

REPORT FOR NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 July 2025
Application Number	PL/2024/11637
Site Address	Land to the south of B4042, Long Goss, Little Somerford, Chippenham, SN15 5BW
Proposal	Outline application with all matters reserved except for means of access for a self-build home.
Applicant	Tetlow King Planning on behalf of Edward Greening
Town/Parish Council	Little Somerford Parish Council and Lea, Garsdon & Cleverton Parish Council
Electoral Division	Brinkworth (Councillor Threlfall)
Type of application	Outline Planning, Minor
Recommendation	Approval subject to satisfactory completion of a Unilateral Undertaking to secure self-build and subject to conditions
Case Officer	Audrey Lo

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

Councillor Threlfall has called the application to committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental/highway impact
- Contrary to planning rules and local plan including but not limited to Core Policies 1, 2, 46, 51, 57, 60 and 61

1. PURPOSE OF REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations.

Having considered these, the report recommends that planning permission be **APPROVED** subject to satisfactory completion of a Unilateral Undertaking to secure self-build and subject to the planning conditions recommend throughout this report.

2. MAIN ISSUES

The main issues which are considered to be material in the determination of this application are listed below:

- Principle

- **Character & Design**
- **Neighbouring Amenities**
- **Biodiversity Net Gain & Ecology**
- **Drainage**
- **Highways and sustainability**
- **Conclusion and 'Planning Balance'**

3. SITE DESCRIPTION

The application site is within in the open countryside to the south of the B4042, within the parish of Lea and Cleverton, to the south of the site's southern boundary immediately lies the parish of Little Somerford. The site occupies the western area of an agricultural field of approximately 2.75 hectares, which is owned by the applicant. Below is a satellite imagery of the site.



The site is accessible via a farm gate on the northern boundary off the B4042. To the east lies a neighbouring dwelling known as Lovett House.

At present, there is an unofficial farm track leading to two double decker buses unlawfully stationed along with various other vehicles and trailers and building materials on the southern area of the site. The buses have been unlawfully converted to enable residential use. An enforcement notice has been issued to permanent cease and remove the residential use and unlawful structures stationed on-site.

The site is not subject to any other planning policy designations.

4. RELEVANT PLANNING HISTORY

Land to the south of B4042, Little Somerford, Chippenham
 APP/Y3940/C/24/3349380 – Against an enforcement notice issued by Wiltshire Council for the breach of planning control via the material change of use of the land from agriculture to

the mixed use of agriculture, the stationing of vehicles (including two buses) for residential purposes and the use of land for the storage of building materials and non-agricultural vehicles – Dismissed, the enforcement notice is upheld with the substitution of 12 months instead of 6 months in the period for compliance – Decided 3 February 2025

Ashleigh, The Hill, Little Somerford, Chippenham
PL/2024/06428 – Proposed Dwelling – Refused 6 September 2024

5. PROPOSAL

The application seeks outline planning permission with all matters reserved except for means of access for a self-build home. Only the principle of residential development and means of access would be established. All other matters including height, scale, massing, footprint, design, materials, drainage, foul sewage, and boundary treatments are reserved matters which would be considered under a subsequent reserved matters application.

Initially, the Site Location and Access Plan included the area of the unofficial farm track and the location of existing unlawful development with a detached dwelling and a detached outbuilding. A revised version of the Site Location and Access Plan (see below) has been subsequently received which includes a larger site area, with the proposed detached dwelling and associated detached outbuilding as a garage/workshop together positioned close to the B4042, and an ecological enhancement area including SuDS to the southern area.

The applicants own and currently reside the entire field highlighted in blue. The submitted Planning Statement suggests that the applicant has specific additional needs which can be met through proximity to a support network provided by friends and family and the ability to remain connected to communities and organisations of which he has been a part for the majority of his life. It is also suggested that the applicant has previously resided in private rented accommodation which was proven to be unsuitable. Previous attempts to secure a long-term solution through the open market and through services offered by the Council or other organisations were not successful. It then states that the Applicant's father has a background in and connections to the building trades which reduce the costs of construction considerably and as a consequence mean that the costs associated with providing a house that meets the applicant's needs on the site would be largely limited to the purchase of the land along with materials.



