

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09420
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Land SW of B4069, The Banks, Lyneham, Chippenham, SN15 4EZ
DEVELOPMENT DESCRIPTION:	Change of use to a Gypsy and Traveller site and associated works including the stationing of a residential lorry as 1 no mobile home, and demolition of stables and the erection of a day room for use as ancillary storage, utility room and PV installation (partially retrospective)
RECOMMENDATION:	That Planning Permission is REFUSED

SITE DESCRIPTION/CONTEXT

The application site forms a parcel of agricultural land, owned by the Applicant, situated directly to the southwest of the public highway, B4069, a B-classified road, subject to a national speed limit. The site lies within the open countryside, approximately 0.3km to the north of Bradenstoke and 1km to the northwest of Lyneham.

The site features changes in levels and a varied topography. A significant portion of the land comprises grassland; there is a pond adjacent to the site to the southeast. An existing stable building and an area of hardstanding is also present. It is clear from historical satellite imagery that these elements have been in place more than 10 years before the application was submitted.

At the time of site visit, an extension of the hardstanding, and a long farm track along the wider agricultural parcel have been observed. There is a large lorry parked on the extended area of hardstanding, and a horsebox is positioned at the end of the farm track to the southwest. There is also paraphernalia in some areas of the site close to the hardstanding. These works and use are unauthorised. The assessment of this application will not be based on these unauthorised works, and the baseline will be on the lawful agricultural use of the site, including the stable building, the immediate area of hardstanding and presence of the pond, with the remainder of the agricultural parcel as grassland prior to the unauthorised works.

There are two Public Rights of Way footpaths in the vicinity, including DAUN12 approximately 80 metres to the east (adjacent to the wider parcel), LYNE31 approximately 219 metres to the south.

The southern area of the site is at risk of surface water flooding at a 1 in 1,000 year extent. The site lies within Flood Zone 1 from fluvial flooding and is at negligible risk of groundwater flooding.

The site lies within land classified as Agricultural Land Classification Grade 4, which is identified as poor quality agricultural land.

The site is not subject to any ecological, heritage or landscape designations.

PROPOSAL

The application seeks full planning permission for the change of use of the application site into a Gypsy and Traveller site with associated works, including the stationing of a residential lorry as one mobile home, and demolition of stables and the erection of a day room for use as ancillary storage, utility room and PV installation (partially retrospective).

The works would include the extension of hardstanding for the stationing of a lorry for residential use as a mobile home, provision of two car parking spaces, the demolition of the existing stables and erection of a day room to be used ancillary to the gypsy and traveller pitch. Fencing is also proposed, with the realignment of the unauthorised hardstanding. A landscape scheme is also proposed for additional planting towards the southeastern area of the site.

The description of development has been amended following written agreement from the Applicant, as it did not accurately represent the proposed development as indicated on the submitted plans.

PLANNING HISTORY

Proposal / Summary
PL/2024/02330 - Reinstatement of a stretch of approximately 140m of the B4069, the Lyneham Banks section, located 2km northwest of Lyneham, including associated engineering, land drainage works and demolition. – Approved with conditions 5 June 2024

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- Planning Policy for Traveller Sites (PPTS)

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS) (adopted January 2015)* and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 19 Spatial Strategy Royal Wootton Bassett and Cricklade Community Area;
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- Core Policy 47 Meeting the Needs of Gypsies and Travellers;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 63 Transport Strategies;
- Core Policy 64 Demand Management;
- Core Policy 67 Flood Risk.

Draft Wiltshire Local Plan Policies

- Policy 1: Settlement Strategy
- Policy 2: Delivery Strategy
- Policy 4: Addressing climate change
- Policy 5: Securing infrastructure provision from new development
- Policies 44- 51: Swindon Area Strategy
- Policies 64 – 75: Economic, tourism, retail and transport
- Policies 76 – 84: Social, housing, community, public open space and wellbeing
- Policies 85 – 101: Sustainability, ecology, water and landscape, heritage, air quality

Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030 (LBNDP):

- Policy 2: Design
- Policy 7: Safe and Sustainable Travel

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- Wiltshire Council's Waste Core Strategy, adopted July 2009
- Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017

ISSUES

The main issues that need to be addressed in this case include:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67)
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 187)

CONSULTATION RESPONSES

WC Highways: Objection on the following grounds:

- it would not be possible for the access to provide a suitable splay to meet the required standards;
- a safe and suitable access has not been demonstrated.

