5.13. In Policy A at paragraph 7(c) the need for a 'robust evidence base to establish accommodation needs.
- 5.14. In Policy B at paragraph 10(a) the need to maintain a five-year supply of sites.
- 5.15. Policy C which deals with traveller sites in rural areas and the countryside.
- 5.16. Policy H which deals with determining applications. In particular paragraph 24 which refers to the presumption in favour of sustainable development and paragraph 25 which sets down some of the material considerations to be considered by the decision maker.
- 5.17. Paragraph 28 sets out that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.
- 5.18. Annex 1: Sets down the revised definition of "gypsies and travellers" as:
"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. "
- 5.19. SSCLG has withdrawn Designing Gypsy and Traveller Sites – Good Practice Guide (2008). However, in the absence of any replacement guide, there is no indication that the government believes that standards lower than previously applied to gypsy and traveller sites should not be applied.

Local Development Plan

- 5.20. The current the development plan for the area is the Wiltshire Core Strategy (January 2015) (WCS)
- 5.21. Applicable WCS Policies:
- 5.22. Core Policy 1 Settlement Strategy - This policy states *“Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities”*.
- 5.23. Core Policy 47 Meeting the needs of gypsies and travellers - Proposals for new gypsy and traveller pitches or travelling showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. The policy also lists a set of criteria for assessing proposals.
- 5.24. Policy CP47 is not up to date as it is based upon out-of-date requirement figures for gypsy and traveller pitches. The evidence base for this policy was a GTAA dated 2011, which was in fact a ‘review’ of the 2006 GTAA.
- 5.25. Policy CP47 is the most important policy for the determination of this application and this engages paragraph 11(d).
- 5.26. Policy CP51 requires there to be no harm to landscape character and directs that development should ‘protect, conserve and where possible enhance’ landscape character. This is inconsistent with paragraph 187(a) of the NPPF which only requires ‘valued’ landscapes to be protected and enhanced. The policy is stricter than the NPPF and is therefore inconsistent with it.
- 5.27. Core Policy 60 Sustainable transport - States the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The aspect of the policy that is relevant to this proposal is ensuring that developments are in accessible locations.
- 5.28. Also of relevance to this application is the Wiltshire Council Gypsy and Traveller Accommodation Assessment June 2024.

6. PLANNING ASSESSMENT

- 6.1. The Council refused the previous application for the same terms for the following reasons:
- Principle of Development (Location in the Countryside and presence of on- site high voltage electricity cables).
 - Impact on character and appearance.

- Potential harm to protected species and biodiversity net gain.

6.2. As a preliminary point, it is clear that the planning officer had weighed the perceived lack of evidence as gypsy and traveller status against the previous application, stating:

*“During the application assessment, the LPA has made several requests for further information about the intended site occupiers. In each case the applicant has refused to provide any details other than the limited information contained within the initial submission, citing the location of the site being outside of Green Belt as a reason. **As a result, the LPA cannot determine whether the intended site occupiers meet the planning definition of a Gypsy and Traveller. This is relevant as the need identified for households that meet the planning definition of a Gypsy and Traveller is greater than that of undetermined households** and the GTAA confirms that the need to provide sites for households that do not meet the planning definition should be met through general housing policies.*

*The applicant considers that a planning condition to ensure that site occupiers meet the planning definition of a Gypsy and Traveller would overcome any need for further details to be submitted to the LPA. Whilst this is feasible, the LPA considers that, as an unallocated site within open countryside (where the PPTS states that new traveller sites should be limited), **it should be demonstrated that the intended site occupiers meet the G&T planning definition prior to determination of the application and that personal circumstances and need for accommodation of the type sought is justified in this location.***

