

APPLICATION FOR FULL/OUTLINE/RESERVED MATTERS- PLANNING PERMISSION (MAJOR HOUSING) OFFICER REPORT

Date of Meeting	3 December 2025
Application Number	PL/2025/02874
Site Address	OAKSEY PARK GOLF AND LEISURE, WICK ROAD, OAKSEY, MALMESBURY, SN16 9SB
Proposal	Change of Use of land and proposed buildings associated with Implemented Phase IV holiday accommodation to Class C3 Residential Use, together with formalisation of footpath connection, car parking and associated works (alteration to previously approved phase IV)
Applicant	Cotswold Ecohomes Ltd
Town/Parish Council	Oaksey Parish Council
Electoral Division	Minety (Cllr Chuck Berry)
Type of application	Full planning permission
Case Officer	James Taylor
Reason for the Application being reported to Planning Committee	"To vein and approve the broad planning and look to how it confirms with village design guide. The Village have requested that so unit can be fully discussed."

RECOMMENDATION: That Planning Permission be GRANTED subject to conditions, and subject to delegation to the Head of Development Management to complete a S106 legal agreement based on the Heads of Terms and details outlined in this report

Executive summary

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposals have conflict with the development plan when assessed against the principle of the development and the aims of trying to reduce the reliance on private vehicular use in Wiltshire through the appropriate accessibility of development near to services and facilities by means other than the private vehicle.

However, this is tempered by the relationship of the site to the limits of development at Oaksey, which is identified as a Large Village in Wiltshire capable of accommodating some level of growth; and the proposals to secure an active travel link between the site and Oaksey village which would provide some local benefit beyond mitigating for the impact of the development itself.

It is considered that residual harm from the development would remain though and this weighs against the grant of planning permission for the development.

The proposals would result in some notable benefits here. They would provide for 12 additional dwellings in an area with housing need. This would have positive economic and social consequences through employment during the construction phase, support to the existing village facilities including the primary school, community infrastructure and council tax payments and the provision of a planning obligations such as off-site contributions to affordable housing provision.

Additionally, it is considered that the proposals would make an effective use of land that already has the benefit of planning permission of 12 holiday lets. Such units may not be commercially viable, but this planning history and that the permission remains extant means that the land is being held in abeyance until some form of resolution is found. This proposal would allow the matter to be finalised and biodiversity net gain and reasonable land management to occur that can secure a well-designed place for the lifetime of the development.

On balance, it is considered that the adverse impacts of granting planning permission, in the particular circumstances of this case, would not demonstrably outweigh the range of benefits. The location of the development is not the antithesis of accessibility and not the most unsustainable location for a development of this scale. The harms are limited to the principle and the accessibility of the site to services and facilities. Allowing growth on a site that has extant planning permission would in the circumstances make an effective use of the land, secure a well-designed place and provide off-site contributions to affordable housing delivery. This would support this local rural community and so when considered against the NPPF as a whole provide for a sustainable development.

The application is recommended for approval subject to all parties entering into an agreement under s106 and conditions, as set out at the bottom of this report.

Proposed development site and surroundings

Site location



Proposal

This is a proposal to erect 12 dwellings with associated development including parking, landscaping, drainage and provision of private amenity space all set within a low density rural context accessed from Oakseey Park Golf and Leisure.



Figure 1: Proposed site plan

Dwellings 1-4 would be positioned in the north-east corner of the site. These form an L-shaped terrace of 2-storey dwellings with Cotswold stone to the ground floor, cedar weatherboarding to the first floor and stone effect plain tiles to the roof. The proposal includes rooflights to the roofs, pergolas and planting boxes. Each dwelling would be 3 bedrooms with an open plan kitchen dinner and separate living room at ground floor. The properties would have 2 allocated parking spaces and bin storage within the communal spaces with modest outside private amenity areas. The dwellings provide circa 120m² of internal floor space.

To the south-east area of the site sharing a communal car parking area with units 3 and 4 it is proposed to erect 3 more units of the same size and appearance but forming a linear terrace. These would have private spaces at the rear and their own private bin store to the front.