WC Strategic Planning: Comment

- There is no five-year supply of deliverable traveller sites against the identified pitch requirements;
- The need identified in the 2024 GTAA is currently not being met;
- The site falls within reasonable distance to a nearby settlement where key services and facilities can be accessed, although medical facilities are further away.

Lyneham and Bradenstoke Parish Council: Objection

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

Eight letters of representation have been received from the public consultation representing objection against the scheme. These are summarised as follows:

- Increase in traffic;
- Noise impacts;
- Concerns of anti-social behaviour;
- Visual harm on landscape;
- Impacts on recent land subsidence;
- No access on foot;
- Concerns with waste management;
- Road infrastructure cannot support any increased vehicular movement.
- Increased flood risk and unacceptable foul drainage;
- Loss of agricultural land;
- Need for this specific site has not been demonstrated;
- Concerns with future expansion of the proposed use;
- Unsafe access and impacts on highway.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of Development

Policy Context

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in:

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises:

- Sustainable patterns of growth, reducing the need to travel and supporting local services.
- Development should be plan-led, aligning with the settlement strategy and supported by infrastructure.

- Windfall development (not allocated in plans) must still comply with the principles of sustainable development.
- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Together, CP1, CP2 and CP19 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

One of the exception policies is Core Policy 47 which states that proposals for any new gypsy and travelling showpeople plots/yards would only be granted "*where there is no conflict with other planning policies and where no barrier to development exists*". The policy requires such new developments to be situated in "*sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal*" and where the following criteria can be met:

- 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.*
- ix) *The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.*

The Government's Planning Policy for Traveller Sites (PPTS) (2012; updated 2024) is a material consideration in planning decisions. Policy C, paragraph 14 of the PPTS requires local planning authorities to ensure that "*the scale of such sites does not dominate the nearest settled community*" when assessing the "*suitability of sites in rural or semi-rural settings*" and therefore acknowledges that sites for Gypsy and Traveller accommodation may not always be located within defined settlements.

The criteria of CP47 are consistent with Paragraph 24 of the PPTS which expects local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect

the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

The proposal is assessed against the criteria of CP47 further below.

Caravans and Mobile Homes

Under section 29 (1) of the Caravan Sites and Control of Development Act 1960, caravans are defined as follows,

“...any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

(a) any railway rolling stock which is for the time being on rails forming part of a railway system, or

(b) any tent;...”

Section 13 of the Caravan Sites Act 1968 establishes that any unit would only be considered a caravan if it is a structure designed or adapted for human habitation which,

“(a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and

(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)...”

and its dimensions when assembled does not exceed any of the following:

“(a) length (exclusive of any drawbar): 65.616 feet (20 metres);

(b) width: 22.309 feet (6.8 metres);

(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).”

Upon site visit undertaken by officers, it is clear that the proposed residential lorry is capable of being moved. The dimensions of the residential lorry do not exceed the limits set out in the legislation above. Therefore, it is considered to be a mobile home and not a permanent building.

Wiltshire Council's Five-Year Land Supply Position

Core Policy 47 of the adopted WCS identifies permanent pitch requirements for gypsies and travellers in Core Policy 47.

The site falls within the North and West Housing Market Area (HMA). It should also be noted that the pitch requirements for gypsy and traveller sites are treated in the same way as normal market housing in that the Council is required to demonstrate that it has a supply of suitable sites – in the case of Gypsy and Traveller sites, this must be a 5-year supply.

