

CASE OFFICER'S REPORT

Application Reference: PL/2024/11341
Application Type: Full planning permission
Consultation Ends: 14/11/2025
Case Officer: Joe Richardson

Site Address: Tricky's Paddock, Brickworth Road, Whiteparish, SP5 2QG

Proposal: Extension of existing Gypsy/Traveller site to facilitate the siting of 1 additional pitch comprising the siting of a mobile home and touring caravan (retrospective)

Recommendation: That planning permission be REFUSED

Site Description/Proposal:

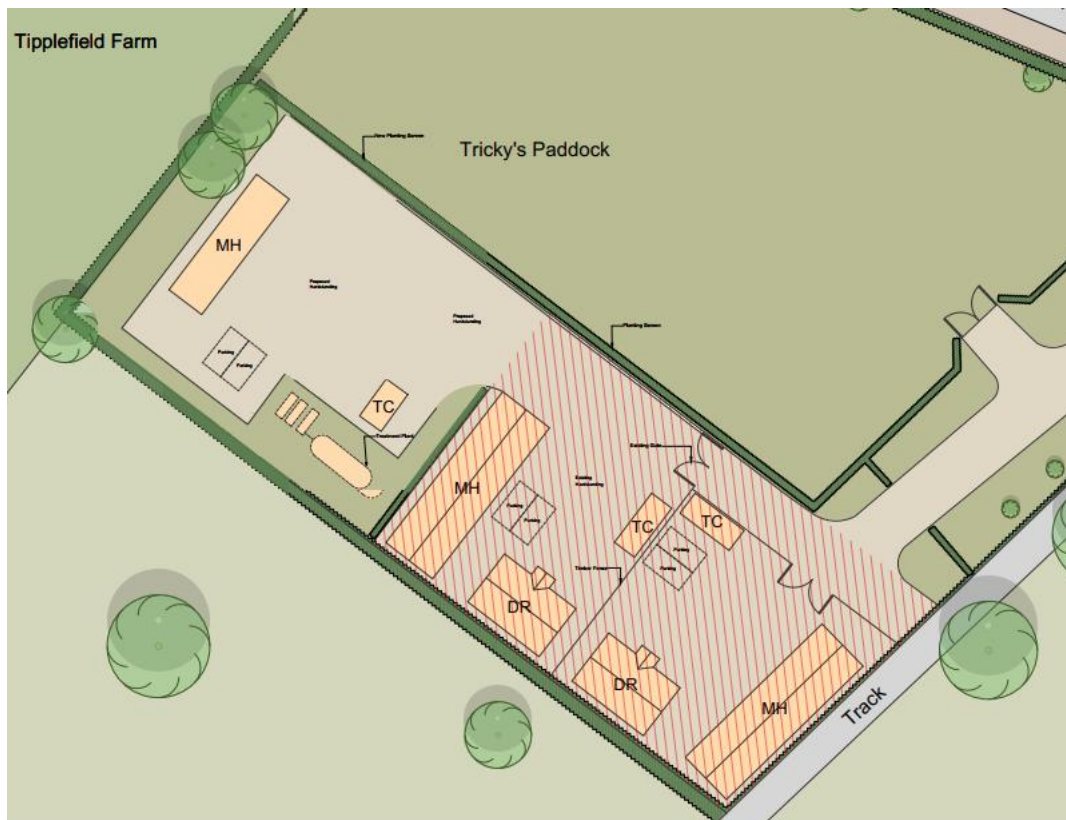
The application site comprises a parcel of land approximately 0.8 hectares to the south of Brickworth Road (also known as the A27) set within undulating open countryside. The site is also just north of the A36 which connects the site to the larger town of Salisbury. The plot is an open piece of land that is bounded by vegetation/hedgerows and fencing which separates the plot from the road. Surrounding the site is agricultural land, including Tipplefield Farm to the west of the site.

The site currently benefits from planning permission 20/06783/FUL that allowed the extension of the site to 2 Gypsy/Traveller pitches following the granting of planning permission on appeal (APP/Y3940/W/21/3267074). Works to extend the site to accommodate a third pitch have commenced but have now ceased following the submission of this planning application.

The approved layout of the site under consent 20/06783/FUL is shown below.



The altered layout of the site subject to this planning application is shown below. The area hatched in red relates to previous approval, 20/06783/FUL.



The site is located within the Special Landscape Area as defined in saved policy C6 of the Salisbury District Local Plan. The site and surrounding area falls within the 'Farley Forest Heathland Mosaic' Landscape Character Area (LCA) which is described as generally undulating, a peaceful enclosed landscape of extensive woodland cover and with pastoral and arable fields bounded by full hedgerows and hedgerow trees. The site is also within the River Test Catchment Area, the 13.8km recreational buffer zone of the New Forest SPA/SAC/RAMSAR site and is designated as Flood Zone 1.

The proposal seeks retrospective planning permission for the extension of existing Gypsy/Traveller site approved under consent 20/06783/FUL to facilitate the siting of 1 additional pitch comprising the siting of a mobile home and touring caravan. Following a recent site visit, officers noted that these works to extend the site have already been implemented. It was also observed that works to implement consent 20/06783/FUL had commenced but were not complete.