The remaining 5 units would be located to the west of the site as a pair of semi-detached dwellings and an L-shaped terrace of 3 dwellings. These would have the same appearance and scale as the other units and have parking courtyards with natural surveillance to provide 2 parking spaces per dwelling and bin storage.



Figure 2: Elevation details for plots 5-7 to show the proposed scale, design and vernacular.

The proposal includes access from the public highway via the established access to the golf club and the dwellings located immediately to the east of the application site. The additional route of the access track from the existing dwellings is set out to be no less than 3 metres in width and the application site includes space for turning and manoeuvring for a refuse lorry.

The proposals are materially consistent in respect of site location, scale and appearance of the units, highways and drainage arrangements as the history of planning approvals except very minor amendments in relation to parking and access. Furthermore, work has been prepared to demonstrate the ability to meet Biodiversity Net Gain requirements.

The proposals also detail the provision of a 2 metre wide gravelled woodland path through the adjacent woodland to the west of the site linking to Wick Road. The point of connection would be circa 45 metres from the limits of development for Oaksey at the edge of the Oaksey Conservation Area.



Figure 3: Plan of the footpath to Wick Road and photograph of track from the point of connection with Wick Road.

Site description

The application site is located at Oaksey which has been identified as a 'Large Village' within the development plan. However, the site is located outside of the limits of development at Oaksey Golf and Leisure (Lowfield Farm on the plan at figure 4) . Access to the site would be from the existing access track serving the development to the east of the site (Oaksey Park Cottages). The access road continues through the site to Wick Road but to the west is for emergency purposes only.

