

Agenda item

Application Number: PL/2025/06872 - The Old Vicarage, Homington Road, Coombe Bissett, Salisbury, SP5 4LR

- [Meeting of Southern Area Planning Committee, Thursday 13 November 2025 3.00 pm \(Item 87.\)](#)

Demolition of the existing dwelling and garage and replacement with a new dwelling (self-build) with other associated works including landscape treatment, infrastructure and vehicle parking

Minutes:

Public Participation

Richard Greenwood (Agent), spoke in support of the application

Prof David Walker (Applicant), spoke in support of the application

John Jarvis KC, spoke in support of the application

Cllr Ben Archer of Coombe Bissett Parish Council spoke in support of the application.

The Senior Planning Officer, Joe Richardson introduced a report which recommended that the application for Demolition of the existing dwelling and garage and replacement with a new dwelling (self-build) with other associated works including landscape treatment, infrastructure and vehicle parking be Refused.

Key details set out in the report included:

Principle of development including self-build;

Design, scale and heritage/CCNL;

Amenity impacts including trees;

Ecological Impact including the River Avon SAC/nutrient neutrality;

Parking/Highway Safety

Some points highlighted by the Officer included that a Draft Coombe Bissett and Homington Neighbourhood Plan had identified the application site for up to 4 dwellings, the current application was a re-submission of withdrawn application PL/2024/09412 and that the existing ecology survey was out of date.

It was further noted that other than Ecology, there were no other Consultee objections, and that the enhancement of the property would carry weight in assessing the lack of a 5-year housing land supply.

The Officer stated that the Draft Neighbourhood Plan which had reached referendum stage, should be given significant weight as an emerging Neighbourhood Plan. However, any proposal had to demonstrate compliance with habitat regulations.

It was noted that the Heritage Officer had now confirmed that there were no longer concerns with the property being considered a non-designated heritage asset.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Councillor Richard Clewer then spoke on the application, highlighting several points.

Firstly, issues had arisen due to the inclusion of the property in the draft Neighbourhood Plan as a Non-Designated Heritage Asset, which had later been removed by the Heritage Officer, causing a delay to the process.

Cllr Clewer had become aware of the issues with the previously withdrawn application too late for him to call it in to Committee.

Cllr Clewer suggested that there was room for a degree of flexibility regarding the out-of-date Ecology survey, questioning whether there was any benefit from a new survey or whether the existing survey could be relied upon, noting that the applicant's intention was to do the right thing in terms of the bats on the site.

He urged the Committee not to let one technical aspect stand in the way of approving the application.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the reasons why the applicant had not produced an up-to-date Ecology survey. The Officer clarified that the survey's could only be carried out during the months of May to September and at a substantial cost, he understood that the applicant wished for a decision to be taken now rather than incur a delay.

The Planning Team Leader noted that the set process was for up-to-date surveys to be provided with all relevant applications. The cost of the survey was not a material planning consideration. The applicant had offered a condition that they would obtain the surveys subsequently, however this arrangement had not been accepted.

The Ecology Officer noted that in her recollection, there had never previously been a case where an application had been refused, based on out-of-date Ecology surveys, as historically all other applicants had provided them when requested. It was clarified that the surveys were valid for 18 – 24 months.

The applicant's Ecologist (Kingfisher Ecology) had visited the site and recommended further surveys.

The Ecology Officer noted that the report by Kingfisher Ecology would be considered, however, in addition, updated Ecology surveys were also required.

The Legal Officer clarified that approving the application when there was no updated Ecology survey was not lawful based on case law, as well as the Habitat Regulations

and Wildlife and Countryside Act 1981, which required the decision-maker to adopt a precautionary approach. Because of the timelapse since the previous bat surveys had been undertaken, and taking into account Government guidance, it was likely that a Planning Inspector/Court would decide the decision to approve the planning application was unlawful.

The Committee sought clarification on whether the mitigation measures offered by the applicant carried any weight. The Ecology Officer stated that mitigation for each species differed. The survey identified the types of species present and mitigation did not cover the loss of different species. It would be difficult to mitigate if you did not know what you were mitigating for. The higher protected species required more details.