Relevant Planning History:

S/2012/1307/S73 - Vary condition 1 & 3 and remove condition 2 of permission S/2008/708 to allow permanent occupation of the site, to remove the personal occupation restriction, and to allow an additional touring caravan on site Granted on Appeal 06.09.13

14/01571/VAR – Remove condition 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction REF 14.05.14

14/11305/VAR – Remove conditions 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction REF 31.07.15

18/09609/VAR – Variation/removal of conditions 1 & 2 of permission S/2012/1307/S72 relating the personal use of the site A.C 05.12.18

19/04590/VAR - The removal or variation of Conditions 1 & 2 of planning permission S/2012/1307/S73 to remove the personal and temporary restrictions on the use/provision of the site as a gypsy pitch. REF 05.07.19

19/09862/VAR - Variation of Condition 3 of Planning Approval 18/09609/VAR to allow an additional pitch and changes to the existing pitch to include for each pitch a static mobile home, a family dayroom and tourer for a family member with associated treatment plant. REF 15.05.20

20/06783/FUL - Change of use of land to use as a residential gypsy and traveller site for two pitches, each pitch accommodating two caravans, including no more than one static caravan/mobile home, and a dayroom, together with the laying of hardstanding and installation of a package sewage treatment plant REF 14.10.20 APP on APPEAL 04.11.22

PL/2022/09334 - Discharge of Conditions 5 and 6 of 20/06783/FUL APP 10.05.23

POLICIES

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 4 Decision Making

Section 11 Making effective use of land

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

National Planning Practice Guidance

National Planning Policy for Traveller Sites 2024 (PPTS)

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 23 Southern Wiltshire Community Area

Core Policy 47 Meeting the Needs of Gypsies and Travellers

Core Policy 50 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 60 Sustainable Transport

Core Policy 61 Transport and New Development

Core Policy 62 Development Impacts on the Transport Network

Saved Salisbury District Local Plan (SDLP)

C6 – Special Landscape Area

Wiltshire Local Transport Plan 2015-2026: Car Parking Strategy

Emerging Gypsies and Travellers Development Plan Document, August 2023 (Pre-submission Draft)

Wiltshire Council's published 2024 GTAA with the published GTAA setting out the pitch requirement for the period 2024 to 2038

ISSUES

- Principle of development including site history;
- Status of applicant and personal circumstances;
- Submission of Inaccurate Plans;
- Impact on the character of the area/landscape;
- Amenity Impacts;
- Highway safety;
- Ecological Impact including the River Test SAC and BNG;

CONSULTATIONS/REPRESENTATIONS

Whiteparish Parish Council – Objection with the following comments received stating:

Whiteparish Parish Council RESOLVED to object and recommend refusal to this application as follows:

1. Over development of site.
2. Development in open countryside which is classified as a site in a Special Landscape Area (SLA).
3. History of flouting planning. On current application parts 2, 4, 7 & 8 and on the inspectors' response of appeal they are known as 44, 45, 46, 47 & 48.
4. Please can the LPA confirm who is the applicant – Mr Gammell Senior or Mr Gammell Junior?
5. We believe this development will increase the water run off on to the A27, which is already causing serious flooding problems on the A27.
6. There are no pavement facilities for several hundred metres to the village.
7. The plan is incorrect. There are no current photographs of the site.
8. Previous lack of enforcement on this site giving the Parish Council and the local community no confidence in the LPA.
9. The Parish Council has serious concerns about the current sewage to cope with possible increase. Will current sewage works suffice capacity?
10. Family circumstances – successive inspectors have approved applications as it is a pitch for one family and it is why Wiltshire Council have not included it in the Gypsy and Traveller plan for additional pitches on this site.

WC Spatial Planning – Comments received summarised as:

This note sets out the Strategic Planning Service's consultation response to planning application PL/2024/11341 for a single additional pitch at the lawful traveller site 'Tricky's Paddock'. The pitch requirements for the South Wiltshire HMA set in the Core Strategy are time-expired and there is no adopted accommodation requirement for the current period. The 2024 GTAA identifies a more up to date accommodation need for the whole county for gypsies and travellers that meet the planning definition, and this need remains unmet. Core Policy 47 contains locational requirements proposals should meet. Expert consultees are best placed to

comment. The emerging DPD identifies sufficient deliverable sites to demonstrate a five-year supply against its pitch target, but does not carry sufficient weight to enable the proposed

WC Landscape – No objection subject to a landscaping condition with comments received stating:

Increasing the number of plots from 2 to 3 on this permitted Traveller site will create a degree of harm on the character and appearance of the area. This harm is very localised due to the enclosed nature of the landscape by woodland and undulating topography, and could be further reduced with landscape mitigation. I note from the comments received that views of the site are obtained from some local residences and the local road users (A27). There is an opportunity to enhance these views by planting native trees within the boundary behind the hedge. The added height of the trees above the hedge would help to filter views in to and out of the site for added privacy. Native trees would also add diversity to the monoculture laurel hedge currently in place. In order to reduce the harm to the character and appearance of the area the applicant is advised to prepare a landscape and visual mitigation scheme e.g. tree planting as suggested above. The native trees should be of a reasonable height e.g. feathered or standard trees (up to 2.5m), not whips and transplants. This will reduce the perceived landscape and visual harm increasingly as the trees mature. I am happy for this to be secured by the councils landscape conditions which covers species, size, density, maintenance and replacements in the event of failure.

WC Highways – No objection with comments received stating:

The proposal seeks permission for an additional pitch, comprising 1 mobile home and 1 touring caravan, to accommodate 1 additional family at the existing Gypsy / Traveller site. There is an existing consent for 2 Gypsy/Traveller pitches at the site. The principle of the use of the site for Gypsy / Travellers is already established. The proposed pitch will be accessed via the current access arrangement, no changes are proposed. I am aware of the history of applications at this site, and it is noted that the access was approved by the Planning Inspectorate ref: S/2008/0708. The visibility splays as previously approved do not require amending to accommodate the increase in use of the access as the splays are based on the speed limit or measured speeds of traffic passing the site, not amount of use. The visibility splays at the access are already covered by the condition applied to the previous planning application, although if deemed appropriate the condition could be re-applied. On the basis of the previous consents at this site, there is no highway objection for one additional pitch.

WC Ecology – No objection subject to conditions (see response in the ecology section of this report). Conditions to be imposed include:

- Compliance with the submitted plans/documents;
- Water Usage;
- Compliance with the New Forest Mitigation Strategy;
- Lighting

Natural England – No objection with comments received stating:

New Forest Protected Sites – No Objection Subject to Mitigation

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in

accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the New Forest Protected Sites. Your authority should be satisfied that the agreed mitigation meets the minimum requirement as per the New Forest Interim Recreation Mitigation Strategy. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England is satisfied and thus we have no objection to the proposals, providing that all mitigation measures are appropriately secured in any permission given.