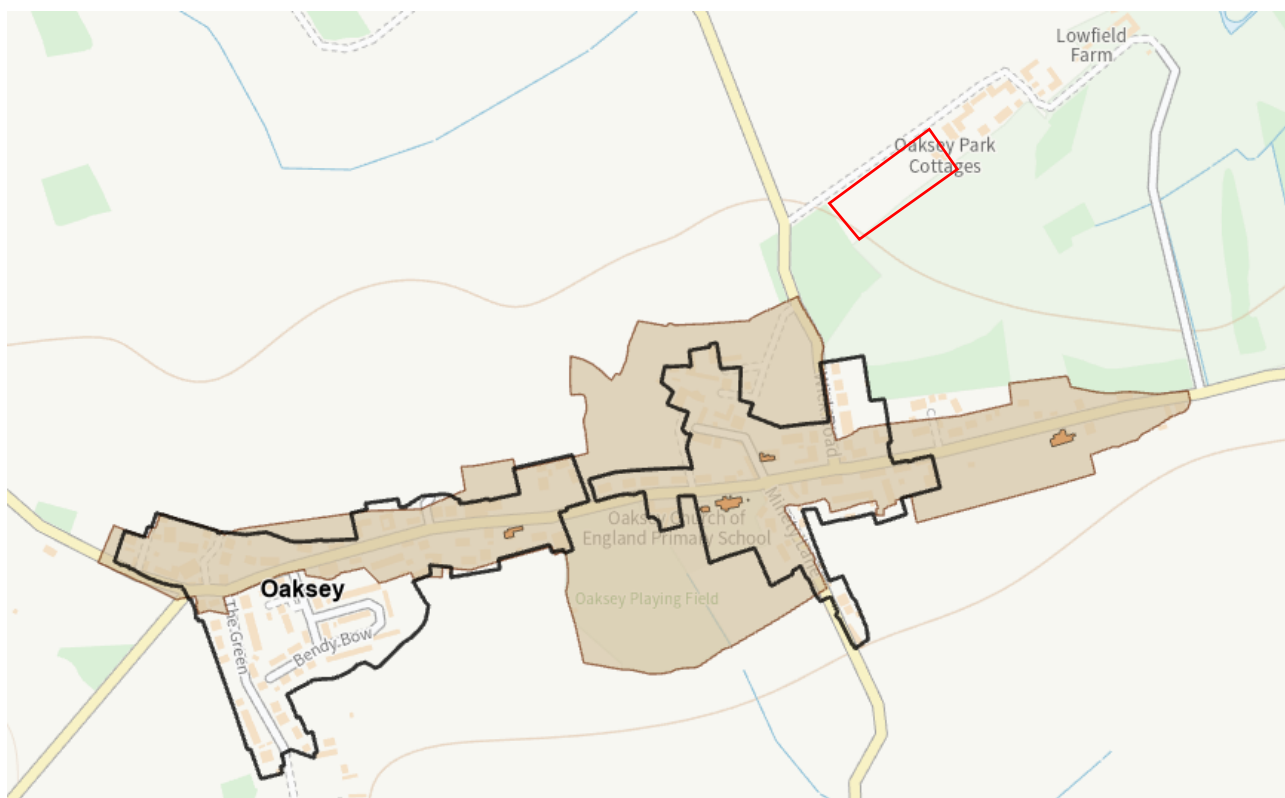


Figure 4: Plan showing the extent of the limits of development for Oaksey outlined in black, the conservation area shaded light brown and the location of the 12 proposed dwellings to the west of existing housing and the golf club.

To the east of the application site are open market dwellings and the Oaksey golf and leisure club. These have been constructed in a similar vernacular to the proposal taking cues from the local context and palette of materials.

The site itself is currently undeveloped and open bound by mature hedges and woodland. The land is not farmed but has been classified as grade 3 agricultural land. Based on data from the Environment Agency there is no elevated fluvial flood risk and a very small area of the site susceptible to surface water flooding. The Strategic Flood Risk Assessment 2024 indicates that the north east corner of the site is considered to have the potential for groundwater emergency but not to such an extent that it flows. The majority of the developed area is classed as having 'no risk' of groundwater flooding.

There is a public right of way (OAKS4- footpath) that crosses the access road to the golf and leisure club and Oaksey Park Cottages.

The site is located within the Upper Thames Clay Valley landscape character area and is not subject to any specific designations.

Relevant planning history

Proposal / Summary
N/02/01841/FUL – Erection of 18 no 2 & 3 bedroom holiday lodges and 1 no. bunkhouse with covered parking (1 no space/lodge) and implement shed, workshop, office and reception area and associated access – Approved subject to conditions on 14 October 2002

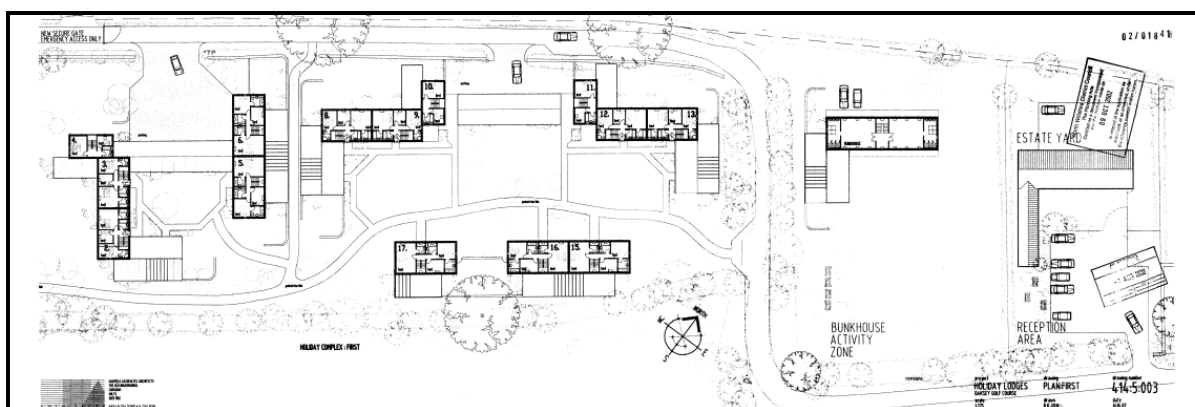


Figure 4: Planning consent (N/02/01841/FUL) that has led to the built form to the east of the current application site.