When it comes to bat roosts they had high protections and required different surveys, which could not be detected by carrying out a site walk through. Some species could only be detected via a survey, at different times of day due to the different types of activity.

The Legal Officer confirmed that any increase in cost incurred by the applicant as a result of a delay to the process was not a material consideration for the Committee.

Clarification was sought on whether consideration of any adverse effects was a question of balance against any benefits, such as the replacement of a dilapidated building.

The Officer noted that whilst planning was about balance and weighing up the issues in cases such as this, where the Habitats Regulations were in force, the negative impact on protected species trumped any benefits of the application. Where a decision was taken to approve an application which was contrary to the Habitat Regulations, would not be legally sound and could be challenged.

The Legal Officer noted that Habitat legislation set a high bar as it imposed criminal liability. The Committee would need to understand and consider the Ecologists objections, and the Legal guidance provided that going against the planning recommendation and approving the application would not be lawful. Case law was stated where a legal challenge had taken place, and the decision was quashed by the Court, on the grounds of the decision to approve a planning application by the LPA being unlawful. Legally members needed to be certain that there was no harm to the protected species. The applicants own ecologist had reported that an up-to-date survey should be repeated.

The Chairman noted that although the committee represented the council and therefore it would be Wiltshire Council that would be breaking the law.

The Chairman opened debate, with Cllr Hocking moving the motion of Approval, against Officer recommendation. The reasons provided for the motion were that as the proposal was for one dwelling only, the number of bats which would be impacted was minimal, noting the plan to relocate the bats as part of the development. In addition it was

considered that as the current survey was carried out in 2022, it was felt that it was not vastly out-of-date and likely to represent a true account of the situation on the site.

This was seconded by Cllr Kevin Asplin

The Committee invited the Officer to set out any conditions which should be applied to the motion. These included an Ecological Strategy to be submitted, with no development to start on site until approved and a S106 Legal Agreement to be agreed, in addition to standards conditions.

The Committee discussed the application, some of the points raised included the high quality of the proposal, reasons for non-submission of an up-to-date survey, the matter of the Heritage Officer's classification of the building as a non-designated heritage asset and the time delay caused by the later decision to remove the classification.

The Committee discussed the challenges which had been incurred by the applicant and whilst there was sympathy for the delay, on balance there was also understanding of the legal issues faced if the Committee was mindful to approve the application.

As an alternative option the Committee discussed the possibility of a deferral, to allow time for the applicant to obtain the Ecology Surveys, which could then be reassessed by the Ecology Officer.

The original mover of the motion, Cllr Hocking, did not agree to withdraw the motion of Approval.

At the close of debate, the Committee voted on the motion of Approval, against Officer recommendation and following Legal advice.

The motion fell.

The Chairman called for a new motion, and Cllr Nick Baker moved the motion of Deferral, as discussed above, to allow time for the survey to be undertaken and be considered by the Ecology Officer. As there were no other consultee objections, the motion also included delegation to Officers for final approval, once a self-built S106 Legal Agreement had been arranged and once the ecology matters were resolved.

This was seconded by Cllr Gerry Murray.

Members discussed conditions which may be applied at officer delegation stage, to include the lighting and environmental zone - E0 in Cranbourne Chase.

Officers confirmed that in the run-up to May, when the survey could be completed, the Legal agreement would be prepared so to reduce any further delay.

The Committee requested that a report be provided to set out why it have been asked to consider an application which could not be approved due to breaking the law. The Legal Officer agreed to provide a response before the next meeting. The response is attached to these minutes.

At the close of debate, the Committee voted on the motion of Deferral for the reasons as stated above.