The WCS requirement has been met and exceeded by 32 pitches in total. However, these pitch requirements are now no longer up to date due to the completion of several gypsy and

traveller accommodation assessments (GTAA's) in 2014, 2020, 2022 and 2024. The 2024 GTAA is now regarded as the most up to date position on pitch need in Wiltshire and the Council's Spatial Planning team has provided a position against the requirements in the WCS as it is the adopted development plan. Based on the 2024 GTAA, it is confirmed that the total number of pitches accounted for in the supply is insufficient to demonstrate a five-year supply as of October 2025; this is a material consideration that must be given significant weight.

Paragraph 28 in PPTS (2024) states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. This means that in the absence of a five-year supply, policies most important to the determination of this proposal are out of date – in this case CP47.

The Council's Gypsies and Travellers DPD remains scheduled in the Local Development Scheme for future adoption meaning that specific allocated sites for gypsies and travellers will not realistically come forward until after this application is determined.

Status of the Applicant and Personal Circumstances

Annex 1 of the PPTS states that for the purposes of this planning policy "gypsy and travellers" means:

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.

The proposal seeks a change of use of the site to a Gypsy/Traveller site intended for occupation the Applicant who identifies as a Second-Generation New Traveller. The land has been in the Applicant's ownership for a number of years. The submitted confidential statement confirms that the Applicant has been following a nomadic pattern of life associated with seasonal travelling work and requires a lawful stopping place outside of the season. The proposal would provide a base for occupation by the Applicant during periods when travelling for work does not occur.

The application confirms that the proposed residential lorry would be stationed on the site to provide sleeping accommodation, with an associated day room for essential amenity space. It has also been confirmed that the site would not be used for work-related activities.

The submitted statement explains that the proposed location enables the Applicant to have a 6-minute access to the main road network for work and indicates that the Applicant has existing social connections established within the wider local area.

The LPA is satisfied that the Applicant's status meets the definitions of a 'gypsy and traveller' in line with Annex 1 of the PPTS.

The Applicant's need is not captured within the latest GTAA and this proposal is not advanced on the basis that it will contribute towards meeting need identified in the GTAA.

If the proposals are considered acceptable a planning condition could be imposed on any planning permission granted to ensure that the Council retains some control of the use of the site, so that any future occupiers would satisfy the definition of a 'traveller' as set out in the National Planning Policy for Traveller Sites.

Assessment against the Criteria of WCS Core Policy 47

The site lies in the open countryside, wherein development will not normally be permitted other than in accordance with specified exception policies set out within the development plan. The proposal seeks a change of use to a Gypsy and Traveller site. One such relevant policy is Core Policy 47 of the WCS, which, as stated above, provides the policy framework for the determination of applications for travellers' sites. The application details are considered against the individual criteria set out within CP47 as follows.

- 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.*

In considering criterion i), the application site forms part of a parcel of land with a lawful use of agriculture. There is no lawful establishment of the equestrian activities on-site by express permission, however, it is evident through a search of historic satellite data that the stable building has been present on the site for a considerable period of time.

Officers note the concerns from the public consultation regarding the ground stability of the site given its proximity to the Lyneham Banks Landslide which occurred in February 2022. Discussions with the Council's Major Highways Projects team confirm that the application site lies outside the 2022 landslip area and associated slip circles. Whilst it is recognised that there is continuous land movement in the area at Lyneham Banks and the B4069, there is no evidence to suggest that the proposal would increase additional loading beyond ordinary allowable limits onto the B4069. Furthermore, the application site is sited lower in elevation than the road, therefore unlikely to result in additional load from its siting. It is also relevant that the proposal is partially retrospective in nature and the anticipated loading from the proposed development would be similar to what exists on site currently. With no proposals to alter the B4069, the Major Highways Projects team do not have concerns regarding the proposal and it is concluded that the existing local road network would not be undermined. As such, it is not considered that there would be ground stability concerns in relation to the proposal specifically.

Given the lack of planning history on-site, there is no evidence to suggest any specific contamination concerns. The latest Wiltshire Strategic Flood Risk Assessment 2024 does not identify any recorded flooding incidents on the site, with the site being in Flood Zone 1, and identified to be at negligible risk of groundwater flooding; albeit there is an area surrounding the adjacent pond which has a risk of surface water flooding. For such minor development, a flood risk assessment is not required and given the nature of the proposal, it is not considered that the proposal would result in any unacceptable flood-related issues.