There is an existing gated field access located on the northern boundary used as the primary point of vehicular access. The proposed plan above indicates that approximately 160m visibility splays will be achieved by trimming the hedgerow along the northern boundary. The site is currently accessed by an informal track and the proposal includes the paving of a new driveway with gravel hoggin. The proposed track would also lead to a pedestrian gated access on the western boundary.

Along the wider field, there is another gated access on the northern boundary, this however is not in regular use.

Whilst height, scale and footprint are not being fully considered at this stage, the submitted Design and Access Statement indicates that the proposed self-build dwelling would be of two bedrooms, two-storey height and 140 square metres. The proposed outbuilding would be of 100 square metres.

6. CONSULTATIONS

Drainage: No objection subject to conditions

- Condition requiring a detailed surface water drainage strategy to be submitted and approved by the LPA;
- Informatives to note design compliance with standards and Land Drainage consent required.

Ecology: No comments received.

Highways: No objection subject to conditions

- Existing access with B4042 via gated field access and track;
- Existing access is not suitably surfaced for a slight increase in access requirements for a residential dwelling;

- Visibility splays demonstrated are acceptable;
- 160m splay to be achieved by virtue of hedge maintenance, therefore condition required to ensure visibility splays are maintained free of obstruction.

Lea, Garsdon & Cleverton Parish Council: Objection

- Outside of settlement areas defined in CP1 and CP2. Notes refused planning permission for nearby site, Ashleigh House, on grounds of open countryside and not infill.
- Proposed is not infill dwelling;
- Site is not within settlement areas or adjacent to principal settlements or market towns as required by CP46, therefore does not qualify;
- Insufficient information on why this site alone meets the needs of the applicant;
- Adverse impact upon existing hedges that form an important part of the landscape with 160m site line for visibility splays.

Little Somerford Parish Council: Objection

- Applicants are aware of requirement for an approved planning application having been contacted in May 2023 by Councillor Threlfall on unlawful access track and attendance at the parish council meetings since January 2024, disagrees with planning statement stating otherwise;
- Adverse impact on character and appearance of local countryside and village of Little Somerford;
- Site's departure from agriculture is contrary to Guidance Recommendations for the Upper Part of The Hill in Little Somerford's Village Design Statement and Conservation Area Statement which ensures preservation of the rural character of the village and prevents further expansion of the village;
- Direct contravention with CP44 by using the field for residential purposes without provision to meet any specific community needs in this local rural area.

7. REPRESENTATIONS

The application was publicised by letters posted to nearby neighbours and site notice displayed on the existing gate on the northern boundary of the application site.

There have been 59 representation letters received from members of the public in response to the application and the subsequent revised plans, with 48 raising objections, 10 representing support, and 1 comment.

Objections summary as follows:

- Contrary to national policies, development plan and design guide
- Erosion of the open countryside
- Unsustainable and not infill development
- Refused infill development adjacent to the site
- Overturned appeal decision on unauthorised development on-site
- Isolated location
- Lack of amenities and facilities
- Already sufficient allotments in Little Somerford, unclear what the 'Long Goss' allotments are intended for
- Contrary to LS village design statement
- setting precedent for unsuitable infill properties and inappropriate change of use from agricultural to residential; threat to agriculture
- Harm to landscape

- Original agricultural use should be retained to preserve character of the village
- Insufficient details on layout
- Overlooking effects to neighbouring amenity
- Increase in pollution
- Increase in risk of flooding and pressure on over capacitated village drainage system due to insufficient drainage on land
- Increase in traffic
- Safety concerns on access to and from B4042; no streetlighting to ensure safety
- Lack of footpath and unsafe walking/cycling route to reach public transport; sporadic bus services; reliance on use of private car
- Adverse impacts on protected species; Great Crested Newts within 250m of the site not identified in ecological appraisal
- Significant damage to existing hedgerows for visibility splays
- Lack of and/or misleading information on medical condition/needs
- Better alternative sites exist or existing residential sites to meet the specific needs; lack of credible essential need; applicant's needs should require residing in a sustainable settlement; applicants have long resided in Luckington
- Application does not present the optimal process to resolving the applicant's special needs housing situation.
- Existing severe damages and harm to ecology and environment
- Existing unlawful development has adverse visual impacts; visible to public realm
- Insufficient information on the temporary living situation during construction of the proposed self-build
- Contradicts promotion for 60 net zero homes and Gypsy and Traveller site allocation
- Lack of engagement with community
- Commercial activities on-site
- Suspicion of intentions to circumvent the planning process, clear evidence demonstrating the applicant's disregard of planning regulations and led by financially gains
- Light, air and noise pollution, disruptions to traffic from existing unlawful development
- Damages to property on-site owned by neighbouring occupiers