N/05/00643/FUL - Erection of 12 Two and Three Bed Holiday Lodges and Covered Parking / Bin Storage (1 Carspace/Lodge) and Associated Access – Allowed on appeal on 24 October 2005

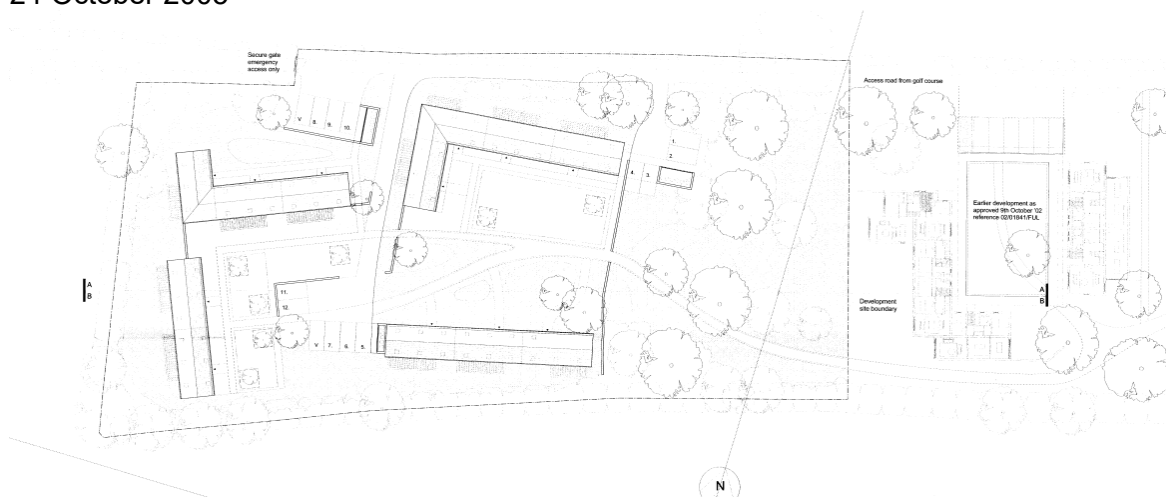


Figure 5: Planning consent (N/05/00643/FUL) which forms the basis for the current detailed proposals

N/10/01773/S73 - Erection of 12no. Two and Three Bed Holiday Lodges and Covered Parking/Bin storage and Associated Access (Renewal of 05/00643FUL) – Approved with conditions on 30 July 2010

10/03612/S73A - Variation of Condition 7 of 02/01841/FUL & 1 of APP/J3910/A/04/1145607 - Relating to Residential Occupancy – Approved on 2 February 2011

N/13/00958/VAR – Removal of Conditions 8, 9 and 10 imposed on application reference 10/03612/S73A which varied condition No 7 of 02/01841/FUL and appeal APP/J3910/A/04/1145607, allowing the unrestricted residential occupancy of units 12 to 19 (8 in total) – Approved 23 August 2014

The impact of this application was to effectively allow the relaxation of holiday let accommodation on 8 units to the east of the application site for open market accommodation.

19/01991/VAR – Removal of conditions 8,9 & 10 of application reference N/10/03612/S73A to allow unrestricted residential occupancy of units 3, 5, 6, 8, 10 & 11 and 20-25 – Approved on 21 April 2021 subject to a legal agreement that states:

“The Owner covenants with the Council that it shall not construct phase 4 of extant planning permission reference N/10/03612/S73A without the written approval of the Council (such approval not to be unrealistically withheld or delayed) and the Council first having been satisfied from written evidence that there is a demand for one or more of the as yet unbuilt holiday lets”

‘There remain [in] place extant historic permissions for an additional 12 holiday lets (as yet unbuilt) to be constructed on the Land but the parties have agreed that no more holiday lets will be built pursuant to these permissions until certain conditions have been satisfied. There is also a need for an additional amount of play space and play equipment as a result of the Further Unrestricted Units. The parties have therefore agreed to enter into this Deed of Variation upon the terms hereinafter appearing without which the 2019 Planning Application would not be granted.’

PL/2022/03549 – Variation of condition 7 of N/11/02036/S73A to enable holiday home to be changed to residential use. @ 2 Oaksey Park Cottages – Refused on 18 August 2022.