Based on the information provided and is available to the Council, it is considered the proposal would be capable of meeting criterion i) of CP47.

- 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.*

In terms of criterion ii), there is an existing vehicular access and the proposal is required to demonstrate safe visibility. There is no pedestrian footpath to the site. The highways issues are discussed in detail in the 'Highways' section below within this report. It is concluded that the proposal is not able to demonstrate that a safe access can be achieved with insufficient visibility against a national speed limit road and therefore this criterion cannot be met.

- iii) The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.*

In terms of criterion iii), the Applicant has indicated foul sewage would be disposed via a compost toilet. Upon request, the Applicant has also confirmed that there is existing water supply on-site. The submitted details include the installation of solar panels on the proposed day room, and the Applicant has confirmed that this would be the primary power source for the proposed development.

Officers have noted the concerns from the public consultation regarding the waste disposal methods. However, it is reasonable to assume that the development could be served by the local waste collection service that collects from the nearby properties along the B4069. Therefore, there is nothing within the application or the consultee responses that would result in the LPA to conclude that the site cannot be adequately serviced. Building regulations in respect of building services would also apply. Therefore, the proposal is considered to meet criterion iii) of CP47.

- iv) The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.*

In terms of criterion iv) it is considered the scale of the site accommodates more than sufficient space to allow the provision of the necessary living arrangements for a traveller site of one pitch along with suitable parking and turning space. This includes the provision of a day room and sufficient outdoor amenity spaces. As such, the proposal is considered to meet criterion iv) of CP47.

- 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.*

In terms of criterion v), the site lies within a reasonable distance from Lyneham, a Large Village that has limited services and facilities, but nevertheless identified within the settlement strategy as suitable for a modest degree of development. It is also within a reasonable distance from the Small Village of Bradenstoke to the south. Additionally, the site is approximately 4.6 miles, equivalent to a 10-minute drive, from the Market Town of Royal Wootton Bassett to the northeast.

There are no bus stops or other public transport services within close proximity of the site. There is an absence of pedestrian footpath from the site. However, there is a public rights of way footpath DAUN12 located approximately 73 metres to the west, and the B4069 is sufficiently wide to allow vehicles to overtake safely. As such, there remains an option for occupiers of the site to travel on foot and access the footpath connection and subsequently reach the bus to reach Bradenstoke. Using this route, while not the most convenient, occupiers have the means to reach public transport options available in Lyneham.

Policy C of the PPTS acknowledges that gypsy sites can be located within rural or semi-rural setting and paragraph 25 quantifies this advice by stating that new traveller site development should be very strictly controlled in open countryside that is away from existing settlements. The phrase 'away from' has been interpreted on appeal to mean isolated, whereas sites within a reasonable distance from existing settlements (in some cases distances of up to a mile) have been accepted as not being 'away from' settlements for the purposes of this criterion. Indeed in the appeal decision for 19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton (appeal allowed 16th March 2023) the application site was described by the Inspector as being 'away from any settlement' (para 21 of the Inspector's decision letter) and he made no reference to this being contrary to the provisions of either CP47 or the PPTS. It is therefore considered that the application site meets criterion v).

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.

With regards to the amenity of neighbouring properties, due to the distance from neighbouring properties, it is not considered that the proposal would result in any adverse impacts on the amenity of neighbouring properties.

In consideration of the proposal's impacts on the character and appearance of the landscape, other than the adjacent pond and parts of the wider parcel of agricultural land, the site is positioned at a relatively low elevation in context of its surrounding land. It is exposed to several public vantage points from both the B4069 and the PRow footpath LYNE31.

The visual impacts of the proposal are further assessed within the 'Landscape and Visual Impact' section within this report. This concludes that the overall scale of the proposed site would result in unacceptable harm to the rural countryside and there is insufficient information to demonstrate otherwise. As such, the proposal fails to meet criterion vi) of CP47.

vii) Adequate levels of privacy should be provided for occupiers.