Support summary as follows:

- Need for housing
- Site suits particular needs of applicant
- 1 dwelling only
- Existing houses on either sides of the field
- Support long term local residents to remain settled locally, particularly for those with SEND
- Access is possible and located on the straight part of the road with good visibility and capable of improvement, comparable with the access of the neighbouring property
- Whilst not from the closer local villages, the applicants are local to Malmesbury in the wider community
- The applicants are actively involved in agricultural pursuits
- Already other new residential development in the area
- 1 dwelling permitted on this site would prevent denser development from occupying the site
- Better visual impact than existing unauthorised development
- Better use of the site than the existing allotment

The material planning considerations raised will be addressed in the planning considerations section in this report. A number of concerns raised from the public consultation are not

considered to be material planning considerations. For instance, damages to third party property or access rights are civil matters between adjoining landowners. Unauthorised development is reported to and investigated by the Council's Enforcement Team. Existing breaches of planning control should not prejudice the determination of any planning applications on the site.

8. PLANNING POLICY

National Planning Policy Framework (NPPF) (December 2024)

- Chapter 4 – Decision making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well Designed Places

Wiltshire Core Strategy

- Core Policy 1 (Settlement Strategy)
- Core Policy 2 (Delivery Strategy)
- Core Policy 3 (Infrastructure Requirements)
- Core Policy 13 (Spatial Strategy: Malmesbury Community Area)
- Core Policy 46 (Vulnerable & older people)
- Core Policy 50 (Biodiversity and Geodiversity)
- Core Policy 51 (Landscape)
- Core Policy 57 (Ensuring High Quality Design & Space Shaping)
- Core Policy 60 (Sustainable Transport)
- Core Policy 62 (Development Impacts on the Transport Network)
- Core Policy 64 (Demand Management)

Supplementary Planning Documents

- Waste storage and collection: guidance for developers
- Planning Obligations (2015) & Revised Planning Obligations (2016)
- Wiltshire Design Guide (March 2024)
- National Planning Practice Guidance (NPPG)
- Little Somerford Village Design Statement and Conservation Area Statement (July 2002)

9. PLANNING CONSIDERATIONS

9.1 Principle of development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Assessment against the WCS

The Wiltshire Core Strategy (WCS) sets out the 'Settlement Strategy' and 'Delivery Strategy' for development within the Local Authority area. Core Policy 1 defines the settlement strategy and identifies four tiers of settlements, including: Principal Settlements, Market Towns, Local

Services Centres, Large Village and Small Villages. Outside of these settlements is defined as the open countryside.

The site lies approximately 0.25km north of Little Somerford. Little Somerford is not a defined settlement for the purposes of the WCS. The site is outside of any settlement boundaries within the Malmesbury Community Area, it is therefore considered to be situated within the defined open countryside, where new open-market housing development is generally contrary to Core Policies 1, 2 and 13 of the WCS.

Outside of Core Policies 1, 2 and 13, the WCS sets out exception policies under paragraph 4.25 for certain types of housing development within the open countryside.

The submitted planning statement suggests that the proposal satisfies the exception criteria under Core Policy 46 of the WCS. Core Policy 46 enables the provision of homes and accommodation for vulnerable people within sustainable locations and stipulates that the identified needs will be supported within an identified settlement. The policy seeks to address the issue of an ageing population, which is particularly important in Wiltshire, by ensuring that there is adequate provision of specialist accommodation, such as extra-care housing.

