



26 03/157 B



Appeal Decision

Inquiry held on 11 January 2005

Site visit made on 12 January 2005

by Bridget M Campbell BA(Hons) MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

14 MAR 2005

Notice A: APP/J3910/C/04/1145222 – 27

Pudding Brook, Bath Road, Chippenham, Wiltshire

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Gloria Jean Skeet, Mr Jessie Smith, Mr Edward Skeet, Mrs Lena Smith, Miss Lena Skeet and Miss Jean Skeet against an enforcement notice issued by North Wiltshire District Council.
- The Council's reference is 04/00780/ENF.
- The notice was issued on 12 March 2004.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from agriculture to a caravan site.
- The requirements of the notice are to:
 - (a) Cease using the land as a caravan site;
 - (b) Remove all caravans from the site together with ancillary works or structures; and
 - (c) Restore the land to a grass paddock by providing at least 75mm of top soil with natural contouring of levels matching those of adjoining land and sowing with grass seed sufficient to restore the site suitable for the grazing of animals.
- The period for compliance with the requirements is 6 months for requirements (a) and (b) and 7 months for requirement (c).
- The appeals are proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals are allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Notice B: APP/J3910/C/04/1145548 – 53

Pudding Brook, Bath Road, Chippenham, Wiltshire

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Gloria Jean Skeet, Mr Jessie Smith, Mr Edward Skeet, Mrs Lena Smith, Miss Lena Skeet and Miss Jean Skeet against an enforcement notice issued by North Wiltshire District Council.
- The Council's reference is 04/00781/ENF.
- The notice was issued on 12 March 2004.
- The breach of planning control as alleged in the notice is without planning permission, the carrying out of building and engineering operations including alterations to a vehicular access, the laying of hardstanding areas, the erection of buildings and the provision of a cess pool tank with associated works.
- The requirements of the notice are to:
 - (a) remove all hardsurfacing materials to a depth of one metre or to the total depth of the hardsurfacing material if less than one metre except for the hard surfacing comprised in the vehicular access between the public carriageway and the northern boundary of site with the

- highway verge;
- (b) demolish all buildings and other structures on the site and their respective foundations to a depth of one metre or their total depth is (sic) less;
- (c) remove the cesspool tank or completely fill in any void, including chambers, manholes and pipes with inert fill material and restore the contours of the land to natural ground levels consistent with adjoining land with at least 1 metre depth below ground level free of any chambers, manholes and pipes associated with the drainage works;
- (d) remove all the materials and debris resulting from the requirements (a), (b) and (c) above from the site;
- (e) restore the land levels over the whole site to natural contours consistent with the levels of the adjoining land;
- (f) finish the surface of the land with topsoil to a depth of at least 75mm over the whole of the site;
- (g) sow grass seed over the whole of the site sufficient to restore the site suitable for the grazing of animals.
- The period for compliance with the requirements is 7 months.
- The appeals are proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals are allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal C: APP/J3910/A/04/1137416

Pudding Brook, Bath Road, Chippenham, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs J Skeet and Mr J Smith against the decision of North Wiltshire District Council.
- The application Ref 02/02688/COU, dated 28 May 2003, was refused by notice dated 30 July 2003.
- The development proposed is to site on a permanent base two mobile homes, two dayrooms and two touring caravans for travelling on a Romany gypsy status.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Preliminary Matters

1. Despite previous indications to the contrary by the Council, it was agreed at the inquiry that the appeals against notices A and B should proceed both on grounds (a) and (g).
2. The drawings accompanying the planning application, the subject of appeal C were agreed to be confused and contradictory. At the inquiry both parties agreed that that appeal should be determined having regard to only 3 of the drawings, comprising the site location plan (scale 1:2500), indicative site layout plan (scale 1:2500) and drawing No.SU 01A (Topographical Survey).

Notice A and B – ground (a) and appeal C

Planning policy

3. The Development Plan for the area includes the Wiltshire Structure Plan – 2011 (2001) and the North Wiltshire Local Plan (2001). The appeal site lies just outside the settlement framework of Chippenham as defined in the Local Plan and thus is within the countryside where the intention is protection for the countryside's own sake. Local Plan policy RC9

sets out criteria aimed at ensuring that where development considered to be appropriate to the countryside is permitted, it is in sympathy with the rural character of the area.