Third Party Representations – 6x letters of objection with comments summarised as the following:

- Destruction of the open countryside;
- Increased traffic movements;
- Highway safety concerns over lack of maintenance to required visibility splays;
- Submission of application goes against what was stated at the appeal hearing for the previous application;
- No evidence to suggest a third pitch is required for the applicant;
- Potential for the third pitch to be rented out;
- Failure to comply with conditions associated with the Inspector's approval;
- The nutrient budget submitted is deficient;
- Hedging planted is an invasive species;
- Amenity impacts including noise and light pollution;
- Appearance of blocks of white caravans, cars, trucks and a lorry within the site;
- Tarmac installed within the site is not a permeable surface and causes pooling of water on the A27.

ASSESSMENT

Principle of development including planning history

Planning permission is required for the development. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF and PPTS are also significant material considerations and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework. The Wiltshire Core Strategy was adopted in January 2015. A Gypsies and Travellers Development Plan Document is being prepared.

The introduction of the Framework (latest iteration published in 2024) states that the *"Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant"*.

WCS, policies CP1 'Settlement Strategy' and CP2 'Delivery Strategy' outline the Council's settlement hierarchy and identify the settlements where sustainable residential development should take place. CP1 identifies a hierarchy of four tiers of settlements, namely: Principal Settlements; Market Towns; Local Service Centres; and Large and Small Villages. CP23

'Spatial Strategy: South Wiltshire Community' Area expects development to be in accordance with CP1.

The site is located outside of any settlement on the outskirts of Whiteparish, a Large Village as defined in CP2 of the WCS. Policy CP2 states that outside the defined limits of development, other than in circumstances as permitted by other policies within this plan, as identified in paragraph 4.25, *"development will not be permitted outside the limits of development, as defined on the policies map"*. CP2 continues stating that the *"limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans"*.

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- **Specialist accommodation provision (Core Policies 46 and 47)**
- Supporting rural life (Core Policy 48)

Meeting the needs of gypsies and travellers is one of the exceptions to Core Policy 2 as referred to under Core Policy 47. Core Policy CP47 sets out criteria against which such applications are to be considered. The policy is informed by the national policy set out in the Planning Policy for Traveller Sites (PPTS) 2024. The CP47 criteria is considered later in this report.

The 2024 PPTS also states at paragraph 28 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 NPPF apply. It goes on to state how the use of planning conditions or obligations can be used to overcome planning objections.

The application site is located on the south side of the A27 Brickworth Road, to the east of the settlement of Whiteparish and is a lawful traveller/gypsy site previously as one pitch and currently for two pitches. The site is within the countryside and the designated Special Landscape Area (saved local plan policy C6 refers). The application seeks retrospective planning permission to allow an additional pitch for a family member which would then increase the number of pitches on the site from two to three to allow the additional pitch for family members (Current occupiers are Mr Jimmy Gammell Snr, his wife and son, Mr Jimmy Gammell Jnr and his wife and children). The additional pitch would have a Static Mobile Home; a Tourer and; Parking for 2 vehicles. The reordered site would see the retention of the existing vehicular access and track leading to the existing pitches and proposed additional pitch. Officers are aware that works are currently underway to implement the 2020 consent but these works are not yet completed.

National Planning Policy supports the provision of suitable traveller sites through the Planning Policy for Traveller Sites document, subject to suitable criteria.

The main Local Plan policies which apply in this case are considered to be primarily Core Policy 47 (Meeting the needs of Gypsies and Travellers), Core Policy 51 (landscape impact), CP57 & 61 (general amenity impacts and highway issues).

Need

The Council's Spatial Planning (policy) officer indicates that:

The Core Strategy (CS) was adopted in January 2015 and forms part of the adopted development plan. Core Policy 47 (Meeting the Needs of Gypsies and Travellers) sets out pitch requirements for three Housing Market Areas up to 2021. The monitoring position for March 2025 against the requirements is presented below and includes a pro-rata projection from the 2021 end date, in the absence of a 2021-26 requirement. The application site falls into the South HMA where there remains a shortfall of pitches.

	2016-2021	2016-25 pro-rata pitch requirement	Permitted pitches 2016-25	Shortfall (-)/ Oversupply (+)
North & West HMA	22	40	76	+36
South HMA	30	54	30	-24
East HMA	1	2	2	0

The Core Strategy pitch requirements are time expired and not an up-to-date reflection of need. The Plan commits to the development of a Gypsies and Travellers Development Plan Document (DPD) and the completion of a full Gypsy and Traveller Accommodation Assessment (GTAA), consistent with national planning policy.

Wiltshire Core Strategy

The adopted Core Strategy (CS) identifies permanent pitch requirements for gypsies and travellers in Core Policy 47.

It is clear that the above referenced table shows the that five-year period specified in the plan (2016-21) has expired, and the WCS does not provide any pitch requirements beyond this period. For the purpose of monitoring and to provide an estimate of accommodation need, a pro rata pitch requirement is applied based on the 2016-21 requirement.

In total this means that for the 2016-25 period the rounded-up requirement would equate to an estimated shortfall of 24 pitches in the South HMA.

The Strategic Planning Service routinely monitors the granting of planning permission for permanent pitches against the requirements set out in the WCS.

It follows that the WCS requirements have not been met when tested against the approach of applying a pro-rata'd assessment of need. The need assessment which informed the WCS and the associated pitch requirements are both now outdated, and Members will be aware that since then the Council's accommodation need assessment has been kept up to date and informs decision making. The 2024 Gypsies and Travellers Accommodation Assessment (GTAA) is the most up to date assessment of need (see below).

The Government's Planning Policy for Traveller Sites (PPTS) December 2024 is a significant 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 it fully acknowledges that sites such as this for Gypsy and Traveller accommodation may not always be located within defined settlements.