While Core Policy 46 supports provision of specialist accommodation in a sustainable location, it is in the view of the Local Planning Authority (LPA) that the proposed dwelling does not align with the specific type of specialist housing supported by the policy. In addition, the appeal decision under the reference APP/Y3940/C/24/3349380 regarding the unauthorised development on the site confirms that it fails to satisfy the fundamental locational requirements of the policy, which mandate a location within or adjacent to a principal settlement. The LPA concurs with this assessment as the application site is outside and detached from any adopted settlement boundary.

As the application site is contrary to Core Policies 1, 2 and 13, the principle of development cannot be supported by the strategic, delivery or exceptional policies within the WCS.

9.2 The Council's five-year housing land supply

The National Planning Policy Framework (NPPF) was revised in December 2024. This has reintroduced the requirement to meet five years' worth of deliverable housing sites and a buffer to be applied to the five-year housing requirement in all circumstances. It has also revised the Local Housing Need calculation to establish the five-year housing requirement. These factors have resulted in a substantial increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The resulting position shows that the Council can currently demonstrate a 2.42 years housing land supply of housing at a unitary authority level. This is considered to be a substantial shortfall.

The absence of a five-year housing land supply is a material consideration in the determination of this application. In accordance with Paragraphs 78 and 11(d) of the National Planning Policy Framework (NPPF), for applications involving the provision of housing, where there is a shortfall in the supply of deliverable housing sites, the most important policies for determining the application should be considered out of date.

The current housing land supply shortfall is a factor that must be considered in the planning balance and in this case, as a five-year housing land supply cannot be demonstrated, the weight that can be applied to the most important policies for determining this application should be assessed and altered in the light of the shortage in housing land supply. The proposal must be assessed against the national policy context of the need to boost housing supply and the

benefits of delivering new homes whilst having particular regard to the key policies set out in paragraph 11(d) and Footnote 9 of the NPPF.

The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, in a sustainable manner taking into account three overarching objectives namely economic.

Several concerns regarding the site being situated within the wider field which has been promoted and selected as a potential draft Gypsy and Traveller's allocation site in the Local Plan Review. However, it has been confirmed with the policy team that the draft policies within the emerging Local Plan do not currently hold weight in planning decisions.

The outline application seeks consideration of the principle of development and access only, however the Local Planning Authority (LPA) must be reasonably sure that all aspects of the proposal would be acceptable and achievable if planning permission were to be granted, therefore notwithstanding the above stance on the principle of development, the remainder of the report which seek to consider other aspects of the scheme in accordance with all relevant policies within the development plan and the NPPF, and will conclude with the planning balance and recommended decision.

9.3 Self-build and Custom Housebuilding

The Self-build and Custom Housebuilding Act 2015 (as amended) places a duty on local authorities in England to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land for self-build or custom housebuilding projects. This Act, amended by the Housing and Planning Act 2016 and the Levelling Up and Regeneration Act 2023, aims to facilitate the delivery of more self-build and custom-built homes, including a duty to grant planning permission for self-build and custom build homes to meet the demand for this type of housebuilding arising in an authority's area.

It is suggested within the application form that the proposed dwelling would be self-build. It is therefore pertinent to assess against the legislative definition of self-build and custom dwellings.

The Self-build and Custom Housebuilding Act 2015 (as amended) (SBCH Act) defines Self-build and Custom Housing (SCH) housing as:

(A1)...the building or completion by—

- (a) individuals,*
- (b) associations of individuals, or*
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.*

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person...

In addition to the SBCH Act, the PPG offers further advice on the benefits of SCH:

Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction.¹

Paragraph 63 of the NPPF also states that the needs of “people wishing to commission or build their own homes should be considered”.

Wiltshire Council does not currently have an adopted policy or supplementary planning document that covers development of SCH at a local level. The recently adopted Wiltshire Design Guide is also silent on matters relating to the delivery of SCH.

In addition to the SBCH Act definition, various Appeal decisions have considered that a key element of SCH housing includes the requirement to be clear that the owner of the home will have the primary input into the final design and layout of the property. Based on the Applicant's submitted statements, the LPA accepts the proposal would be a self-build home with the primary design input able to be exercised by the applicant.