The site is approximately 310 metres away from the nearest residential dwelling at Park Farm Bungalow to the southwest. There is an agricultural food store on the adjacent site to the south. However, there is an intervening hedgerow and there would be at least a 40-metre distance between the proposed main living area and the adjacent agricultural food store.

Due to the separation distances between properties and commercial/agricultural uses nearby it is considered that the proposals would not result in inadequate privacy for occupiers of the site.

The proposal is considered to comply with criteria vii of policy CP47 and CP57 of the WCS.

viii) Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

Relevant to this criteria, PPTS Policy C and paragraph 25 state that “*local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure*”.

The site is located in the open countryside and outside of any settlement. Development in the surrounding area is comprised predominantly of agricultural fields, woodlands, and sporadic properties before the established built form related to Bradenstoke and Lyneham. There is also a mobile home site at Lilybrook Estate accommodating approximately 50 mobile homes which lies approximately 332 metres to the southeast. The application seeks permission for the change of use to provide one Gypsy and Traveller pitch to provide accommodation for a traveller.

In considering this point the LPA must again have regard for the Land at Grittenham appeal decision in which the Inspector concluded at para. 39 with the following:

The addition of two gypsy pitches some distance from both the hamlet and the village of Brinkworth would not dominate these nearby settled communities. Even taking into account the approved single gypsy pitch to the west of the appeal site, this would still not dominate the community.

In reaching this conclusion the Inspector noted that there were not a proliferation of gypsy and traveller sites in the locality. In the case of this proposal, the proposal for one pitch is not considered to dominate the nearest settled community or place an undue pressure on the local infrastructure. However, the proposed scale of the site is considered excessive and disproportionate. Specifically, when compared to the size of the individual pitch in Lilybrook Estate, the proposed scale is substantially larger. Therefore the proposal would be inappropriate and out of keeping with the established scale and rural character of its surroundings. It fails to meet criterion viii) of CP47.

ix) The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site does not lie within or adjacent to any ecological or archaeological designated sites. Consequently, the proposal does not give rise to concerns relating to the direct or indirect impact on protected archaeological or ecological designations.

The site is located adjacent to an existing pond. However, a review of the Council's available records confirms that no priority species have been identified on the site or the pond. Based on the submitted details, there is no evidence to suggest that the proposed development would compromise the ecological function of the pond or its surroundings.

The proposal includes an extension of the hardstanding to facilitate the stationing of a residential lorry, however, the proposed site layout plan demonstrates provisions for ecological enhancements particularly within the area to the southeast adjoining the pond. These enhancements are consistent with the objectives of Core Policies 50 and criterion ix) of Core Policy 47 of the Wiltshire Core Strategy which seeks to promote ecological value where opportunities arise. Should the proposal be recommended for approval, the imposition of a condition requiring further details of planting specifications would be reasonable.

Conclusion

The proposal fails to meet all of the criteria, specifically criteria ii), vi) and viii), as set out under CP47 of the WCS.

Landscape and Visual Impact

Policy Context

Core Policy 51 of the Wiltshire Core Strategy requires development to:

- Protect, conserve, and enhance landscape character and quality.
- Respect local distinctiveness, key views, and visual receptors.
- Give particular weight to impacts on National Landscapes (formerly AONBs) and locally valued landscapes.

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

The Wiltshire Design Guide SPD (2024) promotes a context-led approach, encouraging integration with natural features and settlement patterns while avoiding visual intrusion.

The Green & Blue Infrastructure Strategy (2022–2030) supports landscape protection through green infrastructure, habitat connectivity, and nature-based solutions.

The NPPF emphasises the need to protect and enhance valued landscapes, particularly those with scenic, historic, or ecological significance. Planning decisions should:

- Recognise the intrinsic character and beauty of the countryside.
- Safeguard key views, local distinctiveness, and landscape settings.
- Ensure development is well-integrated into its surroundings and avoids visual intrusion, especially in sensitive or designated areas.