The Emerging Development Plan for Wiltshire

Formal consultation on a pre-submission version of the draft DPD under Regulation 19 was undertaken from 20 August 2024 until 4 October 2024. The draft DPD was endorsed by Cabinet for submission on 4 February 2025, with submission to the Secretary of State subject to Full Council approval in due course. In the absence of an adopted DPD, Gypsies and Travellers Accommodation Assessments (GTAA's) prepared for the Council have been considered routinely by Inspectors at planning appeals, as the most up to date evidence on need.

The 2024 GTAA for Wiltshire covers the period 2024 to 2038. It proposes pitch requirements for gypsies and travellers, and plot requirements for travelling show people. The requirements are for households who meet the definitions in PPTS (2023) Annex 1; households who do not but may be protected under equality legislation; and households who could not be determined due to absence or refusal to engage with the assessment. The GTAA also makes recommendations how to meet temporary accommodation requirements.

Based on the 2024 GTAA, policy GT1 in the draft Gypsies and Travellers DPD sets a pitch target of 128 pitches, with 81 for the first five years (2024-29). However, this excludes identified need from teenagers. The draft Plan proposes allocations and considers permissions since April 2024. As a result, this would result in a supply of more than five years against the pitch target of 81 in Policy GT1. This is set out in the latest iteration of the Plan as submitted to Full Council on the 25th February 2025 but a decision to submit this Plan to the Secretary of State was deferred to a date yet to be determined.

Whilst the Draft plan has limited weight, the Plan proposes to safeguard Tricky's Paddock in Policy GT2. Policy GT1 expresses that proposals for the intensification of safeguarded sites such as this, required to meet an on-site need will be supported where they accord with the development plan. The Site Selection Report that has informed this Plan identified a need for teenagers at Tricky's Paddock although the exact number of individuals is not stated in the interest of identity protection.

Furthermore, it is noted that in the December 2024 PPTS the definition of gypsies and travellers was changed from the 2023 PPTS, so that it now includes "*other persons with a cultural tradition of nomadism or of living in a caravan*", increasing the number of people that would qualify for gypsy and traveller status. This increase, which should be considered for decision-making immediately, affects the required numbers of pitches, and as such, a 5-year supply of pitches still cannot be met. In response to this proposal, it is considered that there remains an unmet need for new pitches based on the latest 2024 GTAA. The GTAA is a material consideration that must be given significant weight.

Wiltshire Council's Five-year Land Supply Position

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

A recent appeal for the formation of a gypsy site under application PL/2023/00249 Land at Littleton Drew, Chippenham that appeal was dismissed on 16 April 2024 on the basis that the proposal was not in compliance with Policy CP47, the Inspector however commented on the need and lack of a supply of gypsy and traveller sites, and concluded that the Council cannot demonstrate a five-year supply when set against the (then published) 2022 Gypsy and Traveller Accommodation Assessment (GTAA).

In another recent appeal in Wiltshire (under application 19/09079/FUL Land at Brewers Pit, Bushton Road, Hilmarton – the appeal was allowed on 16 March 2023) whereby the appointed Inspector concluded that need had not started to be met.

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.

At present there is not a 5-year supply of such sites across Wiltshire; and this is a material consideration that must be given significant weight in the planning balance. Paragraph 28 in PPTS (2024) states 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. 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 Core Policy 47. 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.

The Littleton Drew decision, issued in April 2024, states clearly that the Council does not have, and is not likely to have in the near future, a 5-year supply of suitable gypsy and traveller sites. This is a significant material consideration in the determination of the current application before the Committee, especially as the application seeks an extension to an existing lawful traveller/gypsy site.

In two further relatively recent appeal decisions relating to Land to the South of Bridge Paddocks, Braydon Road, Leigh (20/01449/FUL) and Land adj. Bridge Paddocks, Braydon Road, Leigh (20/08187/FUL) the appointed planning inspector concluded that the proposed unlimited occupancy of Gypsy/Traveller sites (both comprising 4 pitches and including the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms, all to be used for residential purposes) would contribute towards addressing the unmet general need for Gypsy and Traveller sites as they could be occupied by any persons that meet the PPTS definition.

The Inspector noted in the decisions that there were no grounds to impose a temporary planning permission condition or one that limits occupancy to specifically named persons, and it is well established through these appeals that the identified need in the GTAA supersedes the pitch requirements as set out in Policy CP47 (published in Jan 2015). It is also worthy of recording that in March 2024, the Council's own public sites are full and there are waiting lists.

The imposing of a condition onto any consent for specifically named persons is not generally supported but was imposed by the previous Inspector given the specific health concerns of the applicant, Mr Gammell Snr and the need for the family to reside on the site together. Officers see no reason as to why the same condition cannot be imposed onto any consent if they were minded to recommend approval of this development proposal. As there is a need for the family to reside on the site together having regard for the children on the site, and there being no readily alternative sites, a condition imposed onto any consent for specifically named persons, i.e. the applicant and his resident dependants would be considered necessary and reasonable.

Status of the applicant and personal circumstances

The proposal is for one additional Gypsy/Traveller pitch to be occupied by Gypsies/Travellers who fulfil the definition of Gypsies and Travellers in Annex One of Planning Policy for Traveller Sites. The definition states:

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 [showmen] or circus people travelling together as such.