As well as providing a definition for SCH, the SBCH Act also places a duty on LPAs to provide a certain number of SCH per year. This should be achieved partly by keeping a self-build register where those interested in building their own home can register an interest. According to the Council's self and custom build monitoring table, there have been nine complete base periods since the inception of SBCH Act. The Council has met part of the demand in base period 6, however, the demand in base periods 7 to 9 is wholly unmet to date. Therefore, based on the cumulative demand, the Council has a significant undersupply. This site is not proposed to be brought forward by an individual registered with the Council, but it can contribute towards the council's duty to grant permission for a certain number of SCH. As such, the self-build element of this proposal is considered to have several benefits; the main being that it will add to the Council's self-build housing supply and that secondly, it will enable the applicant to meet their needs in terms of specialist housing that normal market homes cannot provide for.

To ensure the LPA has control over these benefits the Applicant has agreed to enter into a Unilateral Undertaking (UU) to secure the dwelling as a self-build unit to be occupied by them.

9.4 Need for the dwelling

Several concerns have been raised from the public consultation regarding whether or not there is a specific local need for a dwelling within this location. In broad terms there is no evidence to confirm any local need for a dwelling of this type. However, there is a broad need for more housing at a county wide level and the LPA has a duty to grant planning permission for more self-build dwellings.

The Applicant has also provided some personal justification. However, there is no evidence within the information provided to establish why the application site in this location exclusively meets their needs or what other options have been considered. Evidence has been submitted to demonstrate that the applicants have resided within the Malmesbury Community Area for a significant period of time and they have an established support network of friends and family.

In addition, the LPA has been provided with sufficient evidence to demonstrate that the applicant has specific needs, limiting the design and siting of a dwelling, that cannot be readily accommodated by conventional market or adaptable housing. There is insufficient information within this outline application to fully determine whether or not the self-build dwelling would meet the applicant's specific requirements. However, final design details can be agreed at reserved matters stage and there is no reason why a suitable design cannot be produced. However, a legal agreement is required to secure the dwelling will be delivered as a self-build dwelling as this is considered to be a benefit of the development that provides a significant justification for the development in this out-of-settlement location. An open market dwelling in this location is likely to be resisted.

9.5 Landscape, Character and Layout

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. In addition, Core Policy 51 seeks to protect, conserve and enhance the landscape character of the village.

The site is entirely exposed to the public realm, featuring an open field and hedgerow along its boundaries. However, the site is within a field situated among several sporadic properties, with further clusters of properties located to the southwest. Therefore, any proposed structures or buildings would be sensitive in its visual impact and would require careful design to integrate with the surrounding landscape.

The initial site block plan, illustrating the proposed dwelling's position, demonstrated no discernible relationship with the established pattern of development. This is considered to bring upon significant harm to the existing rural setting of the site and its surrounding area.

Subsequent amendments to the block plan have been submitted which illustrates the relocation of the proposed self-build dwelling and its associated outbuilding to approximately mirror its alignment with the neighbouring property, known as Lovett House. This revised positioning, whilst leading to a closer view from the public realm, is considered to align more effectively with the existing pattern of development, particularly when viewed in context with Lovett House. Having considered the above, it is considered that the impact on the character of the site and the surrounding areas would not bring upon significant harm.

Due consideration has been given to the Little Somerford Village Design Statement and Conservation Area Statement. Nonetheless, the proposed site falls outside the designated conservation area. While acknowledging that there is a minor expansion of the area, this is restricted to a single dwelling and the assessment of the adverse impacts on the local character is not significant as aforementioned.

Concerns regarding the potential damage to the hedgerows have been raised in the public consultation. The trimming of the hedgerows is considered essential to establish adequate visibility splays for the access point. However, given that the extent of the visibility splays would result in a lower hedgerow along the northern boundary of the wider field, it is considered that the trimming of the hedgerows would lead to an adverse impact on the landscape. Therefore, any significant removal of hedgerow may require replacement and it is considered reasonable for this to be secured via a condition.