- 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.*

*Point a) is addressed above and there is a clear need for G&T site provision within the council’s area. Some of this need could realistically be met through windfall sites (sites granted permission for households that have not been assessed as part of the GTAA). However, little to no information has been provided to allow the LPA to assess points b) and c). Several recent appeals (quoted by the applicant) have confirmed that the council has a backlog in terms of available pitches on local authority managed sites and currently has no allocated sites. However, as no information has been provided by the applicant the LPA cannot fully assess this (the applicant being in the best position to advise on their own situation – i.e. would they be made homeless if planning permission for this development is refused). The information submitted states that children would be resident at the site but no details of how many, or their ages or needs has been provided. Point d) is considered against the aims of WCS Core Policy 47 (see below). Point e) is noted and the LPA considers the site, as an unallocated site, could contribute towards the 5yrPS as a windfall site, **if it would be occupied by a household that meets the G&T planning definition.** However, this is subject to consideration of the locally*

specific criteria and general sustainability considerations of the site location before it can be concluded whether the site may be suitable for a residential use.” (GPS emphasis added)

- 6.3. This approach is unlawful and discriminatory. An occupancy condition could have secured the benefit of the Gypsy and Traveller pitch.
- 6.4. It is the Council’s position that it was for the applicant to demonstrate their gypsy and traveller status in order to demonstrate a cultural need for the pitch and that the onus of proof is with the agent/applicant. This is contrary to the findings of Mr C M G Ockelton, Vice President of the Upper Tribunal, in **Gregory Park Holding Limited v Hart District Council** [2022] EWHC 2406 (Admin) dated 3rd October 2022.
- 6.5. The only ground of challenge in that case was whether the relevant local development plan policy, relating to gypsy and traveller sites, required the applicant to demonstrate a ‘personal need’ for the site, or whether the demonstration or existence of a general need for sites was sufficient to satisfy the relevant policy.

“It is convenient to begin with the requirement that the need (whatever that may mean) must be demonstrated by the applicant. The Claimant’s case is that that means that if the applicant does nothing or adduces nothing by way of evidence of the need, the development cannot be allowed. I do not think that can be right. It seems to me that the words have the effect of the imposition of a burden of proof. If there is doubt about the matter, the application will be refused: it is for the applicant to demonstrate the need, not for anybody else to show that there is no need. But if there is a need, the application may be granted, whatever the source of the information about the need. It would not be sensible for an application to be subject to mandatory refusal as a consequence of non-compliance with Policy H5(a) if the need were clear. Besides, if the need had been demonstrated by other material, it would be absurd to require the applicant to go through the process again.

What has to be shown is a need for the development. I am not at all persuaded that the words should be glossed as the Claimant suggests, by the insertion of the word “personal”, or any other requirement that the need should be a need experienced by the applicant. The applicant has to show that there is a need, not that he (or she) has a need. As a matter of ordinary language, a wealthy person may be able to demonstrate a need for more to be done to relieve poverty; a person who has no interest in sports may recognise a need for sports facilities”

- 6.6. Applying the Council’s approach to a local authority site demonstrates the flawed nature of this approach. If a Council were seeking permission for a public site, they would be unable to meet this requirement as the applicant and would not be required to identify the gypsy and traveller status of the proposed occupants, indeed the proposed occupants would most likely be unknown until the site had been implemented and applications for occupancy received.
- 6.7. Under section 149 of the Equality Act 2010, public bodies must, in the exercise of their functions, have due regard to the need to:

eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

advance equality of opportunity between people who share a protected characteristic and those who do not

foster good relations between people who share a protected characteristic and those who do not.

- 6.8. These considerations of law are relevant to an LPA's approach to the assessment of all Gypsy and Traveller applications.
- 6.9. It is entirely spurious to require this information and indeed to refuse the application on the absence of such.
- 6.10. The gypsy status of the proposed occupants only becomes a matter for consideration if personal circumstances are considered as part of material considerations.
- 6.11. The submission of evidence to demonstrate gypsy and traveller status has been found to be unnecessary and costs awarded against LPA's who have refused applications for the lack of this information.
- 6.12. The Inspector in the Costs Decision **Matthew Jones v Pembrokeshire County Council** APP/N6845/A/11/2151750 20/09/2011 states:

"16. The application for a partial award of costs is made in respect of each of the 3 reasons for refusal. The first was that insufficient evidence had been provided to show that the Applicant was a gypsy. Whilst it is common practice for gypsy applicants to provide this information, strictly it is not necessary even when the application is for a gypsy caravan site. Failure to provide that information means that the personal circumstances of the Applicant cannot be taken into account but the wider needs of the gypsy community are still a material consideration. 17. The Council accepted this situation in advance of the public inquiry and acknowledged the Appellant's gypsy status in the 2nd Statement of Common Ground submitted at the start of the inquiry. The Council also acknowledged in its opening statement at the inquiry that this reason for refusal was flawed. I conclude that the Council acted unreasonably in refusing the application on this ground and caused the Appellant to incur unnecessary expense in dealing with this matter in preparations for the inquiry, though little time was spent on it at the inquiry itself."

- 6.13. The Inspector in the Costs Decision **Henry Jones v Bridgend County Borough Council** APP/F6915/A/13/2205366 11/03/2024 awards a full award of costs against the Council.

"I do not accept that the gypsy status of potential occupiers has to be identified at the application stage so as to then satisfy the Council that the condition would be met if it was to be imposed. If the condition was to be imposed and occupiers were found to be in breach of it, then the Council has a wide raft of enforcement powers to deal with the situation. Again, I am not convinced that the Council would be precluded from taking enforcement action in a situation where an existing occupant of a site obtained permission for the site to be occupied generally by gypsies/travellers and was then subsequently found to be in breach of an occupancy condition. In this case, the Council has now accepted that the proposal complies with development plan policy, namely policies ENV1 and COM6 of the LDP, and personal circumstances have not come into play. This is evidenced by the Council's suggested gypsy/traveller occupancy condition, rather than a personal occupancy condition. The Council has suggested that information on status is needed to measure the application against the

criteria in the policies. Policy ENV1 says that certain types of development may be acceptable in the countryside, one of which is the provision of gypsy/traveller accommodation. The application is for gypsy accommodation and, as I have previously indicated, occupancy limited to such persons can be controlled by condition without information being provided as to status.

- 6.14. Further, more recently in **Vinden v Peterborough City Council** APP/J0540/W/23/3328478 05/02/2024 costs decision:

“An occupancy condition could have secured the benefit of two Gypsy and Traveller pitches, regardless of the lack of personal details. Refusing planning permission on only this basis, not accounting for the benefits of the proposal, amounts to substantively unreasonable behaviour.”

- 6.15. The Council previously misdirected themselves in requiring evidence of the applicant’s gypsy and traveller status in order to apply weight to the application before them.

Principle of Development

- 6.16. The previous officer also incorrectly identified the site as ‘open countryside’ when it plainly is not. It is incorrect to define open countryside as anything outside of development boundaries and there is a distinction between Countryside, and Open Countryside.

- 6.17. In this context, regard should be given to the 2012 decisions of *Jimmy Cash v Three Rivers District Council* where the Inspector outlines the difficulty in assessing open countryside based on the lack of definition. In this context the consideration was given to the appropriate definition of ‘open countryside’.

31. I have taken account of the conflicting views about whether the site is in open countryside. Paragraph 23 of PPTS says traveller sites in open countryside away from existing settlements or outside areas allocated in the development plan should be strictly limited. The Council argue that the presence of trees around the development does not mean that it is not in open countryside and that this test has to be read with the phrase “away from existing settlements and outside areas allocated in the development plan”. For the appellant it is asserted that the enclosing presence of the woodland means that it is not in “open” countryside.

32. I do not consider that this piece of guidance is clear cut on the point and there is a level of ambiguity as “open countryside” is not defined. Nevertheless, I am more inclined to the appellant’s submission on this point on the basis that if it were meant to apply to all countryside that is away from existing settlements and not allocated for development then it begs the question as to why the word “open” was added in. It suggests to me that a distinction is being made between open countryside and that which is not. On this basis, I accept the contention for the appellant that, due to the presence of the surrounding woodland, which is protected by a TPO, it is not open countryside such as an area of open fields broken by limited amounts of vegetation and hedgerows.”