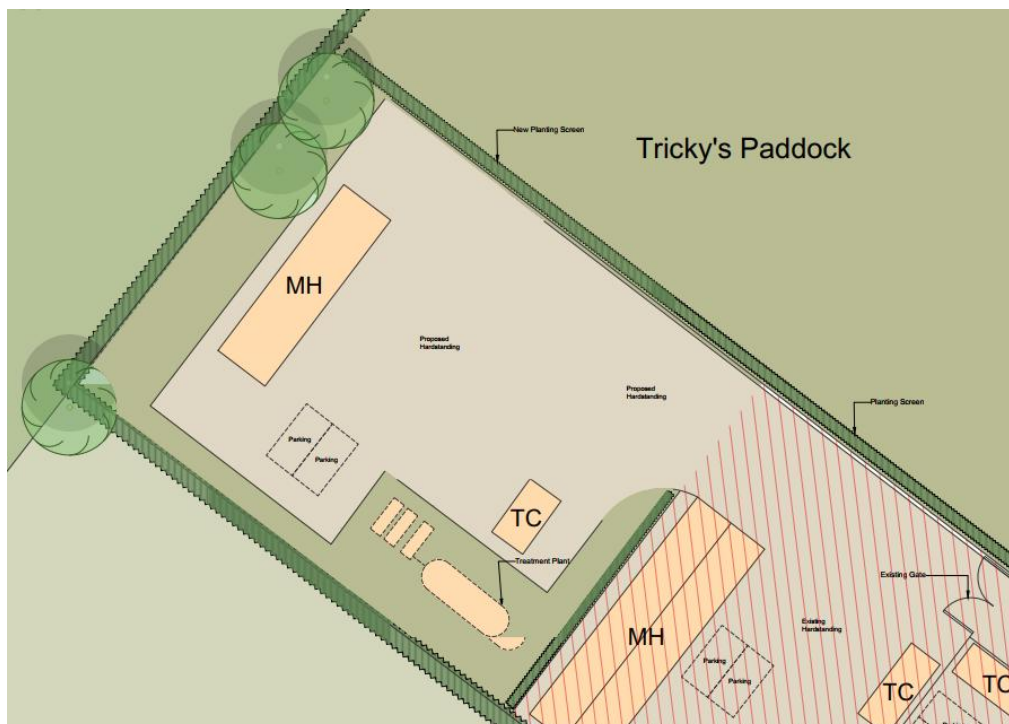
The extension to the site would consist of one additional pitch with mobile home, 1 touring caravan with two car parking spaces. In total, there would be three pitches on the site, 2 existing pitches by way of the existing planning permission each with a mobile home, 1 touring caravan, a dayroom and two parking spaces to enable the applicant and his family to live upon the land.

The additional pitch is to be occupied by the applicant's grandson and his wife to be who are confirmed ethnically as Gypsies/Travellers and therefore meet the definition as outlined above.

On this basis and the lack of evidence to the contrary, officers are satisfied that the applicant, his extended family and those who are to reside upon the additional pitch meet the status/definition of Gypsies/Travellers.

Submission of inaccurate plans

The altered layout of the site subject to this planning application is shown below. The area hatched in red relates to previous approval, 20/06783/FUL. Works to implement this approval have commenced but are yet to be completed.



Officers have recently visited the site to assess this development proposal. During this site visit, it has become apparent that the submitted plans do not accurately reflect either the development as carried out on site or the current physical arrangement of the land.





Subsequent correspondence with the applicant's agent, significant discrepancies have been identified between the submitted drawings and the development present on the site, including but not limited to the extent and configuration of hardstanding, surfacing works, associated structures and the siting of the mobile home. The Local Planning Authority (LPA) has sought amended plans to accurately illustrate the development subject to this application; however, the agent on behalf of the applicant has confirmed that no further amendments will be provided. The agent has suggested that any discrepancy can be addressed through the imposition of a compliance condition or through separate enforcement action however, this is not accepted in this case. In normal circumstances, a condition requiring compliance with the approved plans would confirm that those plans are accurate and capable of being complied. However, in this case, given the level of other works completed on the extended site and noting works on the wider site not appearing to be in accordance with consent, 20/06783/FUL, the LPA remain to be convinced that any further works will be carried out in accordance with the plans of any approval given for the extension to the site subject to this planning application.

The applicant's agent has referred the LPA to a number of appeal decisions where Inspectors have proceeded to determine appeals on the basis of submitted plans notwithstanding that the development on site differed from those plans. Officers have had regard to these decisions as material considerations. However, in the absence of full details of these appeal schemes, it is not possible to draw direct comparisons with this scheme. As outlined, officers do not agree that the identified discrepancies can be satisfactorily addressed through the imposition of a planning condition. A planning condition cannot be used to rectify or retrospectively authorise uncertain or inaccurately described development, nor can it overcome the fundamental requirement for a planning application to be supported by plans that accurately show the development proposed for assessment. To do so would create uncertainty as to the scope of any permission granted and would fail to meet the tests for planning conditions set out within the National Planning Policy Framework and Planning Practice Guidance.

Notwithstanding, there has been considerable third party concern regards this site over the years, which is reflected again by representations to this current proposal. The imposition of a planning condition which sought to secure an adjusted site layout after planning consent was granted would result in an adjusted scheme being considered by the Council without any public consultation on those adjusted plans. This would potential result in any decision being open to legal challenge on the basis of the "legitimate expectation" of the public to be consulted and comment on planning applications.

Therefore, in the absence of accurate and up-to-date plans, the LPA is unable to properly assess the full extent, scale and planning impacts of the development or be satisfied as to what development would be authorised by any planning permission granted. The submission of accurate plans is a fundamental requirement of the planning application process and, in this case, the deficiencies in the submitted information prevent the application from being determined in a positive manner. As a consequence, the LPA is left with no option but to recommend refusal of this planning application.

Whilst officers have identified discrepancies between the submitted plans and the development undertaken on site, the application has nevertheless been assessed against the plans and supporting documents submitted by the applicant. The following assessment is therefore undertaken on the basis of the development as presented within the application documentation, notwithstanding the Local Planning Authority's concerns that the submitted plans do not accurately reflect the current arrangement and extent of development on the site.

Impact on the character of the landscape

The application site adjoins the A27 road and is within a field of around 0.8 hectares set within pleasant, undulating countryside. The site and surrounding area falls within the 'Farley Forest Heathland Mosaic' Landscape Character Area (LCA) which is described as generally undulating, a peaceful enclosed landscape of extensive woodland cover and with pastoral and arable fields bounded by full hedgerows and hedgerow trees. The site is fairly typical of the wider LCA, being a pastoral field on an undulating landform and which benefits from a degree of enclosure from hedgerows and topography. The site benefits from full hedgerows on the A27 road frontage boundary and along the north-western side.