“Inadequate information has been supplied to demonstrate that there is no demand for the property as a holiday let with the restrictive occupancy conditions in place. The proposed removal of the occupancy conditions is in direct conflict with the provisions of Policy 3 of the Oaksey Neighbourhood Plan (March 2019). The proposed use of the Unit as a self contained dwelling with unrestricted occupancy would be tantamount to the formation of new open market dwelling in an unsustainable location. The proposed would therefore be contrary to Core Policies 1, 2 and 13 of the adopted WCS (Jan 2015), Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraph 80 of the NPPF (2021)”

PL/2022/03356 - Removal of conditions 9, 11 & 12 on N/10/01773/S73 and replace with a condition restricting permanent occupancy to over 55's only. Dismissed at appeal (Finney principles) on 11 April 2024

The Inspector concluded that *“I cannot therefore consider the merits of the proposal as to do so would prejudice a future decision maker on any full application which may be submitted.”*

PL/2023/00296 - Removal of Conditions 9,11, 12 and 14 on N/10/01773/S73 (Erection of 12 no. two and three bed holiday lodges and covered parking / bin storage and associated works) and replace with condition restricting permanent occupancy (Resubmission of PL/2022/03356) – Declined to determine on 9 May 2024.

Relevant planning legislation, policies and guidance

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

For the purposes of housing development, the development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (adopted January 2015), any made neighbourhood plans, together with the Wiltshire Housing Site Allocations Plan, the Chippenham Site Allocations Plan. These remain the principal statutory planning document guiding development across the county.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy 2015 (WCS)

CP1: Settlement Strategy
CP2: Delivery Strategy
CP3: Infrastructure Requirements
CP13: Spatial Strategy: Malmesbury Community Area
CP41: Sustainable Construction and Low Carbon Energy
CP43: Providing Affordable Homes
CP45: Meeting Wiltshire's Housing Needs
CP46: Meeting the Needs of Wiltshire's Vulnerable and Older People
CP50: Biodiversity and Geodiversity
CP51: Landscape
CP52: Green Infrastructure
CP56: Contaminated Land
CP57: Ensuring High Quality Design and Place Shaping
CP58: Ensuring the Conservation of the Historic Environment
CP60: Sustainable Transport
CP61: Transport and Development
CP62: Development impacts on the Transport Network
CP64: Demand Management
CP67: Flood Risk
CP68: Water Resources

Wiltshire and Swindon Waste Core Strategy 2006-2026, July 2009 (Waste CS)

WCS6: Waste Reduction and Auditing

North Wiltshire Local Plan 2011, June 2006 'saved' policies (NWLP)

NE12: Woodland
NE14: Trees, Site Features and the Control of New Development
NE18: Noise and Pollution
T5: Safeguarding
H4: Residential Development in the open countryside
CF3: Provision of Open Space

Oaksey Neighbourhood Plan (First Review) 2018-2038, made May 2024 (ONP)

Policy 1: Settlement Boundary
Policy 2: Development in the Open Countryside
Policy 3: Holiday Accommodation, Leisure and Recreation
Policy 4: Design of New Development and Local Distinctiveness
Policy 10: Highways and Travel
Policy 11: Heritage Assets

Policy 12: Oaksey Conservation Area
Policy 14: Housing Delivery
Policy 15: New Housing
Policy 17: Setting of Oaksey Village
Policy 18: Climate Change Mitigation
Design Guideline 1 – General Guidelines for All Development
Design Guideline 3 – Additional Guidelines for New Buildings

Supplementary Planning Documents/Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017
- LTN1/20 – Cycle Infrastructure Design (July 2020)
- Air Quality SPD (October 2025)

Other Relevant Policies and Documents:

- Wiltshire Council's Housing Land Supply Statement June 2025 (baseline date April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- Art and Design in the Public Realm in Wiltshire – 2024 Guidance – adopted May 2024
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030
- Wiltshire Council's Playing Pitch Strategy December 2024

Consultation responses

Oaksey Parish Council: Objection.

"The Council opposes the application if the restriction to an age limit of over 55 is included, as our perception is there is no housing need for that age group. We believe there is a housing need for families to grow and thrive in the village at a suitable location."