Furthermore, given the nature of this proposal being considered under an outline planning application, it is considered that the proposal is capable of a well-designed scheme which is in accordance with the relevant policies and guidance on design and layout considered at reserved matters stage.

It is indicated within the application form that the proposed self-build two bedroom in its size and shape would also be considered suitable within the site and considered capable of being designed so that it does not appear prominent when seen in context with the adjacent Lovett house.

9.6 Impact on neighbouring amenities

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The closest property is Lovett House which is adjacent to the east of the site. The property itself is approximately 11m set back from the shared boundary. The proposed dwelling will be positioned to the west of the site, therefore, any overlooking would be limited by the distance of approximately at least 23m. In addition, the main outdoor amenity of Lovett House appears to be well-screened by trees and hedgerows. Any overlooking effects are therefore considered limited. Other properties are of sufficient distance to experience any impacts to their private amenity spaces. Given the intervening trees and hedgerows, as well as the distance from other properties, it is considered that the site, at the proposed location, is capable of good design which would avoid any unacceptable direct overlooking, overshadowing or overbearing impact to the private amenity areas of neighbouring properties. Whilst there may be some noises, dust and general disruption from constructing the dwelling, this is only temporary and therefore not considered unacceptable.

9.7 Biodiversity Net Gain & Ecology

Biodiversity net gain is a mandatory requirement under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to a pre-commencement condition that the development delivers at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

In line with NPPF and with CP50, applications that do not fall into the category where BNG is required, must still ensure that no net loss of functional habitat for the benefit of wildlife in the local area will occur as a result of the proposed development. In addition, it is expected that gains for biodiversity, relevant to local habitats and wildlife populations will form part of the proposed development.

The proposal is for a self-build dwelling which falls into the statutory exemptions from BNG requirements. Nevertheless, as required by the regulations, any approval must include an Informative reminding the applicants of the biodiversity net gain requirements.

The application has been supported by a Preliminary Ecological Appraisal which identifies four ponds within 250m of the site which has the potential for great crested newts during their terrestrial phase and that the site lies within the Amber Risk Zone of the Natural England's District Level Licensing (DLL). Information regarding the application of the DLL and Impact Assessment & Conservation Payment Certificate has been appended to the report. The remainder of the report has also recommended mitigation measures in terms of controlling artificial lighting, site clearance, prevention of vegetation removal during breeding birds season, covering of foundation trenches and excavations overnight, raising of stored materials off the ground and installing occasional gaps to allow movement of hedgehogs. It is therefore considered, subject to an appropriate condition, the proposal is in accordance with Core Policy 50 of the WCS.

9.8 Drainage

Core Policy 67 requires that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Concerns from the public consultations have been raised regarding proposal leading to an increase of flooding on the site and the surrounding areas due to the existing waterlogged site and Little Somerford's existing over-capacitated drainage system.

The site lies within an area identified to be subject to high risk of groundwater flooding. The LPA has consulted with drainage consultants who are satisfied with the outline proposal subject to conditions requiring further information regarding the existing runoff rates, any offsite impact arising from the proposed soakaway, Geotechnical factual and interpretive reports, groundwater level monitoring, further calculations for the drainage system design and any third-party agreements for the discharge to their system. It is considered that these matters can be addressed as part of the recommended conditions.

9.9 Highways and sustainability

Core Policies 60 and 61 seek to ensure that new development takes place in suitable and sustainable locations and reduce reliance on the private car including through encouraging development to be located near to alternative transport options. In addition, Core Policy 62 (Impacts on the transport network) requires proposals for new development to provide appropriate mitigating measures to offset any adverse impacts on the transport network.

The site is situated in the open countryside and its closest settlement is Little Somerford which is not identified within the settlement hierarchy adopted in the Wiltshire Core Strategy.

The site benefits from direct access to the B4042, which is subject to a 50mph speed limit, providing connections to Malmesbury to the northwest, Swindon and Royal Wootton Bassett to the east. An analysis of the site's proximity to key amenities reveals the following: The nearest general food store is situated approximately 3.2 km away in Great Somerford; Healthcare services are accessible at the closest surgery in Sutton Benger, approximately 8.2 km from the site, equivalent to an estimated 15-minute drive; the closest secondary school, Royal Wootton Bassett Academy, is located approximately 7.9 km away, also requiring an estimated 15-minute drive. None of these essential services and facilities are within walking distance of the site. Furthermore, there are no existing footpaths connecting any of the site boundaries or the current access point to these amenities.