4. At the inquiry, Mrs Skeet described the family's continuing nomadic lifestyle which was accepted by the Council as sufficient to confirm the family's gypsy status. I find no reason to disagree. Structure Plan policy DP16 acknowledges the special needs of gypsies when seeking to identify suitable sites and recognises that they are sometimes best met by locations outside settlements. Local Plan policy RH17 confirms that gypsy sites may be permitted on the edge of settlements and in the countryside subject to a number of criteria. Those of particular concern in this appeal are Nos. 1 - which seeks to protect the rural character and environment of the countryside; 2 - which seeks to minimise landscape impact and suggests locations close to existing buildings and facilities; 5 - which requires access, parking and effect on highways to be acceptable; and 10 - concerned with the risk from flooding.
5. There is also a Revised Deposit Draft of the North Wiltshire Local Plan 2011 which does not carry the weight of the adopted Plans. Policy H9 addresses the provision of gypsy sites and includes a requirement that there should be reasonable access to local community facilities and services which reflects the Government's objective of achieving sustainable patterns of development.
6. The appeal site adjoins, and is directly accessed from, the southern side of the A4 Bath Road between Chippenham and Bath which forms part of the primary route network. Structure Plan policy T7 resists development that would be accessed directly from this network outside built up areas unless an overriding need can be demonstrated.

Main issue

7. The main issue in this case is the suitability of the site as a gypsy caravan site having regard to current planning policy and in particular the effect on the character and appearance of the countryside and on highway safety.

Reasons

Character and appearance of the countryside

8. The appeal site comprises a long narrow strip of land stretching along the southern side of the A4 immediately to the west of the roundabout junction with the A350. Its southern boundary is defined by a stream and the land lies below the level of the carriageway of the A4. The boundaries are generally well defined by native hedgerows and trees. The settlement boundary of Chippenham on this south western side of the town is marked by the eastern side of the A350.
9. The Council describes the site as located at the gateway into Chippenham within the vulnerable urban fringe. Certainly the site lies to one side of one of the main routes into the town and forms part of the rural scene. However, the site is not a prominent feature due to the generous boundary vegetation and the low lying nature of the land. The Structure Plan recognises that gypsy sites are sometimes best met by locations outside settlements and policy DP16 says that proposals should not be considered against other policies for towns and villages. Suitable sites may be found both within and outside settlements. This advice is continued in Local Plan policy RH17 which provides for gypsy sites on the edge of settlements and in the countryside. No evidence was presented to demonstrate why this

particular location was any more “vulnerable urban fringe” than any other edge of settlement location.

10. The use of the appeal site as a base for the Appellants results in the loss of a piece of countryside and this must, in itself, result in demonstrable harm. Moreover, the structures introduced and the activity generated are likely to be alien wherever located in the rural area. This will always be the case with gypsy sites outside settlements but they are not prohibited by policy. In this respect it seems to me that no countryside site would meet criterion 1 of RH17 which seeks to avoid demonstrable harm to the amenities, rural character and environment of the countryside.
11. Looking at the degree of such harm, the characteristics of the appeal site are such that I found the structures and activity to be well secluded and to have little apparent effect on the overall countryside scene. There are a few small gaps in the vegetation fronting the A4 which have been temporarily filled with inappropriate material. It would not require major work to fill those gaps with suitable planting and to strengthen the existing screen where considered to be necessary with supplementary planting. The extreme eastern end of the site adjacent to the roundabout is more exposed but the structures on the site are located a good distance from this narrow corner and do not intrude to any significant degree. Again it would be relatively straightforward to introduce effective screen planting in keeping with the natural appearance of the other boundaries of the site. The low lying nature of the land contributes to the unobtrusive nature of the development. I have taken into account that in order to meet the requirements of the Environment Agency, the caravans are likely to be raised by some 300mm but to my mind such a small increase is unlikely to materially increase the visual impact of the development. I find the development to meet the requirements of policies DP16 and RH17 to minimise the impact on the countryside.

Highway safety

12. On its face, the development is in conflict with Structure Plan policy T7 as it involves access directly onto the National Primary Route Network outside the built up area and this should only be allowed where an over-riding need can be demonstrated. Whether or not there was a previous access at this point into the field, a matter in dispute, the existing access serves a very different nature of development than would a field access. Clearly each new development which has access directly onto the Network adds to the possibility of interruption to the free flow of traffic and to the potential for accidents, but to what extent depends upon the nature of the development.
13. Based on a survey of traffic speed checks taken on the A4 in the vicinity of the access, the Council's starting point, using advice in *Places, Streets and Movement* (PSM), is that visibility splays of 215m from the access in each direction along the A4 are required to enable vehicles to emerge safely. PSM advises that for a driver who has stopped at the junction to be able to see down the road without encroaching onto it the splays should be available at a distance of 2.4m back from the road edge (the x dimension). The Council, however, argue that a distance of 4.5m back would be more appropriate to increase the visibility of vehicles stopped at the access to drivers approaching along the A4.
14. The purpose of increasing the x dimension is explained in Design Bulletin 32. 2.4m enables one vehicle to exit at a time with drivers of following vehicles having to stop and look. Where a number of vehicles are likely to be exiting at the same time and where it is preferable to avoid delay to aid traffic flows, increasing the x distance on the minor road