- 6.18. The same logic should be applied in this case.

- 6.19. Given the existing development in close proximity to the Site which the Council identified in their officer’s report, it could not be considered to be in ‘open’ countryside and instead is in the Countryside.

- 6.20. As a matter of principle gypsy sites are acceptable within the countryside, as per Policy C of the Planning Policy for Traveller Sites, provided they do not dominate the nearest settled community.
- 6.21. The limited scale of the proposals ensures the nearest settled community are not dominated.

Presence of on-site high voltage electricity cables

- 6.22. The Officer's report states at 5.10:

"A significant barrier for the development is considered to be the presence of overhead electricity cables. Specifically, that they are supported by timber poles within the site itself."

- 6.23. In an email to GPS (Appendix A3 the officer states:

*"Our current view is that the presence of the bales renders the site unsuitable for a residential site. National Guidance on overhead cables suggests development should be designed to prevent vehicles/pedestrians from being within the required exclusion zones **at any time**" (GPS **Emphasis**)*

- 6.24. GPS note that if this was the position within national guidance, all roads which were underneath overhead power lines would need to be shut. Further, Kings' road bus stop within the exclusion zone of the same power lines in question would need to be moved as passengers waiting for the bus would be at risk.
- 6.25. The email from the officer is contrary to what the National Guidance States (appendix 1)
- 6.26. There is a short section entitled; "How a planning authority should handle an application" which provides that
- a planning authority receiving an application needs to be satisfied it complies with the safety clearance distances and with the electromagnetic frequency ("**EMF**") limits (see below)*
- 6.27. There are no other restrictions on development near power lines, and a planning authority should not introduce restrictions.
- 6.28. The guidance goes on to state "As set out above, the vast majority of substations, and all overhead lines at 132 kV or below, are inherently compliant with EMF exposure limits"
- 6.29. The proposals have been designed to accord with the exclusion zone based on the national standards contained within "A Sense of Place Design guidelines for development near high voltage overhead lines" produced by National Grid. Clearances at specific locations will be dependent on several factors including the line's construction, design, and its operating voltages.
- 6.30. Therefore, it is irrelevant that the overhead wires are supported by timber poles within the site itself as the site is compliant with the legislation; the required 5.3 metre clearance (exclusion zone) from the overhead electricity cables is achievable and maintained.
- 6.31. The guidance sets out the reason why there needs to be an exclusion zone.

“Contact by people or objects with high voltage equipment must be avoided. For overhead power lines a statutory minimum clearance must be maintained between conductors and the ground. The higher the voltage of the line, the greater the safety clearance that is required. Safety clearances must be maintained from buildings constructed under or adjacent to overhead power lines.”

- 6.32. The proposals have been designed to achieve safety in accordance with the national guidance's.
- 6.33. There is a general discourse around the safety of living near overhead lines however this has largely been debunked.
- 6.34. The ICNIRP (International commission on non-ionizing radiation protection) have set specific EMF exposure limits to prevent established or known effects of EMF's. At high levels, EMF's can cause induced currents to flow in the body, which if high enough can interfere with nerves. These effects are well understood, and the exposure limits are in place to prevent these occurring.
- 6.35. In the UK, exposure limits are in place to protect against EMFs. These exposure limits have been set by independent international experts who carefully review all science around EMF's and health. Overhead lines, even at the highest voltages, will not produce EMF's higher than those exposure limits because they are designed that way.
- 6.36. To date, over forty years of research into the potential health effects of EMF's has been conducted and despite all that research there are no proven health risks below these EMF exposure limits. (More information is contained at appendix 2).
- 6.37. There is therefore no evidence that living near or under the overhead lines would pose a risk to the future occupiers.
- 6.38. As the proposals have been designed in accordance with the relevant guidance there is not considered to be an in-principal issue with regards to overhead power lines and ensuring safety during the construction period can be secured by suitably worded conditions.