The area also falls within a 'Special Landscape Area' (SLA) as covered by saved Policy C6 of the Salisbury District Local Plan (2003) (Local Plan). Policy C6 states that development proposals in the countryside covered by the SLA designation will be considered, amongst other things, with particular regard to the high quality of the landscape, requiring proposals to be sympathetic and to incorporate high standards of landscaping and design. Policy CP47 of the Wiltshire Core Strategy (2005) (CS) relates to traveller sites and whilst requiring development to avoid an unacceptable impact on the character and appearance of the landscape, does not specifically preclude traveller developments within the SLA.

There has been much consideration and examination of the landscape impacts of the use and occupation of the site over the course of its history. Most notably both the appeal decision in 2009 and the 2012 appeal decision identified that the impact of the development on the character of the surrounding landscape was the primary consideration in each case.

The 2012 appeal Inspector noted there had been significant changes in the visual impact of the site insofar as mixed hedgerows of significant height and density had been established around the mobile home and parking area. At paragraph 20 he noted *"the planting that has taken place provides considerable screening of the development from public vantage points and if retained and supplemented is likely to increase the level of mitigation"*. The Inspector concluded the level of harm to the character and appearance of the countryside had been reduced since the previous appeal was considered.

Furthermore within the most recent appeal decision in 2022 in relation to application 20/06783/FUL, the Inspector identified that there would be a degree of harm by way of the development on the character of the surrounding area. Paragraphs 16 and 17 of this appeal decision state:

16. Whilst the proposal would not fundamentally alter any of the site's characteristics in terms of its compatibility with the wider LCA, it is clear to me that there would be a degree of harm from introducing the additional pitches and associated structures onto the site. This is due to the lack of appropriate existing landscaping to prevent them from being highly visible from the A27, as well as partially visible from the nearby public right of way on elevated land.
17. This visual harm would be experienced largely by walkers and drivers passing through the area. Though the existence of other buildings and dwellings in the immediate surroundings at least provides a more appropriate context for the pitches than in an isolated visible location, the harm would endure for at least the first few years. The success of the landscaping that could mitigate the harm would depend on appropriate management. However, it is clear that, with this, along with careful planning of works at the access to minimise its degree of formality and hardsurfacing, that the harmful impacts of the proposal would at least be minimised and largely temporary in nature.

However, this harm would be mitigated by proposed landscaping and the subsequent management and imposed a condition requiring further details of the landscaping of the site. This condition is shown below and has been subsequently discharged by the LPA under reference PL/2022/09334.

- 6) Unless within 6 months of the date of this decision a scheme for works to the access, soft and hard landscaping and management thereof, has been submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 9 months of the Local Planning Authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

It is acknowledged that the existing site is now relatively well screened. Core Policy C47 criterion vi relates specifically to landscape and states the following:

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.

Comments received from the Council's Landscape Officer for this proposal state the following:

Increasing the number of plots from 2 to 3 on this permitted Traveller site will create a degree of harm on the character and appearance of the area. This harm is very localised due to the enclosed nature of the landscape by woodland and undulating topography, and could be further reduced with landscape mitigation. I note from the comments received that views of the site are obtained from some local residences and the local road users (A27). There is an opportunity to enhance these views by planting native trees within the boundary behind the hedge. The added height of the trees above the hedge would help to filter views in to and out of the site for added privacy. Native trees would also add diversity to the monoculture laurel hedge currently in place. In order to reduce the harm to the character and appearance of the area the applicant is advised to prepare a landscape and visual mitigation scheme e.g. tree planting as suggested above. The native trees should be of a reasonable height e.g. feathered or standard trees (up to 2.5m), not whips and transplants. This will reduce the perceived landscape and visual harm increasingly as the trees mature. I am happy for this to be secured by the councils landscape conditions which covers species, size, density, maintenance and replacements in the event of failure.

The increase in the number of pitches from two to three within the site would create a degree of harm on the character and appearance of the area as outlined within the comments above. However, this harm could be mitigated, as it was for the previous consent, 20/06783/FUL by a suitable landscaping scheme imposed onto any consent if officers were minded to recommend approval for this development proposal. To further mitigate any harm, a condition requiring a landscape and visual mitigation scheme by planting native trees within the boundary behind the existing hedgerow can be imposed and would in time, further soften the appearance of the development on the character of the area.

Amenity Impacts

Previous planning decisions on this site have not related to the harm to any adjacent residential or other amenity. The application site, being surrounded by agricultural/open land on all sides and being set back approximately 75 metres from the road with substantial natural screening (around the original pitch) is relatively distant and well separated from the closest residential uses. The site prior to the 2022 consent (20/06783/FUL) was occupied as a single gypsy pitch for approximately 19 years.

Notwithstanding this, Core Policy CP57 of the WCS requires a high standard of design is required in all new developments. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.

As set out and conditioned within the previous appeal decision, if officers were minded to recommend approval, a condition can be imposed onto any consent stating that the use and occupation of the site shall be for only for the applicant and his resident dependants. By imposing this restrictive condition may reduce potential for the site to be used by other Gypsies/Travellers and allow the Local Planning Authority to have regard for any increases in amenity impacts to the surrounding area by other users of the site.

Comments received from members of the public regarding light pollution and noise from the site are duly noted. Whilst it is acknowledged that an additional pitch within the site would see an increase in the number of persons using the site, associated vehicular movements and light being emitted, a refusal of planning permission based on these grounds would in, officer opinion, be difficult to justify.

In officer opinion, any light pollution from within the permitted site would be no different to any other residential property within the vicinity of the area. Issues around the use of quad bikes and their associated noise operating within and around the site can be investigated by the Council's Public Protection Team under their statutory legislation if deemed necessary.

Highway safety

Previous decisions related to this site have not raised any objection to the access arrangements, and the applicants intend to retain the existing access arrangements for this proposal.

Officers note the concerns received from members of the public in relation to the increase in vehicular movements to and from the site and maintenance of the visibility splays.