enables following vehicles to see along the major road and thus allows two or more vehicles to exit in a stream. This is not required on this site where there are only two family pitches and traffic generation is low. The likelihood of two cars leaving together is minimal and certainly delay would not be a problem. With an x distance of 2.4m drivers would need to stop and look and, whilst stationary, drivers of approaching vehicles would be able to see them waiting in the access. In contrast, an x distance of 4.5m is likely to encourage drivers to exit without stopping and in my view this would cause more of a potential danger than drivers having to stop and look properly before emerging. I find the requirement for an x distance of 4.5m to be excessive.

15. With the road speed measured by the Council at 54mph, PSM requires visibility to a distance of 215m in each direction although a marginally lower speed of 52.8mph would have reduced that requirement to 160m. Using an x distance of 2.4m, there is visibility from the access to the right as far as the roundabout and this was agreed to be sufficient in that direction. To the left, visibility to the nearside of the road is only available to 164m which is some 51m short of the 215m distance required by the Council. PSM is, as the Council accepted, not to be applied prescriptively, and its advice is that sightlines should never be reduced to a level where danger is likely to be caused. At my visit, I saw that although visibility of the nearside of the A4 is restricted from the access in a westerly direction as described, the far side of the carriageway along which most vehicles would be approaching, and indeed most of the near side carriageway which would accommodate overtaking vehicles, are visible for a greater distance. The speed of traffic approaching from the west has been measured as having speeds lower than the national speed limit for the road and I consider this reflects the slowing speed of traffic as it approaches the roundabout.
16. The use of any access onto a road provides potential for accidents to occur and I fully accept that the A4 is a busy road. However, the development would generate a very low number of traffic movements into and out of the site. From my observations at the site visit, and having driven into and out of the access a number of times, I consider that, despite the limitation in a westerly direction, there is sufficient visibility at the access to see and to be seen and to enable the limited number of movements that would be generated into and out of the access to be executed safely. I find no reason to conclude that the few movements generated would justify a right hand turn lane into the site when approaching from west. I fully recognise the aims behind Structure Plan policy T7 to allow access directly onto the National Primary Route Network outside the built up area only in exceptional circumstances as each additional access adds a potential road traffic hazard. In this case, I consider that the use of this access has a negligible effect on the free flow of traffic along the A4 and, notwithstanding the recorded accidents along this stretch, does not materially increase the potential for further accidents. I therefore find no conflict with criterion 5 of policy RH17. The gradient of the access is not unacceptably severe and to my mind will further encourage caution when exiting the site, as it discourages any inclination to exit quickly.

Other material considerations

17. The site is well located in terms of the distance needed to travel to meet the day to day requirements of the occupiers. It is adjacent to the settlement boundary of Chippenham, a town with a wide range of facilities and services which minimises the distance needed to travel on a daily basis. The A4 along the frontage of the site is without footways and the

grass verge, whilst wide, is not attractive for pedestrian movements. However, the easternmost corner of the site adjoins the roundabout at the settlement boundary and it would be possible to access the site on foot at this corner. In addition, the Council said that a half hourly bus service between Bath and Chippenham passes the site. In my view, the site complies with the requirements of policy DP16 which requires a good location to meet the needs of occupiers and it follows Government policy to achieve sustainable patterns of development. Whilst there is no relevant criterion in policy RH17, access to local facilities and services is a consideration in the emerging Local Plan gypsy policy H9.