In light of change to the occupation of the development so it is unrestricted: Objection:

"The Parish Council note that the overall design, materials and configuration do not match the requirements of their NP. The Parish Council stressed that 40% social housing should apply as should the CIL contributions. Can the officers condition the design, construction and materials to reflect Oaksey's NP or would this need to be a new application? If not, the decision was unanimous to discuss this at committee (call in) so we asked Councillor Berry to continue with his call in unless a more appropriate design can be drawn up and considered."

Natural England: No objection:

"Natural England can confirm that provided the applicant has completed a legal agreement to make a financial contribution to deliver mitigation consistent with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy (2023), Natural England can confirm that the contribution will ensure the delivery of the necessary agreed mitigation for the SAC."

Natural England has no objection to the application being granted in respect of this matter and can advise the Council that the conclusion of its Appropriate Assessment is agreed."

Wessex Water:

"There are no services other than Water supply in the site boundary or directly by the site boundary".

"We note from the application form that surface water disposal is proposed via soakaway and this is supported".

"There are no foul water in the vicinity of the site. We note that application form mentions private sewerage treatment plant as mean of disposal.... We support this means of disposal".

Wiltshire Council arboriculture:

"The description for this application includes formalisation of footpath connection, car parking and associated works. Clarification is required whether any of these works impact on retained trees. If they do impact, then further details are required."

Wiltshire Council drainage: No objection subject to conditions.

"It is noted that in order to facilitate this change of use, the site layout has been revised to accommodate additional car parking. Therefore, the applicant will be required to provide a revised drainage strategy that demonstrates the impact of these revisions. We are happy that this drainage strategy can be considered under a subsequent DOC application."

Environment Agency: No comments received.

Wiltshire Council ecology: No objection subject to condition and contribution of £331.75 per dwelling for Strategic Access Management and Monitoring (SAMM) contribution.

"The LPA concludes that subject to the mitigation measures detailed in the Interim (2023-2028) Recreation Mitigation Strategy being secured via an appropriate method (see above), the Appropriate Assessment concludes no adverse effects on the integrity of the North Meadow and Clattinger Farm SAC. The AA has been sent to Natural England (23/06/2025) and the application must not be determined until they have agreed with the LPAs conclusion."

"The Preliminary Ecological Appraisal identified the site as providing moderate potential for foraging and commuting bat species. There are no built structures or mature trees onsite with the potential to support roosting bats. The construction of the new dwellings will not require removal of any vegetation considered to be functionally valuable to foraging or commuting bats and no additional external lighting is proposed as part of the development. Therefore, it is my view that there is no mechanism for adverse effect on bat species. A lighting condition should be applied to any permission given this application, as detailed below. Any domestic lighting, e.g. at doorways or pathways, should be low level bollard style or wall mounted and pointed downward to avoid light spill onto areas of vegetation likely to be used by bats and other wildlife species.

Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay

removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. If removal/management during this period is unavoidable, a pre-works nesting bird inspection must be conducted no more than two weeks before work begin.

The Preliminary Ecological Appraisal Ecological Assessment identified nine ponds within 250m of the site. The habitats onsite are recorded as providing suitable terrestrial habitats for amphibians. low value to reptiles. Creation of habitats onsite will enhance the site's suitability for amphibians and reptiles. As outlined in Section 3, a Construction Environmental Management Plan should address precautionary working methods to avoid potential harm to amphibians, including the implementation of a Reasonable Avoidance Methods Statement (RAMS)."

"In order for the council to fulfil its BNG monitoring responsibilities. A BNG monitoring contribution will be required and secured via a separate legal agreement."

Wiltshire Council education: No comments to make

Wiltshire Council highways: No objection:

"As this would lead to separate dwellings outside of identified development boundaries, the proposal would usually attract an adverse highway recommendation on sustainability grounds as follows:

The site is located outside of any settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors. This proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9 of the National Planning Policy Framework 2023, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, I shall be guided by you on this sustainability issue and wish to advise with regard to highways in the instance that you would be minded to permit dwellings in this location.

The application site had previous permission for a total of 12 holiday let units, which have not been constructed. The site has a number of existing holiday lets which have been afforded residential dwelling status by virtue of amendments to previous conditions, albeit the properties were already constructed. It is now proposed to erect 12, 3-bed properties on the land with 26 vehicle parking spaces.