Impact on Character and Appearance

- 6.39. The decision notice for the previous application states:
- “The proposed change of use of the land (and associated placement of caravans, mobile homes, the proposed day room and associated domestic chattels and paraphernalia) would result in the substantial loss of the rural character of the site within a prominent open countryside location with insufficient mitigation put forwards to the detriment of the landscape character of the site and wider area contrary to the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy, the policies of the national document Planning policy for traveller sites and the planning policy advice of the National Planning Policy Framework.*
- 6.40. As a preliminary point policy CP51 is found above to be inconsistent with the NPPF. There is no requirement therein for developments to enhance the character of the local area save for areas of valued landscape.

The officer's report at Paragraph 5.24 states: *"It is not considered the proposal would respect the character of the area. The applicant has attempted to counter this by noting that residential caravan sites are increasingly common within open countryside (mainly to meet Gypsy and Traveller needs). Whilst this is not in dispute, the LPA considers this does not support the case for the landscape impact of this proposal in this visually prominent location. **Many of the residential caravan sites within the wider area are prominent marks on the landscape that in general are harmful rather than being complementary to the character of the countryside**" (GPS Emphasis)*

- 6.41. The officer's approach is ill informed. There is no requirement in the NPPF to preserve the character of the countryside where this is not a valued landscape such as the site.
- 6.42. The officer has confirmed that residential caravan sites are a part of the character of the countryside and is clearly oblivious to the fact their personal opinion on the suitability of residential caravan sites in the countryside is irrelevant to a character and appearance argument.
- 6.43. The officer also conflated character and appearance which needed to have been assessed separately.

Character

- 6.44. The Council accepts that the Site is surrounded by a variety of land uses. The Officer's Report states:
"The site access onto Ledge Hill is shared by the application site, a field access to the south (which includes a public right of way), a rear access to Dauntsey School and an existing dwelling (known as The Lodge). The site is bounded on all sides by combination of post and wire fencing and hedgerow"
- 6.45. The site is close to existing residential properties and there are, as conceded by the officer at paragraph 5.24, many residential caravan sites within the wider area.
- 6.46. Despite this, the report then goes on to state:
"Not only would the presence of the mobile homes, caravans and dayroom be out-of-character with the distinctive character of the rural area, but domestic chattels and other paraphernalia reasonably associated with the use would further add to the loss of the intrinsic rural character of the area. The proposed planting would not entirely screen the site and in any case, would not mitigate the change of the character of the site from countryside to residential caravan site."
- 6.47. In terms of character, all nearby and adjacent land uses and buildings should be considered as part of the character of an area regardless as to whether they are considered positive or not. It should also take into account the pattern of development in the immediate area whether it is visible or not.
- 6.48. The officer's report accepts there are residential uses in the locality.

6.49. The officer's report also accepts there are residential caravan sites in the wider area and at paragraph 5.24, that Gypsy and Traveller sites are features of the rural landscape.

"The applicant has attempted to counter this by noting that residential caravan sites are increasingly common within open countryside (mainly to meet Gypsy and Traveller needs).

Whilst this is not in dispute, the LPA considers this does not support the case for the landscape impact of this proposal (GPS Emphasis)"

6.50. Given that there are buildings, structures, hardstanding and caravans and a variety of land uses in the surrounding area the proposals cannot be seen as out of character as they do not introduce any form of development which is not already present within the area. In addition, Gypsy and Traveller sites are clearly acceptable in a rural Countryside location given that this is where the majority of them are located across the Country.

6.51. To the immediate North of the site is a run of residential properties along ledge hill. These boast large outbuildings, large amounts of hardstanding, a swimming pool and a touring caravan.



6.52. Further to North of these is a farm enterprise, a railway and industrial uses including Distant Thunder Fireworks of Wiltshire, Nutristrength and Reeds construction company.