18. The remaining criterion of policy RH17 of particular relevance in this appeal is number 10 which is concerned with flooding. The Environment Agency considers that the effects of the development can be adequately addressed by way of condition and I find no reason to disagree.
19. The accompanying text to policy RH17 says that there must be a local housing need and that the proposal should be an appropriate and acceptable way of meeting that need. The Council argues that the criteria based Local Plan policy works well in that its application has enabled 25 pitches to receive planning permission, 20 directly from the Council and 5 on appeal, and 19 of those have been granted since the year 2000. In these circumstances, it argues, the need is being met. However, in the absence of any quantitative assessment made by the Council of need within the District, there is nothing to demonstrate that sufficient sites are coming forward through the policy to satisfy the need. At the inquiry, it was common ground that the bi-annual count was not helpful in identifying the need but the Council's own survey shows some 23 unauthorised pitches in the District and the County Council says that there are waiting lists for sites in North Wiltshire, West Wiltshire and the Salisbury area. This suggests to me an ongoing need for more sites locally.
20. The appeal site is occupied by Mr and Mrs Skeet and their 5 children, two of whom are of school age and they attend the Corsham School. Also present on the site are Mrs Skeet's parents. The family formerly occupied a permanent pitch on the Council run Thingley site and had been there some 23 years before they felt threatened and intimidated to the extent that they felt obliged to leave for their own safety. The Council says the County Council's Gypsy Liaison Officer has no record of any serious problems on the site and that any that do arise are firmly dealt with. However, I do not find this to be sufficient to cast doubt on the evidence given by Mrs Skeet about the problems experienced, and her view was that little would have been achieved by making a formal complaint. Various other sources support the contention that problems have been experienced at the Thingley site and in this respect I give particular weight to the evidence presented by the representative from the Romany Gypsy Council who has first hand knowledge of the Thingley site.
21. However, even if there had been no reason to leave the Thingley site, government policy in Circular 1/94 encourages private site provision, which, it is recognised, should release pitches on local authority sites for gypsies most in need of public provision. Paragraph 21 of the Circular emphasises that private applications should not be refused on grounds that public provision in the area is considered to be adequate or because alternative accommodation is available elsewhere on the authority's own sites.
22. Further evidence has been presented of the personal circumstances of the Appellants which include the need for continuity of education for the two youngest children and a wide ranging number of health problems, some of considerable severity, of the various members

of the family which necessitate continuing access to healthcare. These certainly weigh in favour of the need to maintain a settled base, as access to healthcare and education would become more difficult to maintain successfully if the Appellants were forced to take to the road. Nevertheless, an alternative settled base might be equally appropriate in relation to these matters.

Conclusion on the main issue

23. The available evidence suggests that there is an unsatisfied need for further gypsy sites in the area and in these circumstances the Local Plan requires the proposal to be an appropriate and acceptable way of meeting that need (see para.20 above). Assessing the development against the criteria in the specific Local Plan gypsy policy RH17, I have found conflict with criterion 1 in that the loss of a piece of open countryside would be harmful, but the same would be true of any gypsy site outside settlement boundaries and the policy makes provision for such sites so that there would always be such conflict. However, I have found the effect on the countryside to be minimised and have found no material change to existing conditions of highway safety along the A4, the two matters of prime concern to the Council. Other than the identified conflict with criterion 1, I find no conflict with policy RH17 or with Structure Plan policy DP16.
24. With regard to conflict with Structure Plan policy T7, in that the site is accessed directly from the National Primary Route Network, an overriding need can justify an exception to be made and in this case there is a need for additional gypsy sites and the difficulty in identifying suitable sites is widely recognised. Whilst that might not, in itself, be considered to be "overriding" other matters have to be weighed in the balance such as the relatively few vehicular movements that would be generated by two family pitches and the immaterial effect that those movements would have on highway safety. The site also has the advantage of being on the edge of a town offering a wide range of facilities so that the need to travel long distances is minimised and alternative means of transport to the car are not unrealistic.
25. To the extent that there is conflict with Structure Plan policy T7, I find this to be outweighed by the clear advantages displayed by this particular site in considering it against the specific gypsy policies of the Development Plan. Notwithstanding the personal circumstances of this particular family, the site is appropriate and suitable for gypsy occupation and goes some way towards meeting the need for more gypsy sites in the area. Concluding on the main issue, I find the site to be suitable for use as a gypsy caravan site having regard to current planning policy and in particular taking into account the minimal effect on the character and appearance of the countryside and on highway safety.

Conditions

26. I have considered the conditions suggested and discussed at the inquiry. The countryside location is only justified by the gypsy status of the occupiers and this should be controlled. Details of the layout of the site, including landscaping, are important to ensure that the minimal impact is maintained. No further alterations to the access are proposed and I have found the existing visibility splays to be sufficient but these should be retained free from obstruction. Conditions along the lines suggested by the Environment Agency are needed to address flood risk.

Conclusions

27. For the reasons given above and having regard to all other matters raised, I conclude that the planning appeal and the enforcement appeals on ground (a) should succeed. Planning permissions will be granted. The appeals against notices A and B on ground (g) do not, therefore, need to be considered.