Specifically, paragraph 135 of the NPPF requires development to demonstrate a clear understanding of the site's context and respond positively to the character and identity of the surrounding area.

Paragraph 187 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, including the requirement of development to recognise the intrinsic character and beauty of the countryside.

Landscape impact must be considered alongside biodiversity, heritage, and green infrastructure objectives, with mitigation measures encouraged where harm cannot be avoided.

Assessment

The site is not within the National Landscape. It lies within a landscape character area identified as Limestone Ridge, identified to have a declining condition and Wiltshire's Landscape Character Assessment highlights a strategy to conserve and improve the landscape character. The site has an uneven topography and lies close to the lowest point in the surrounding landscape, with a pond and a stream leading to the northeast. It is surrounded by agricultural fields and detached from any land used for residential purposes.

The use of the site as a traveller site would result in a permanent change to character and appearance of the area, through the loss of agricultural land and a change in activity. The proposal will introduce an arrangement of built form in an area currently free from development.

The submitted Planning Statement suggests that the site is well-screened from the road and the Landscape Design Statement suggests that the proposal has been designed with consideration of the surrounding landscape. No assessment of the impacts on the landscape has been provided. However, this is not strictly required given the site does not lie within a designated landscape area.

Officers have undertaken a site visit to assess the landscape impacts of the proposal. Views of the site were observed from the B4069 road, as well as from the nearby Public Rights of Way (PRoW) footpaths DAUN12 to the west and LYNE31 to the south, both of which are situated on elevated land on either side of the site. The site is not visible from PRoW footpath DAUN12. However, as seen in the Figure 1 and Figure 2 below, areas of the site are visible from the B4069 when driving westwards, and the site is substantially exposed to various vantage points along the PRoW footpath LYNE31. It is therefore concluded that parts of the site are clearly perceptible and exposed to views from the public realm, contrary to the submitted details.



Figure 1: View of the site driving towards the west from the B4069



Figure 2: View of the site standing from the viewpoint on the PRoW footpath LYNE31

The proposal indicates that the residential lorry would be stationed on a sloping section of the site. No information has been provided to clarify whether any alterations to land levels are proposed to ensure that the residential lorry would be stationed on suitably level land. As a result, there is insufficient information to demonstrate the potential landscape impacts arising from any required changes in levels.

Although the unauthorised residential lorry—currently white in colour—appeared visually prominent at the time of the site visit, the submitted information indicates an intention to repaint the unit green. As the proposal relates specifically to this unit, such a requirement could be secured by condition, thereby reducing its visual impact in relation to the lorry itself. The proposal also indicates that the lorry would be positioned close to the north-eastern part of the site, adjacent to the existing hardstanding and stable building, and at a slightly lower ground

level. In addition, the submitted landscape scheme includes proposals for additional planting. However, the details provided are insufficient at this stage to confirm whether the planting would offer an effective level of mitigation. While further information could be requested from the applicant, the Local Planning Authority has not pursued additional negotiations in light of the other substantive reasons for refusal set out within this report.

When the site is considered in its entirety, the overall scale of the proposal is considered excessive. While there are no prescribed national or local standards defining the expected size of a gypsy and traveller pitch, the submitted information does not clearly define the extent of the pitch nor identify the location of any designated outdoor amenity area. Furthermore, the substantial areas of land remaining outside the proposed hardstanding would, in effect, function as additional amenity space for the occupiers of the site. This is considered disproportionate and unjustified.

In addition to the above, the western portion of the proposed hardstanding is not considered necessary to meet the functional requirements of the pitch or its associated amenity space. It has been considered that the proposed residential lorry could be stationed, and even manoeuvred, without the need for such an extension area of hard surfacing. The extent proposed is considered unduly large, and there is no justification for the extent of hardstanding proposed.

Given the excessive scale of the site, the proposal would result in development sprawling into the open countryside. Whilst certain domestic structures and buildings could be restricted through the removal of permitted development rights, the site would remain vulnerable to the gradual introduction of domestic paraphernalia, which cannot be effectively controlled by planning conditions or other mechanisms. In light of the above, the proposal would result in the permanent erosion of the rural character of the open countryside.