- 6.53. To the south of the Site are agricultural fields with residential development.
- 6.54. To the east of the site is linear development along Spin Hill which stretches into Market Lavington.
- 6.55. There is clearly residential development and stationing of mobile homes in the vicinity of the Site.
- 6.56. As a consequence of the above the proposal can only be considered as in keeping with the character of the surrounding area. There would be no harm as a result.

Appearance

- 6.57. In terms of impact on appearance, this is assessed from public viewpoints.
- 6.58. As above, there would be a public view from the site entrance. However, given the size of the entrance and likely receptors any views would likely be fleeting.
- 6.59. The officers report at 5.23 states:
The proposed planting would not entirely screen the site and in any case, would not mitigate the change of the character of the site from countryside to residential caravan site.
- 6.60. There are existing trees on the site that will be retained, with additional planting proposed. This will reduce any views into site Additional landscaping conditions could be incorporated if necessary.
- 6.61. Gypsy sites are not intended to be hidden from view, to suggest otherwise would clearly be a breach of the Equalities Act.

- 6.62. The limited views through the roadside hedge can be fully addressed through a landscaping condition requiring enhancement of the vegetation along this hedge. This could improve the appearance of the site overall and also offers the potential to increase the species mix of the hedgerow which would represent a gain to the biodiversity of the site.
- 6.63. In conclusion, there would be at worst limited harm to the appearance of the area which can be mitigated through a landscaping condition. Such a condition can, if considered necessary, include additional planting and a reduction in the extent of hardstanding, particularly at the western end of the site.

Potential harm to protected species and biodiversity net gain

- 6.64. The previous decision notice states:

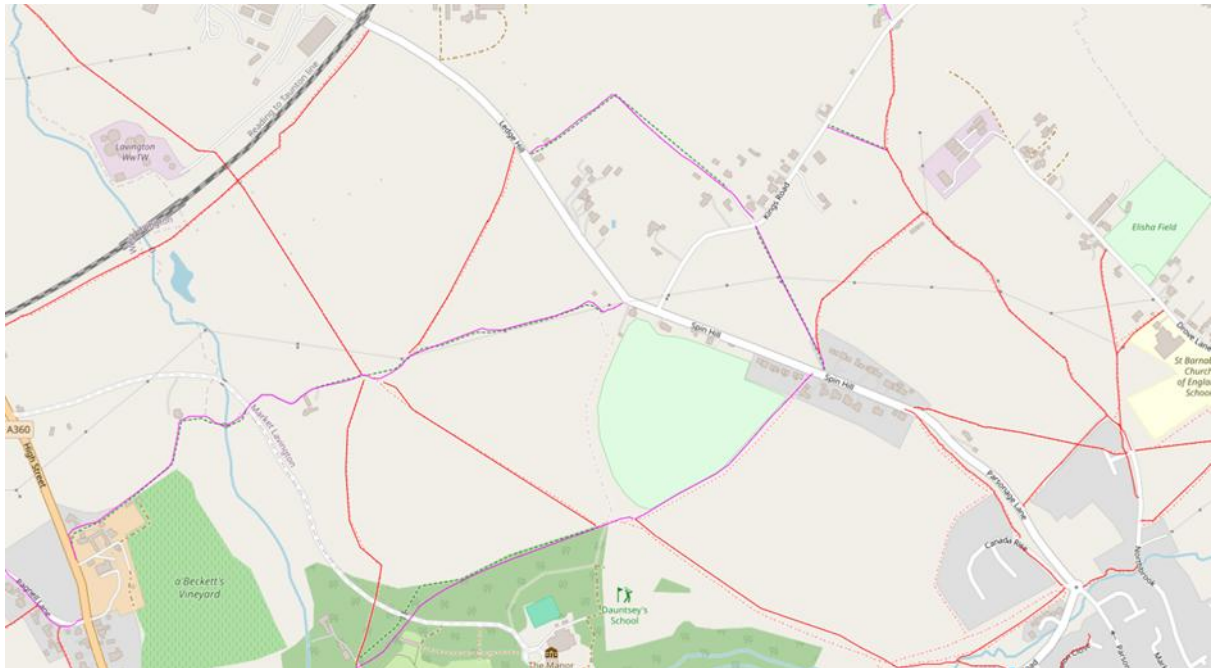
“Insufficient information has been provided to demonstrate that the biodiversity value of the site (areas of habitat and protected species that may be using it) would not be harmed by the development and that net gains to the biodiversity value, over and above that of the existing site, can be secured contrary to the aims of Core Policy 50 of the Wiltshire Core Strategy, the policies of the national document Planning policy for traveller sites and the planning policy advice of the National Planning Policy Framework.”