Formal Decision

Notice A: APP/J3910/C/04/1145222 - 27

28. I allow the appeals, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land as a caravan site on Land at Pudding Brook, Bath Road, Chippenham, Wiltshire, as shown on the plan attached to the notice subject to the following conditions:

- 1) At no time shall the site be subdivided into more than 2 separate pitches and on each of those pitches no more than two caravans shall be stationed at any one time, of which only one caravan shall be a static caravan.
- 2) The site shall not be occupied by any persons other than Gypsy families, as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960, as amended, or any Act revoking or re-enacting that Act.
- 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
 - i) within 3 months of the date of this decision there shall have been submitted for the written approval of the local planning authority a scheme for:
 - a) the layout of the site to include the layout of the caravan bases, details and specifications for construction of the two day rooms and related facilities, parking areas (providing for two vehicles for each pitch) and a scheme for the landscaping which shall include details of all fencing, gates, external lighting and surface treatment including the access drive (hereafter referred to as the site development scheme); and
 - b) the areas of land to be raised together with a scheme for the provision and implementation of compensatory flood storage works (hereinafter referred to as the flood risk works scheme)and the said schemes shall include timetables and programmes for their implementation.
 - ii) within 11 months of the date of this decision the site development scheme and flood risk works scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give decisions within the prescribed period, appeals shall have been made to, and accepted by, the Secretary of State.
 - iii) if any appeals are made in pursuance of (ii) above, those appeals shall have been finally determined and the schemes shall have been approved by the Secretary of State.
 - iv) the approved site development scheme and the approved flood risk works scheme shall have been carried out and completed within the timetables referred to in (i) above.

- 4) No static caravan shall be positioned on the site otherwise than on the bases approved in accordance with condition 3. The vehicle parking areas approved in accordance with condition 3 shall at all times be kept available for the parking and movement of vehicles. The flood risk works scheme shall be permanently retained as approved in accordance with condition 3.
- 5) Within a period of 5 years from the date of planting, any trees or shrubs forming part of the landscape scheme for the site approved in accordance with condition 3 which die, are removed or, or in the opinion of the local planning authority, become seriously damaged or diseased, shall be replaced in the first planting season thereafter with another plant of the same species and size, unless otherwise agreed in writing by the local planning authority.
- 6) Visibility splays at the access to the A4 Bath Road of 2.4m x 147m to the east and 2.4m x 164m to the west shall be retained free from obstruction to visibility above a height of 0.6 metres above carriageway level.
- 7) Other than the parking of the occupiers' business vehicles, no commercial activity shall take place on the site.

Notice B: APP/J3910/C/04/1145548 - 53

29. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the carrying out of building and engineering operations including alterations to a vehicular access, the laying of hardstanding areas, the erection of buildings and the provision of a cess pool tank with associated works on Land at Pudding Brook, Bath Road, Chippenham, Wiltshire referred to in the notice, subject to the following conditions:

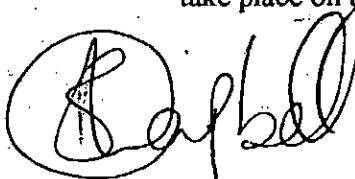
- 1) The building and engineering operations hereby permitted shall be removed and all resulting materials removed from the site within 28 days of any one of the following requirements not being met:
 - i) within 3 months of the date of this decision there shall have been submitted for the written approval of the local planning authority a scheme for:
 - a) the layout of the site to include the layout of the caravan bases, details and specifications for construction of the two day rooms and related facilities, parking areas (providing for two vehicles for each pitch) and a scheme for the landscaping which shall include details of all fencing, gates, external lighting and surface treatment including the access drive (hereafter referred to as the site development scheme); and
 - b) the areas of land to be raised together with a scheme for the provision and implementation of compensatory flood storage works (hereinafter referred to as the flood risk works scheme) and the said schemes shall include timetables and programmes for their implementation.
 - ii) within 11 months of the date of this decision the site development scheme and flood risk works scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give decisions within the prescribed period, appeals shall have been made to, and accepted by, the Secretary of State.