However, there are two bus stops which serve the vicinity, 'The Hill' and 'Ashleigh', approximately 270 m to the west and 100 m further along on the adjacent road. Both bus stops are served by the '99' bus service, which operates Monday through Saturday with up to ten daily services. While there is an absence of a formal footpath connecting the proposed site access to these bus stops, the B4042 is wider than a single carriageway, allowing sufficient space to overtake, and the walking distance is short. In addition, albeit not guaranteed, an alternative pedestrian route across the field owned by the applicant remains a potential option to shorten the walking distance along the B4042 to the bus stops.

In line with the Inspector's opinion, the LPA does not consider that the site is isolated, and the proposal would constitute as an isolated home within the rural area as defined under paragraph 84 of the NPPF.

It is concluded from the above that, services and facilities are not in close proximity to the site and direct pedestrian access to public transport is limited, however, there are two bus stops within a short distance of the site providing the applicants with a viable alternative to private

car use, reducing the reliance of private car use. As such, the sustainability of the location is afforded limited weight.

With regards to the proposal's highway impacts, the Highway Authority raises no objections, noting that the proposed access improvements are suitable to serve the proposed dwelling and recommends a condition to ensure that the visibility splays shown on the approved plans are implemented prior to occupation.

9.10 Personal Circumstances

While due consideration has been given to the challenging personal circumstances of the applicants, there is very little evidence within the submitted documents to demonstrate that the applicant's living requirements and specific needs can only be uniquely accommodated on this site. Due to the above, the personal circumstances of the applicant can only be attached to very limited weight.

However, the provision of a dwelling constructed specifically to meet the needs of a vulnerable person does represent a general improvement to the housing stock of the area which, combined with the contribution the house would make towards the council's self-build demand and housing land supply is a greater benefit of the scheme.

Concerns have been raised from the public consultation regarding the temporary living accommodation of the applicants during the construction of the self-build dwelling. There are permitted development rights for certain temporary structures that can extend to temporary accommodation should a development be implemented for the construction of a dwelling. These details can potentially be agreed by condition should the planning permission be granted.

10. CONCLUSION – the 'planning balance'

In accordance with the revised National Planning Policy Framework, accompanying Planning Practice Guidance (including the Local Housing Need calculation) and 2023 Housing Delivery Test results on 12 December 2024, it is accepted that Wiltshire Council cannot currently demonstrate a five-year housing land supply. The Council can demonstrate a 2.42 years housing land supply. As such, the policies which are most important for determining the application should be considered 'out-of-date' and it is necessary to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist in addressing the undersupply of housing, as set out in Paragraph 11d of the Framework. In light of the significant undersupply, appeal decisions confirm that the Council is required to justify any refusal with a *strong* reason rather than a reason due to conflict with development plan policies.

Overall, the application is not supported by the strategic, housing delivery or rural exception policies within the development plan. However, this in principle conflict with the development plan is given limited weight due to the significant shortfall in the five-year housing land supply in line with paragraph 11d of the NPPF.

There are no protection policies that would prevent the tilted balance being engaged and there are no technical objections to the application.

Whilst the proposed location is not within walking distance from services and facilities, it is clear that access to public transport can be made, reducing the reliance on private car use, and as such the site location is not considered to be isolated within the rural area that would be prevented by paragraph 84 of the NPPF. The out-of-settlement location is given negative

weight, but due to small-scale of the proposal and that the main policies are considered to be 'out-of-date' this conflict is given only **limited negative weight**.

Given the nature of an outline application, there are only limited details to demonstrate that the proposal would lead to unacceptable harm to the character and appearance of the area. It has been demonstrated that a safe access can be achieved. However, the indicative details suggest a design, layout and landscaping scheme can be agreed at reserved matters stage that would be able to reflect the character and appearance of the area without causing harm. As such, matters relating to visual impacts and other technical matters are given **neutral weight** at this stage.