Accordingly, the proposed scale is considered unacceptable, as it would result in an excessive incursion into the rural countryside, giving rise to significant and permanent harm to its intrinsic character and beauty.

Conclusion

In light of the above, the proposal is contrary to paragraphs 135 and 187 of the NPPF, Core Policies 51 and 57 of the WCS.

Highways Impacts and Parking

Policy Context

Transport implications are a key factor in assessing planning applications, especially for larger developments. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.
- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Proposals must also ensure safe access for refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

Where necessary, Transport Assessments or Statements should be submitted to evaluate impacts and identify mitigation. Planning conditions or legal agreements may be used to secure off-site improvements, travel plans, or contributions to sustainable transport infrastructure.

Assessment

The site has an existing access, and the proposal does not include alterations to the existing access. No visibility splays have been submitted. The site is accessed from B4069 to the northeast, which is subject to national speed limit. The access is situated on a section of the road, where visibility is limited, as seen in Table 1 below.

Table 1: Views of the B4069 from the proposed access.

	
Looking west from the existing access	Looking east from the existing access

The Council's Highways Team has reviewed the proposal and has raised significant concerns regarding the safety of the access. It has been confirmed that the visibility splays required to meet the standards set out within the Design Manual for Roads and Bridges (DMRB) cannot be achieved at this location. Whilst the Applicant has provided additional details, this has not been accepted by the LPA as the Highways Team does not consider the matter to be capable of being satisfactorily addressed. An objection from the Council's Highways Team is therefore raised. It is considered that the proposal fails to demonstrate a safe and suitable access and must be refused on such grounds.

The applicant discussed the potential to consider reduced visibility splays based on speed survey data suggesting lower speeds along the section. However the Highways Engineer maintained their objection on the basis that the residential use would lead to an increased use of a substandard access as daily use would lead to far more movements than occasional visits to an agricultural site.

Officers note that whilst recent accident data cannot be relied on due to the lengthy road closure, in the 10 years preceding 2022 there were 4 personal injury accidents one of which was severe within the area close to the proposal site. For these reasons it is not appropriate to accept a significant reduction in visibility splay to allow a residential access to be formed.

Conclusion

The proposal is contrary to CP 60 and 61 of the WCS, and paragraphs 115 and 116 of the NPPF.

Biodiversity Net Gain

Policy Context

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain.

Unless exempt, National policy requires a minimum of 10% Biodiversity Net Gain (BNG) for major developments, demonstrated via:

- Biodiversity Metric calculations
- Ecological assessments (e.g. PEA, Phase 1 surveys, protected species surveys)

Assessment

The proposal is partially retrospective, and the submitted 'Existing Site Layout' Plan demonstrates the existing extent of hardstanding. However, when including the proposed additional area of hardstanding and the proposed landscaping on the southeastern portion of the site, the area would measure more than 25 square metres. With no other information to suggest otherwise, it is considered that the application does not fall within the exemptions from Biodiversity Net Gain requirements. Should the proposal be recommended for approval, the information required to inform the suitable amount of mitigation and enhancement measures to ensure no net loss in biodiversity would be requested.

Conclusion

There is insufficient information to establish the ecological baseline of the site, the proposal is therefore in conflict with the Environmental Act 2021.

PLANNING BALANCE AND CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

Having regard to paragraph 11(d) of the National Planning Policy Framework and the provisions of footnote 7, the Local Planning Authority considers that the presumption in favour of sustainable development ('tilted balance') is engaged. This is because relevant policies of the development plan are considered out-of-date

In weighing the planning balance, the following factors have been considered:

Benefits of the Proposal

Provision of one Gypsy and Traveller pitch

As of the latest 2024 GTAA, the Council is unable to demonstrate a five-year land supply of deliverable pitches. There is no evidence that the proposed pitch would be available to households with an identified need in the study. The proposal does not relate to any identified need and is considered to be a 'windfall' site. The delivery of gypsy and traveller pitches is a significant benefit, particularly in the context of Wiltshire's current housing land supply position.