- 6.65. The proposals are accompanied by PEA produced by Arbtech dated 25/10/2024, BNG Assessment produced by Arbtech dated 28/10/2024, Bat Emergence Survey produced by Arbtech dated 14/08/2025 and Reptile Survey produced by Arbtech dated 21/11/2025.
- 6.66. No protected species were identified by the surveys and therefore precautionary measures are sufficient to ensure the proposal will not result in harm to protected species.
- 6.67. Sufficient information has been provided in order to inform the statutory BNG condition.
- 6.68.** The previous refusal therefore has been overcome.

Sustainability

- 6.69. The site is located on Ledge Hill 100m away from Kings Road bus stop
- 6.70. The nearest settlement is Market Lavington 1.2km away which boasts a primary and secondary school and a Co-op a surgery and a doctors.
- 6.71. The nearest supermarket is Morrisons Devizes a 12-minute drive away. It is noted that it is possible to use the bus service from Kings Road bus stop to access this Morrisons which would take around 20 minutes.
- 6.72. Therefore, a bus stop is within the accepted walking or cycling distances providing easy access to a vast and wide-ranging amount of facilities and services. It is clear that the site provides means of access to public transport that is reliable, fairly frequent and reasonably accessible from nearby to the development.

- 6.73. There are a network of footpaths in the area and although there is no footpath between the site and Market Lavington the verges are large enough for pedestrians to be able to step off the road when a vehicle approaches.
- 6.74. With specific regard to the footpath which runs alongside the site. Once those people using this footpath reach its end and turn right towards Market Lavington they will walk the route without the footpath the verges are large enough for pedestrians to be able to step off the road when a vehicle approaches.



- 6.75. Indeed, the Council, who are also the highways authority cannot consider this road to be dangerous for pedestrians otherwise they would not have put a Bus Stop in the verge on this stretch of road where there is no footpath. Guidance on Bus Stops in Rural Areas details that bus stops should be located where passengers able to safely reach, leave, wait at the bus stop, and safely cross the road near it.
- 6.76. When assessing and reassessing this Bus Stop as a safe and convenient one for passengers Wiltshire Council acting as the highway authority must have considered it to be safe for passengers to be able to reach the Kings Road stop by foot.
- 6.77. The below google street view image also shows a dog walker walking along Kings Road towards Spin Hill demonstrating that they are clearly roads suitable for pedestrian use, the Council themselves confirm this otherwise they would not have sited a bus stop here.



Highway

6.78. The existing access remains which is acceptable to cope with the additional traffic movement

6.79. A sufficient number of parking spaces are provided for each pitch.

6.80. The Hurlstone Partnership Limited were instructed to review the acceptability of this access, as per document JPH/230204/D1 submitted with the previous application. The conclusion was reached that sufficient visibility provision is available to provide and maintain safe access, and considering the proposed development there would be no unacceptable impact on highway safety or a severe residual cumulative impact on the road network.

Amenity

6.81. There is no unacceptable impact on the amenity of neighbouring occupiers

6.82. The proposals have been designed with sufficient amenity space for future occupiers and is acceptable in this regard.

Material considerations

6.83. The main material considerations relating to the proposal are as follows:

- The need and supply of Gypsy and Traveller Pitches in Wiltshire as well as across the South West region and nationally

- Absence of a five year supply of gypsy and traveller sites
- Lack of available, suitable, affordable alternative sites.
- Failure of policy.