- iii) if any appeals are made in pursuance of (ii) above, those appeals shall have been finally determined and the schemes shall have been approved by the Secretary of State.
 - iv) the approved site development scheme and the approved flood risk works scheme shall have been carried out and completed within the timetables referred to in (i) above.
- 2) The vehicle parking areas approved in accordance with condition 1 shall at all times be kept available for the parking and movement of vehicles. The flood risk works scheme shall be permanently retained as approved in accordance with condition 1.
 - 3) Within a period of 5 years from the date of planting, any trees or shrubs forming part of the landscape scheme for the site approved in accordance with condition 1 which die, are removed or, or in the opinion of the local planning authority, become seriously damaged or diseased, shall be replaced in the first planting season thereafter with another plant of the same species and size, unless otherwise agreed in writing by the local planning authority.
 - 4) Visibility splays at the access to the A4 Bath Road of 2.4m x 147m to the east and 2.4m x 164m to the west shall be retained free from obstruction to visibility above a height of 0.6 metres above carriageway level.

Appeal C: APP/J3910/A/04/1137416

- 30. I allow the appeal, and grant planning permission to site on a permanent base two mobile homes, two day rooms and two touring caravans for travelling on a Romany gypsy status on Land at Pudding Brook, Bath Road, Chippenham, Wiltshire in accordance with the terms of the application, Ref 02/02688/COU, dated 28 May 2003 and the site location plan (scale 1:2500), indicative site layout plan (scale 1:2500) and drawing No.SU 01A, subject to the following conditions:
 - 1) At no time shall the site be subdivided into more than 2 separate pitches and on each of those pitches no more than two caravans shall be stationed at any one time, of which only one caravan shall be a static caravan.
 - 2) The site shall not be occupied by any persons other than Gypsy families, as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960, as amended, or any Act revoking or re-enacting that Act.
 - 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
 - i) within 3 months of the date of this decision there shall have been submitted for the written approval of the local planning authority a scheme for:
 - a) the layout of the site to include the layout of the caravan bases, details and specifications for construction of the two day rooms and related facilities, parking areas (providing for two vehicles for each pitch) and a scheme for the landscaping which shall include details of all fencing, gates, external lighting and surface treatment including the access drive (hereafter referred to as the site development scheme); and
 - b) the areas of land to be raised together with a scheme for the provision and implementation of compensatory flood storage works (hereinafter referred to as the flood risk works scheme)

- and the said schemes shall include timetables and programmes for their implementation.
- ii) within 11 months of the date of this decision the site development scheme and flood risk works scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give decisions within the prescribed period, appeals shall have been made to, and accepted by, the Secretary of State.
 - iii) if any appeals are made in pursuance of (ii) above, those appeals shall have been finally determined and the schemes shall have been approved by the Secretary of State.
 - iv) the approved site development scheme and the approved flood risk works scheme shall have been carried out and completed within the timetables referred to in (i) above.
- 4) No static caravan shall be positioned on the site otherwise than on the bases approved in accordance with condition 3. The vehicle parking areas approved in accordance with condition 3 shall at all times be kept available for the parking and movement of vehicles. The flood risk works scheme shall be permanently retained as approved in accordance with condition 3.
 - 5) Within a period of 5 years from the date of planting, any trees or shrubs forming part of the landscape scheme for the site approved in accordance with condition 3 which die, are removed or, or in the opinion of the local planning authority, become seriously damaged or diseased, shall be replaced in the first planting season thereafter with another plant of the same species and size, unless otherwise agreed in writing by the local planning authority.
 - 6) Visibility splays at the access to the A4 Bath Road of 2.4m x 147m to the east and 2.4m x 164m to the west shall be retained free from obstruction to visibility above a height of 0.6 metres above carriageway level.
 - 7) Other than the parking of the occupiers' business vehicles, no commercial activity shall take place on the site.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr B Cox	Solicitor in the firm of South West Law, 1 Hide Market, West Street, Bristol BS2 0BH
He called	
Mr M Baker BSc CEng MICE	Partner in the firm of Mark Baker Consulting, 32 Montpelier Court, Station Road, Montpelier Bristol BS6 5EA
FILT FCIT Eurlng	Appellant
Mrs Gloria Jean Skeet	

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Wadsley	of Counsel, instructed by Mr P Jeremiah, Solicitor, Team Leader Legal Services
He called	
Mr R Witt BSc CEng MICE	Development Control Engineer, Transport and Development Section, Environmental Services Department, Wiltshire County Council
Mr S Chambers BSc(Hons) MA MRTPI	Director of LPC (Trull) Limited, Trull, Tetbury, Gloucestershire GL8 8SQ

INTERESTED PERSONS:

Mrs D Lendon	14 Huntingdon Way, Chippenham
Mrs Y King	Vice Chairman of the Chippenham Without Parish Council, 1 Redwing Avenue, Cepen Park North, Chippenham, Wilts SN14 6XJ
Mrs M Hird	26 Ludmead Road, Corsham, Wilts SN13 9AS
Mrs M Smith Bendell	The Romany Gypsy Council, 1 Bradley Lane, Ashcott, Somerset TA7 9BH

DOCUMENTS

Document 1	List of persons present at the inquiry
Document 2	Notification of the appeals and list of persons notified
Document 3	Letters of representation
Document 4	Documents accompanying the evidence of Mrs Gloria Jean Skeet
Document 5	Appendices 1-7 to the evidence of Mr Witt
Document 6	Appendices 1-7 to the evidence of Mr Chambers
Document 7	Statement of Mrs D Lendon
Document 8	Statement of Mrs Smith Bendall
Document 9	Appeal decision APP/J3910/A/04/1137217
Document 10	Numbers on waiting lists for Council sites in Wiltshire
Document 11	Location of 2 protected trees on appeal site
Document 12	Letter dated 31 December 2004 from Dr Goedbloed
Document 13	Bi-annual gypsy counts – ODPM

PLANS

Plan A	Planning application drawing – site plan 1:2500
Plan B	Planning application drawing – indicative site layout 1:2500
Plan C	Planning application drawing – drawing SU 01 A – site survey 1:500
Plan D	Superseded application drawings

PHOTOGRAPHS

Photo 1	Two x A4 sheets displaying 3 photographs of the access into the site
---------	--

Our Ref: 03/00157/E

Your Ref:

Enquiries to: Robin Williams

Date: 12 March, 2004

Strategic Manager: Alun Davies

Planning Services
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Tel: 01249 706640

Fax: 01249 460810

email: rwilliams@northwilts.gov.uk

www.northwilts.gov.uk

Legiste

Dear Sir/Madam

ENFORCEMENT NOTICE AT PUDDING BROOK, BATH ROAD, CHIPPENHAM, WILTS

The Council has issued an Enforcement Notice relating to the above Land and copies have been served on you, in view of your interest in the Land.

Unless an appeal is made, as set out in the Annex, the Notice will take effect on the date shown in Paragraph 7 of the Notice and you must ensure that the required steps for which you may be held responsible are taken within the period or periods specified.

Yours faithfully

Charles Pescod
P.P. **Charles Pescod**
Implementation Team Leader
Development Control and Listed Buildings

To Mrs Gloria Jean Skeet-Smith
Pudding Brook
Bath Road
Chippenham
Wiltshire

Mr Jessie Smith
Pudding Brook
Bath Road
Chippenham
Wiltshire

Edward Skeet
Pudding Brook
Bath Road
Chippenham
Wiltshire

Lena Smith
Pudding Brook
Bath Road
Chippenham
Wilts

Lena Skeet
Pudding Brook
Bath Road
Chippenham
Wilts

Jean Skeet
Pudding Brook
Bath Road
Chippenham
Wilts



Our Ref: 03/00157/E

Your Ref:

Enquiries to: Robin Williams

Date: 12 March, 2004

Strategic Manager: Alun Davies

Planning Services
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Tel: 01249 706640

Fax: 01249 460810

email: rwilliams@northwilts.gov.uk

www.northwilts.gov.uk

Dear Sir/Madam

ENFORCEMENT NOTICE AT PUDDING BROOK, BATH ROAD, CHIPPENHAM, WILTS

Should you wish to appeal against the enforcement notice the following fees will be required:-


Notice A - £220 for both the Local Planning Authority and the Planning Inspectorate.

Notice B - £110 for both the Local Planning Authority and the Planning Inspectorate.

The cheques should be made payable to the First Secretary of State for the Planning Inspectorate and North Wiltshire District Council for the Local Planning Authority.

These fees must be included with your appeal forms, which you have to send to the Council at the above address and the Planning Inspectorate at the address on the appeal form.

Yours faithfully



Charles Pescod
Implementation Team Leader
Development Control and Listed Buildings

To Mrs Gloria Jean Skeet-Smith
Pudding Brook
Bath Road
Chippenham
Wiltshire

Mr Jessie Smith
Pudding Brook
Bath Road
Chippenham
Wiltshire

Edward Skeet
Pudding Brook
Bath Road
Chippenham
Wiltshire

Lena Smith
Pudding Brook
Bath Road
Chippenham
Wilts

Lena Skeet
Pudding Brook
Bath Road
Chippenham
Wilts

Jean Skeet
Pudding Brook
Bath Road
Chippenham
Wilts



03/00157/E (A)

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: North Wiltshire District Council

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Pudding Brook, Bath Road, Chippenham, Wiltshire shown hatched on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the material change of use of the land from agriculture to a caravan site.