It was;

Resolved

That planning permission for PL/2025/06872 be Deferred and subsequently, delegated to officers to approve, subject to the following:

- The ecological surveys being undertaken and found acceptable by the Council's Ecologist, and
- Planning conditions being imposed (ie those read out, discussed at the meeting and set out below, including a lighting condition, and if the ecology reports are subsequently acceptable, a suitable condition securing works in accordance with those surveys)
- Subject to a legal agreement to secure self build status. (Officers indicated that in order to expedite matters, discussion would commence with the applicant regards the completion of a suitable self build legal agreement whilst awaiting the required ecology surveys)

Conditions:

That planning permission be granted subject to a Legal Agreement to secure the replacement dwellinghouse as a self-build construction with the following conditions

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

DWG No: P01 Rev A Site Location Plan Date Received 19.08.25

DWG No: P02 Rev C Proposed Block Plan Date Received 19.08.25

DWG No: P11 Rev C Proposed Elevations Date Received 19.08.25

DWG No: P10 Rev L Proposed Floor and Roof Plans Date Received 19.08.25

DWG No: P20 Rev F Proposed Environmental Protection Plan Date Received 19.08.25

DWG No: RMT1055 - TPP Rev B Tree Protection Plan Date Received 10.10.25

DWG No: BEN 0001 Proposed Foul Drainage Protection Plan with Package Wastewater Treatment Details Date Received 19.08.25

REASON: For the avoidance of doubt, in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

- No development above slab level shall continue on site under details of the brick, roof tile, rainwater goods, chimney pots, windows and doors for the replacement dwellinghouse have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed in writing with the Local Planning Authority in order to ensure that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the wider area.

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions or alterations to the roofslopes to the approved dwellinghouse or the insertion of first floor windows or rooflights other than as approved as part of a formal planning application by the Local Planning Authority.

REASON: In the interests of the amenity of the area.

- The dwellinghouse hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- The proposed package treatment plant should be installed, maintained and operated in accordance with the submitted specification and details. Any subsequent replacement package treatment plant should have an equivalent or improved performance specification. The package treatment plant shall be installed, connected and available for use before the development hereby permitted is first brought into use and shall be maintained and operated thereafter for the lifetime of the development.

REASON: To ensure the development is served by an appropriate means of foul water disposal.

- The development hereby permitted shall be carried out in strict accordance with the approved Ecological Mitigation Strategy (EMS). The EMS shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure the development is undertaken in an acceptable manner, in the interest of the protection of species.

- All lighting provided on site shall be in accordance with Environmental Zone E2 as defined by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 0.5 lux.

REASON: In the interests of the amenities of the area, the wider landscape area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

- No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. There shall be no burning of materials on site at any time.

REASON: In the interests of residential amenity.

- Notwithstanding the approved Arboricultural Survey Impact Assessment and Arboricultural Method Statement undertaken by RMTTree Consultancy Ltd and Tree Protection Plan, no works shall commence on site until a scheme of tree protection measures are submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the supervision of the works by an arboricultural specialist. The approved tree protection measures shall remain in situ for the completion of the works associated with the development proposal.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of important trees, within the vicinity of the site are adequately protected during the period of construction.

- No development 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:

(i) location and current canopy spread of all existing trees and hedgerows on the land;

(ii) full details of any to be retained, together with measures for their protection in the course of development;

(iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

(iv) all hard and soft surfacing materials;

(v) minor artefacts and structures to include refuse storage units.

REASON: 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 a satisfactory landscaped setting for the development.

- All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development.

INFORMATIVE TO APPLICANTS

1.The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

2.The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species.? In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England’s website for further information on protected species.

3.The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements applies.

4.It is noted that the applicants intends to discharge foul water via a Private Treatment Plant. This requires consultation with the EA, see the EA guidance. The applicant can also contact the EA for preplanning advice at swx.sp@environment-agency.gov.uk This is a matter for the Environment Agency and the Council’s Building Control Team to determine. All new drainage will need to comply with Building Regulations Part H.

Supporting documents:

- [PL202506872 The Old Vicarage Coombe Bissett Report, item 87. PDF 875 KB](#)
- [PL.2025.06872 Appendix, item 87. PDF 924 KB](#)
- [PL.2025.06872 - Aerial Plan, item 87. PDF 906 KB](#)
- [PL.2025.06872 - Location Plan, item 87. PDF 672 KB](#)