In respect of the previous application, 20/06783/FUL, the Highways Officer raised no objection subject to a condition around a visibility splay and consolidation of the existing entrance to the site. Comments received from the officer refer to the appeal decision APP/Y3940/A/12/2188911 dated 6 September 2013 S/2012/1307 that was allowed on appeal. These comments stated:

'I attach herewith an extract from the Appeal Decision on S/08/0708 from which you will note that the Inspector considered that it would not be unreasonable to require a 'y' distance of 160m to be available. I would therefore require the hedge to be set back in order to provide and maintain a visibility splay of 2.4m x 160m in the westerly direction. The 2.4m distance should be measured along the centre line of the access, back from the edge of the carriageway. The hedge should of course be planted to allow for its mature growth to be clear of the splay.'

A condition to this extent above was included within the appeal decision by the Inspector in regard to application 20/06783/FUL. Officers note the comments from the Highways Officer to this application that state:

The proposal seeks permission for an additional pitch, comprising 1 mobile home and 1 touring caravan, to accommodate 1 additional family at the existing Gypsy / Traveller site. There is an existing consent for 2 Gypsy/Traveller pitches at the site. The principle of the use of the site for Gypsy / Travellers is already established. The proposed pitch will be accessed via the current access arrangement, no changes are proposed. I am aware of the history of applications at this site, and it is noted that the access was approved by the Planning Inspectorate ref: S/2008/0708. The visibility splays as previously approved do not require amending to accommodate the increase in use of the access as the splays are based on the

speed limit or measured speeds of traffic passing the site, not amount of use. The visibility splays at the access are already covered by the condition applied to the previous planning application, although if deemed appropriate the condition could be re-applied. On the basis of the previous consents at this site, there is no highway objection for one additional pitch.

For consistency and completeness, as outline above by the Council's Highways Officer, the same condition as imposed onto the appeal decision in line with the visibility splays being required to be provided and maintained can be imposed onto this decision if officers were minded to approve this development proposal.

Comments received regarding the tarmacking of parts of the site and this not being a permeable surface resulting in pooling of water onto the A27 are duly noted. Officers have liaised with the Council's Highways Officer and Area Highway Engineer on this matter. Whilst the access was approved under a previous planning application that required the surfacing of the access apron, this application for the additional pitch does not propose any alterations to the access and therefore, the imposing of any specific conditions for the access are not required. Whilst there is higher probability of surface water during periods of inclement weather especially within the winter months, the Area Highway Engineer who has local knowledge of the area is not aware of any drainage problems associated with the surfacing of the access serving the site. If there were matters of this nature as alleged, this is an issue for the Council's Highways Enforcement Team to investigate.

Ecological Impact including the River Test SAC and BNG

CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The application is accompanied by the following documentation listed below that has been assessed by the Council's Ecologist.

- Natural England Nutrient Neutrality budget calculator for The Solent Marine Sites. 29 January 2025. Trickys Paddock – Nutrient Budget Calculator;
- As Proposed Site Plan. October 2025. WS Planning & Architecture. Drawing No. J005116-DD-13 A;
- As Proposed Site Plan. October 2025. WS Planning & Architecture. Drawing No. J005116-DD-14 A;
- As Proposed Block Plan. October 2025. WS Planning & Architecture. Drawing No. J005116-DD-12 A;
- As Existing Block Plan. December 2024. WS Planning & Architecture. Drawing No. J005116-DD-02;
- As Existing Site Plan. December 2024. WS Planning & Architecture. Drawing No. J005116-DD-02;
- Site Location Plan. December 2024. WS Planning & Architecture. Drawing No. J005116-DD-01;

River Test Catchment

Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site.

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

The Solent water environment is one of the most important for wildlife in the United Kingdom. It is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas. Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from waste water from existing housing and other development.

Natural England currently advises that every permission for new dwellings in the [River Test Catchment Area](#) could result in increased nutrients entering the Solent area ([NE776 Edition 5 Nutrient Neutrality and Nutrient Mitigation.pdf](#)) from the increase in waste water and land use change. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and an Appropriate Assessment (AA) is required.

Nitrogen budget

In line with Natural England's Advice on Nutrient Neutrality, a calculation of the nitrogen burdens of the proposal is required. Natural England has issued guidance and a calculator tool to be used by applicants and this is available here: <https://www.wiltshire.gov.uk/planning-bio-phosphorousnitrogen-mitigation>.

A nitrogen budget has been submitted. The nitrogen budget is in line with Natural England's advice and it is agreed that the development will result in a nitrogen burden of 1.49 kg/N/yr and mitigation is required. Wiltshire Council has a strategic mitigation scheme to counterbalance the nitrogen burdens from planned development. We can confirm that this option would be applicable for this proposal, provided the nitrogen budget has been approved.

The price of nitrogen credits is set at £2790 per 1 kg/N. For applicants wishing to use the Council scheme, a standard payment will be required by unilateral undertaking. There is a legal fee for a Unilateral Undertaking. Should the developer wish to use the strategic scheme, please contact nutrientscheme@wiltshire.gov.uk for further information.

New Forest Protected Sites

The proposed development site lies within the 13.8km zone of influence for the New Forest internationally protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application is screened into appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) on account of its potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in-combination with other plans and projects. Many of the special features of the New Forest protected sites afforded protection are

vulnerable to adverse effects associated with an increase in recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019.

Following a Cabinet decision on 7 May 2024, Wiltshire Council's "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1.1, 21 March 2023) is being revised. Cabinet approved revised mitigation measures to manage recreational pressures on the New Forest protected sites, including the cessation of use of Community Infrastructure Levy (CIL) to fund Strategic Access Management and Monitoring (SAMM) measures for minor residential development (1-49 dwellings) and tourism / visitor accommodation within the 13.8km zone of influence. Instead, SAMM measures are to be funded by developer contributions at a rate of £612 (plus legal fees) per unit of residential or tourism accommodation. This revision applies to all development that will result in a net increase in accommodation units within the 13.8km zone of influence from the New Forest protected sites and therefore applies to this application. Evidence for the revised approach derives from the New Forest SAMM Report (Footprint Ecology, October 2023) which can be found here: [Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/research-into-recreational-use-of-the-new-forest-protected-habitats). The New Forest SAMM Report was commissioned by all the local planning authorities with areas lying within the 13.8km zone, in order to identify and implement a consistent strategic approach to mitigation across the zone of influence.