Need

- 6.84. The proposals make an on-site provision for gypsy/traveller accommodation and contributes to the unmet need for pitches identified in the Wiltshire Council Gypsy and Traveller Accommodation Assessment June 2024 **“2024 GTAA”**
- 6.85. The 2024 GTAA was produced prior to the December 2024 update to the Annex 1 definition of Gypsy and Travellers.
- 6.86. The June 2024 GTAA is the Council’s most up to date evidence based of need for Gypsy and Traveller pitches in the area. Paragraph 8.2 of the 2024 GTAA highlights that
- “in Wiltshire for the GTAA period 2024-2038, there is a need for:*
- » 188 pitches for Gypsy and Traveller households that met the 2023 PPTS planning definition.*
- » Up to 38 pitches for undetermined Gypsy and Traveller households that may meet the planning definition.*
- » 73 pitches for Gypsy and Traveller households who did not meet the planning definition.”*
- 6.87. In December 2024 the definition of gypsy and traveller in the PPTS was changed. Following the change in the PPTS definition, it is anticipated to be accepted that the need for all Travellers will need to be met by the Council which would be all Gypsy and Travellers which the 2024 GTAA assessment identifies.
- 6.88. At paragraph 8.23 the June 2024 GTAA suggests that *“Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.”* This is an out-of-date position given the 2024 update to the PPTS.
- 6.89. The 2024 GTAA therefore identifies a total need of 299 pitches (a combination of 188 those who met the 2023 definition 38 unknowns and the 73 who did not).
- 6.90. Since the November 2023 base date of the 2024 GTAA the Council have granted a total of 5 additional gypsy and traveller pitches (applications PL/2023/10145 and PL/2023/05363) there are also a total of 45 pitches currently undetermined (applications PL/2023/08647, PL/2024/11341 and PL/2025/020343)
- 6.91. Based on the Council’s own figures there is a clear unmet need of 294 in the district.
- 6.92. GPS has also produced a need statement to accompany the application which finds an additional 306 pitches would be required. The proposal will help to address the shortfall.

Lack of available, suitable, affordable alternative sites.

- 6.93. The Council are unable to point to any alternative sites as shown in

6.93.1. Appeal Decision APP/Y3940/C/22/3299762; and

6.93.2. Appeal Decision APP/Y3940/W/24/3338093;

6.94. The draft local plan seeks allocations of 84 pitches. Even if deliverable, which is not agreed, this is still a significant shortfall on the immediate need in the District of which the Council have no prospect of meeting. The proposal will help to address the shortfall.

Lack of a five year supply

6.95. The Council have a significant level of need for pitches and are unable to demonstrate a five year supply of pitches.

6.96. This is not only a material consideration of significant weight, but paragraph 11(d) is engaged on this basis.

Failure of policy

6.97. The Council are failing in policy in so far as

6.97.1. Not having an up to date plan.

6.97.2. Not complying with the PPTS requirement to maintain a five year supply of sites.

6.97.3. Failing to produce a gypsy and traveller DPD for a number of years despite assurances such was forthcoming.

6.97.4. Failing to provide suitable allocations.

6.98. These failures of policy are material considerations of significant weight.

7. CONCLUSION

7.1. There remains a substantial ongoing need for gypsy site provision in Wiltshire. The proposals comprise a sufficiently sustainable location for the proposed development and would provide satisfactory living conditions. There would be no detriment to highway safety and the free flow of traffic.

7.2. The change of use is complainant with Policy and provides a pitch will contribute towards the identified unmet need for Gypsy/Traveller pitches within the Local Plan Area.

7.3. Further, Paragraph 11(d) is engaged both due to the most important policies being out of date and the lack of a five-year supply of pitches. Any harms that could be identified do not significantly and demonstrably outweigh the material considerations in favour of the application.

7.4. The proposal should therefore be granted.