4. **REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breach of planning control has occurred within the last 10 years.
- b) No overriding national or local need has been demonstrated to justify access to this development directly from a national primary route network outside of a built up area. The visibility splays available at the proposed access are below the standard required to secure the safety and convenience of traffic associated with the development and the generation

of additional conflicting traffic movements would be prejudicial to road safety. The proposal would therefore be contrary to Policy T7 of the Wiltshire Structure Plan 2011 and RH17 of the North Wiltshire Local Plan 2001.

- c) The continued use of this land, without planning permission, for a caravan site would, in due course, lead to the unauthorised development becoming lawful. The loss of planning control over the use of this site as a caravan site would seriously detract from the rural character and amenity of this area contrary to policy RC9 of the North Wiltshire Local Plan 2001 and also conflict with policy RH16 of the Local Plan relating to the siting of mobile homes and residential caravans.

5. WHAT YOU ARE REQUIRED TO DO

- a) Cease using the land as a caravan site.
- b) Remove all caravans from the site together with any ancillary works or structures.
- c) Restore the land to a grass paddock by providing at least 75 mm of top soil with natural contouring of levels matching those of adjoining land and sowing with grass seed sufficient to restore the site suitable for the grazing of animals.

6. TIME FOR COMPLIANCE

For a) and b) above 6 months from the date this notice takes effect.
For c) above 7 months from the date this notice takes effect.

7.. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 23 April 2004 unless an appeal is made against it beforehand.

Dated :12 March 2004

Signed :

A handwritten signature in black ink, appearing to be 'R.B. Williams', written over a horizontal line.

on behalf of North Wiltshire District Council

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the First Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Making your enforcement appeal" sets out your rights. The enclosed appeal forms are for your use.

- (a) One is for you to send to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) The second copy of the appeal form should be sent to the Council.
- (c) The third copy is for your own records.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

03/00157/E (B)

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: North Wiltshire District Council

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Pudding Brook, Bath Road, Chippenham, Wiltshire shown hatched on the attached plan ("the site").
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the carrying out of building and engineering operations including alterations to a vehicular access, the laying of hardstanding areas, the erection of buildings and the provision of a cess pool tank with associated works.
4. **REASONS FOR ISSUING THIS NOTICE**
 - a) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
 - b) The development is situated in the countryside where new development is strictly controlled in the interests of protecting the rural character of the area. The development is associated with an unacceptable and

unauthorised use against which enforcement action is also being taken. The retention of buildings and engineering works following the discontinuance of the unauthorised use of the site as a caravan site would harm the rural character of the area contrary to policy RC9 of the North Wiltshire Local Plan 2001.

5. WHAT YOU ARE REQUIRED TO DO

- a) Remove all hardsurfacing materials to a depth of one metre or to the total depth of the hardsurfacing material if less than one metre except for the hardsurfacing comprised in the vehicular access between the public carriageway and the northern boundary of site with the highway verge.
- b) Demolish all buildings and other structures on the site and their respective foundations to a depth of one metre or their total depth is less.
- c) Remove the cesspool tank or completely fill in any void, including chambers, manholes and pipes with inert fill material and restore the contours of the land to natural ground levels consistent with adjoining land with at least 1 metre depth below ground level free of any chambers, manholes and pipes associated with the drainage works.
- d) Remove all the materials and debris resulting from the requirements (a), (b) and (c) above from the site.
- e) Restore the land levels over the whole site to natural contours consistent with the levels of the adjoining land.
- f) Finish the surface of the land with topsoil to a depth of at least 75mm over the whole of the site.
- g) Sow grass seed over the whole of the site sufficient to restore the site suitable for the grazing of animals.

6. TIME FOR COMPLIANCE

7 Months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 23 April 2004 unless an appeal is made against it beforehand.

Dated : 12 March 2004

Signed : 
on behalf of North Wiltshire District Council

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the First Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Making your enforcement appeal" sets out your rights. The enclosed appeal forms are for your use.

- (a) One is for you to send to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) The second copy of the appeal form should be sent to the Council.
- (c) The third copy is for your own records.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

389409

Enforcement Notice

171938

Pudding Brook, Bath Road, Chippenham

SCALE: 1:1250

Grid Ref.: ST8955 7202 03/00157/E

Planning Services 10/2/2004

*North
Wiltshire
District
Council*

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
NORTH WILTSHIRE DISTRICT COUNCIL - 100017933 2004