- **Benefit:** Provision of one Gypsy and Traveller pitch.
- **Weight:** Significant weight.

Identified Harms

Where harms are identified, they must be considered in terms of their nature, extent, and policy conflict, and whether they significantly and demonstrably outweigh the benefits of the development. The following harms have been identified:

Conflict with Spatial Strategy

Whilst Wiltshire Council cannot currently demonstrate a five-year supply of deliverable pitches, this does not render development plan policies relating to the principle of development irrelevant; such policies remain capable of attracting significant weight where they align with the National Planning Policy Framework in directing growth to the most sustainable locations. This is the case here.

- **Harm:** Departure from the development plan.
- **Weight:** Moderate weight.

Landscape and Visual Impact

The proposal, by reason of its proposed scale, would result in an unacceptable change to the character and appearance of the site and its surroundings, encroaching into open countryside.

- **Harm:** Erosion of rural character and visual intrusion into the landscape.
- **Weight:** Significant weight.

Highways Impact

The proposal is unable to demonstrate that a suitable and safe access can be achieved.

- **Harm:** Increased highway safety risks.
- **Weight:** Significant weight.

Ecological Impact

Insufficient information submitted to demonstrate that the proposal would achieve 10% biodiversity net gain or that the site benefits from a relevant exemption.

- **Harm:** Loss or degradation of ecological value.

- **Weight:** Moderate weight.

Neutral Impacts

In assessing the overall planning balance, it is also important to identify those aspects of the development that are considered to be policy-compliant and acceptable, but which do not result in either a net benefit or harm. The following elements are afforded neutral weight in the planning balance, as they represent the baseline expectation for sustainable development in accordance with the development plan and national policy:

- Impact on amenity enjoyed by occupiers of the site and neighbouring properties.
- Flood Risk and drainage

On consideration of the above, it is concluded that the proposal represents unsustainable development with its conflict with Core Policies 1, 2, 19 and 47 of Wiltshire Core Strategy. Suitable and safe access is not achieved and the proposal would result in unacceptable landscape impacts with its proposed excessive scale and permanent encroachment into the open countryside. There is insufficient information to determine whether 10% Biodiversity Net Gain can be achieved.

Despite the lack of five-year land supply of pitches, the harms identified as a result of the proposal would significantly and demonstrably outweigh the benefit of providing one Gypsy and Traveller pitch. With circumstances being insufficient to warrant otherwise, the application is recommended for refusal for the reasons set out below.

RECOMMENDATION:

That Planning Permission be REFUSED.

Reasons for Refusal

1. The proposal would fail to satisfy criteria ii), vi) and viii) of Core Policy 47 of the Wiltshire Core Strategy in meeting the needs of gypsies and travellers. As a result, the principle of the proposed development would fail to be supported by the exceptional policies and would be in conflict with Core Policies 1, 2 and 19 of the Wiltshire Core Strategy. As such, the principle of development is contrary to the development plan as a whole.
2. The proposed development, by reason of its scale of change of use to residential land, would result in a disproportionate and excessive encroachment into the open countryside with a domestic use of a substantial area of land in the countryside. It fails to recognise the intrinsic character and beauty of the countryside and would result in permanent and significant harm to the landscape character and visual amenity of the area. As such, the proposal is contrary to paragraphs 135 and 187 of the National Planning Policy Framework (NPPF), and Core Policies 51 and 57 of the Wiltshire Core Strategy.

3. The proposed development, by reason of its siting, layout and visibility, fails to achieve a safe and satisfactory standard of access. Any increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to road safety. As such, the proposal is contrary to Core Policies 57(xiv), 60 and 61(ii) of the Wiltshire Core Strategy and Paragraphs 115 & 116 of the National Planning Policy Framework (NPPF).
4. The application fails to provide sufficient information to demonstrate that the BNG objective can be met and that the BGP condition is capable of being discharged. The proposal is therefore contrary to the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).