It will therefore be necessary for developer contributions of £612 per dwelling / tourism unit (plus legal fees) to be secured via s111 agreement, unilateral undertaking or s106 agreement for this application to ensure the necessary mitigation is secured. This will enable the Council to conclude, subject to endorsement from Natural England, that the development proposed by means of this application will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects.

Biodiversity Net Gain

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application as the planning application relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

Officers concur with the view above that given the scheme is retrospective, the biodiversity gain planning condition is not considered to apply to this application.

If officers were minded to recommend approval of this scheme, subject to the imposing of the suggested conditions by the Council's Ecologist in terms of compliance with the submitted plans; compliance with the Council's mitigation scheme for the New Forest SPA; limiting water usage and; the requirement to enter into a Unilateral Undertaking to secure the necessary financial contribution for the River Test SAC, the scheme would adhere to the requirements of Core Policy CP50 of the WCS.

Planning Balance/Conclusion

The comments received from Whiteparish Parish Council, statutory consultees and local residents have been carefully considered in the determination of this application. The proposal would provide an additional Gypsy and Traveller pitch at an existing lawful site and would contribute towards addressing the identified unmet need for Gypsy and Traveller

accommodation within Wiltshire. Significant weight is attached to the acknowledged shortfall in available pitches identified by the 2024 Gypsy and Traveller Accommodation Assessment and the fact that Wiltshire Council is currently unable to demonstrate a five-year supply of deliverable Gypsy and Traveller sites. Furthermore, subject to suitable mitigation and planning conditions, officers are satisfied that no substantive objections have been raised by the Council's consultees in respect of landscape impact, highway safety, ecology or residential amenity to the submitted plans.

However, notwithstanding these considerations, the planning system relies upon the submission of accurate and reliable plans to enable a proper assessment of development proposals. In this case, officers have identified material discrepancies between the submitted drawings and the development undertaken on the site, including the extent and arrangement of hardstanding, surfacing works, associated operational development and the positioning of structures within the application site. Despite requests from the Local Planning Authority, amended plans have not been provided and the applicant's agent has confirmed that no further revisions will be submitted. As a result, officers are unable to establish with certainty the full nature, extent and scale of the development for which planning permission is sought.

Whilst the principle of additional Gypsy and Traveller accommodation attracts substantial weight in favour of the proposal, this does not outweigh the requirement for a planning application to be supported by accurate plans and information. Without such information, the Local Planning Authority cannot properly assess the proposal against the requirements of Core Policies 47, 57 and 61 of the Wiltshire Core Strategy, nor be satisfied as to the development that would be authorised by any planning permission granted. The absence of accurate plans undermines the decision-making process and prevents a full and reasoned assessment of the proposal.

Accordingly, having weighed the benefits of the proposal against the deficiencies in the submitted information, officers conclude that the application should be refused. The identified need for additional Gypsy and Traveller accommodation, whilst significant, does not outweigh the harm arising from the submission of inaccurate plans and the resulting inability of the Local Planning Authority to properly assess the development proposal.

RECOMMENDATION

That planning permission be refused for the following reason(s):

1. The Local Planning Authority is not satisfied that the submitted plans and drawings accurately represent either the development undertaken on the site or the development for which planning permission is sought. Material discrepancies exist between the submitted drawings and the physical development present on the land, including, but not limited to, the siting of the mobile home, the extent and configuration of hardstanding/gravel, surfacing works and associated structures. Despite being afforded opportunities to provide amended plans, no further revisions have been forthcoming at the time of determination. As a consequence,

it is difficult for the Local Planning Authority to assess the nature, scale and extent of the development or undertake a robust assessment of its impacts upon the character and appearance of the area, residential amenity, highway safety and the surrounding countryside. As a result, based on the information submitted, the Local Planning Authority must take a cautious approach, and it is considered that the proposal would be likely to have an adverse impact on the character and amenity of the area, the surrounding landscape, and the highway system, contrary to the aims of Core Policies 47, 50, 57 and 61 of the Wiltshire Core Strategy, and the aims of National Planning Policy Framework, including paragraphs 56 and 57 which relate to the use of appropriate conditions.

2. The proposed development lies within the River Test catchment area and also falls within the 13.8km zone of influence for the New Forest SPA. These areas are designated under the Conservation of Habitats and Species Regulations 2017 (as amended) and require mitigation to avoid adverse effects on their integrity. No legal mechanism has been provided to secure the necessary mitigation measures. In the absence of such secured mitigation, the Local Planning Authority cannot conclude that the proposal would not result in significant adverse effects on these European Sites, either alone or in combination with other plans and projects. The development is therefore contrary to Core Policies CP50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy, the Conservation of Habitats and Species Regulations 2017 (as amended) and paragraphs 193 and 195 of the NPPF.

INFORMATIVES TO APPLICANT(S):

1. Refusal reason 2 relates to the failure of the applicant to secure the necessary mitigation measures for the River Test SAC and the New Forest SPA through an appropriate mechanism. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.
2. The documents and plans considered in reaching the above decision are as follows:
 - Application Form Date Received 11.12.24
 - Supporting Statement Date Received 11.12.24
 - DWG No: J005116-DD-01 Site Location Plan Date Received 11.12.24
 - DWG No: J005116-DD-02 Existing Block Plan Date Received 11.12.24
 - DWG No: J005116-DD-12 Rev A Proposed Block Plan Date Received 21.10.25
 - DWG No: J005116-DD-13 Rev A Proposed Site Layout Plan Date Received 21.10.25
 - DWG No: J005116-DD-14 Rev A Approved and Proposed Site Layout Plan Date Received 21.10.25
 - Addendum Note regarding Existing Plans Date Received 21.10.25
 - Nutrient Budget Calculator for The Solent Marine Sites Date Received 29.01.25