Limited positive weight is given to the applicant's personal circumstances.

The site is an accessible location with access that can be made to public transport links which the planning inspector, regarding the aforementioned appeal, considers is not necessarily unsustainable in a rural context. This merits **significant positive weight** in the planning balance.

Moderate positive weight is given to the benefit of contributing to the LPA's housing land supply and self-build demand via the delivery of a self-build dwelling as this is in line with paragraph 63 of the NPPF and the LPA's statutory requirement to meet the demand for this type of housing. This is to be secured via a legal agreement prior to the issue of the planning permission to ensure these benefits can be reasonably secured.

The proposal would also generate short-term economic benefits and support jobs during construction which is given **moderate positive weight**.

The provision of the ecology buffer zone would provide enhancements to the existing biodiversity despite the self-build exemption from BNG requirements and as such merits being afforded **moderate positive weight**.

Based on the assessment of this report, it is clear that there are no unacceptable harms to the character of the site and surrounding area, neighbouring amenities, biodiversity, drainage and highways as a result of the proposal. In line with paragraph 11d(ii) of the NPPF, these identified harms do not significantly and demonstrably outweigh the benefits of providing a self-build dwelling which meets the needs of the applicant and contributes to the Council's self-build and housing land supply and overall housing land supply.

The proposal has been assessed against other relevant policies of the WCS and the NPPF with regard to relevant guidance throughout this report. In this individual case, it is not considered the identified harms outweigh the benefits and in that regard the planning balance weighs in favour of the development and planning permission should be granted, subject to the legal agreement and recommended conditions.

11. RECOMMENDATION

That the Head of Development Management be given delegated authority to GRANT planning permission subject to satisfactory completion of a legal agreement to deliver the proposed self-build dwelling.

And subject to the following conditions –

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the

date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development hereby permitted shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans and report:

- Site Location & Access Plan; P23226/P/31 Rev F; received 6 May 2025

REASON: For the avoidance of doubt and in the interests of proper planning.

- 5 No development hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land, including within the visibility splay within the blue line area;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

- allocated car parking spaces;
- all hard and soft surfacing materials;
- Replacement of any hedging/boundary treatment within the 'blue line' area which is required to be moved for visibility splays;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6 No development hereby permitted shall commence on site until a detailed surface water drainage strategy has been submitted to, in consultation with the Local Lead Flood Authority (LLFA), and agreed in writing by the Local Planning Authority (LPA). Unless otherwise agreed in writing by the Local Planning Authority, the details of which shall include/demonstrate the following:

- Existing greenfield runoff rates for the site;
- Given that the applicant is proposing a soakaway as the surface water drainage strategy and the site is at high risk of groundwater flooding, the applicant must demonstrate that the implementation will not create any offsite impact;
- Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design;
- Groundwater level monitoring (taking into account seasonal variations);
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year plus climate change rainfall event;
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
- Any third-party agreements for discharge to their system (temporary and permanent)

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption of infiltration drainage features. The details can be found via link:

<https://www.wiltshire.gov.uk/article/1000/Drainage>

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order reenacting or revoking that order, no development shall commence until full details of temporary accommodation measures to be occupied during the construction phase of the development have been submitted to and approved in writing by the local planning authority.

As a minimum, the details shall include a site layout plan (to a recognised scale) with full details of the accommodation to be provided (including example photographs) and details of mitigation to be employed to reduce landscape impacts (i.e. temporary screening/planting).

Thereafter, the construction phase of the development shall be completed in accordance with the approved details and all temporary structures shall be removed within three calendar months of the first occupation or substantial completion of the dwelling (whichever is the sooner).

REASON: In the interests of securing control over the visual impact of any temporary structures to be placed on the land during the construction phase of the development.

- 8 The mitigation measures detailed in the approved Preliminary Ecological Appraisal [399/R1/2024/V1; received 13 February 2025] shall be carried out in full prior to the first occupation of the development.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 9 No part of the development hereby permitted shall be first brought into use/occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1200mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

Informatives:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

Any proposals for the full application should be designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDs Manual (C753).

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dyes, sluices, sewer (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.