Access to the site is from The Street/Somerford Keynes Road, a C class road subject to a speed limit of 60mph at the access point. To the west of the access the speed limit lowers to 30mph on the Oaksey Entrance. There are no pedestrian facilities, and the site itself is far from existing infrastructure.

The proposed residential use of the site would not be considered to vary the traffic generation levels significantly from the previously approved scheme, each unit is proposed to have allocated parking provision in accordance with Wiltshire Councils Minimum Residential Parking Standards, this level of parking would not be discountable due to the location of the proposals. each unit with an allocated parking space is now required to have at least 1 EV charging bay in line with National Government aspirations, the NPPF and Building Regulations Document S.

In the interests of encouraging sustainable travel, an element of cycle parking provision is also required, and this has been indicated as a minimum of 2 spaces per dwelling in secure storage within each curtilage.

A minimum provision of 3 spaces for each unit would be required based on the bedroom quantum and in accordance with minimum cycle parking standards set out by Wiltshire Council.

A 2m wide footpath is proposed through the adjacent woodlands to provide a link to Wick Road to the west of the site, this is a narrow C classified lane subject to a speed limit of 60mph for a short section where to the south there is a 20mph zone. It should be considered to widen this path link in order to encourage cyclists to link to the route as well as pedestrians. This path would not be considered for adoption but should be maintained in perpetuity as a link from the site to Wick Road.

I would not wish to raise a highway objection to the proposals, although it is recognised that the site would not be considered sustainable without viable alternatives to the use of the private motor vehicle such as cycling and walking. Therefore if the proposed path can be altered to allow for cyclists this would be considered a benefit to offering active travel alternatives.”

Wiltshire Council housing enabling: No objection subject to contribution:

“As the nature of this scheme makes it unlikely that a Registered Provider would take transfer of the units, it is considered that a commuted sum is appropriate in this instance.”

Seeking a planning obligation of £347,734.55.

Wiltshire Council landscape: No comment.

Wiltshire Council public protection: No objection:

“I have reviewed the application from an environmental health point of view, taking into consideration the need to protect amenity. The proposed location for construction is close to an existing residential dwelling, only about 155m apart.

We also have a ‘B’ road (Wick Road) which need to be assessed against noise. However, no report assessing these have been submitted. Therefore, provide a noise impact assessment report in accordance with BS 8233:2014 before I make any informed comment or recommendations. The report must demonstrate good Acoustic Design. Attached is the Wiltshire Council Noise Technical guidance that explains requirements of an acoustic report”

Wiltshire Council public open space: No objection subject to contributions:

“Twelve 3 x bd dwellings would generate a requirement of 720m² of open space (£34.87 per m² = £25,106.40) and 72m² of equipped play (£144.00 per m² = £10,368.40).

If this provision is not provided, either wholly or partially on-site then an off-site financial contribution will be required. Target sites in the vicinity of the development for any off-site contributions to be identified.

The amount of 12 dwellings also, generates a requirement of 331.20m² towards Sports pitches & courts, which equates to an off-site financial contribution of £3,312.00. A target site in the vicinity of the development for any off-site contribution will be identified by Danny Geeson, Leisure Strategy Infrastructure Officer.

All on-site POS needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS.”

Wiltshire Council rights of way: No objection:

"I have spoken with the Countryside Access Officer for Oaksey who has requested that the path between the proposed development and Wick Road remains private and is not put forward to be dedicated as a Public Right of Way."

Wiltshire Council urban design: No comment.

Wiltshire Council waste: Support subject to conditions

Seeking contribution towards waste and recycling provision total of £1380.

Seeking details of vehicle tracking and bin collection points. Seeking details of bin storage locations. Need to provide details of carry distances. Happy for this to be secured by condition.

Wiltshire Police Liaison Officer: No comments.

Representations

No comments received.

Planning considerations

In accordance with Section 70 (2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

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

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

Key issues

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

- Planning history;
- Highways and accessibility
- Impact on the character and appearance of the area
- Heritage
- Living conditions
- Ecology and Biodiversity Net Gain
- Drainage and Flood risk
- Waste and Refuse
- Sustainable construction
- Planning obligations

ASSESSMENT:

Principle of development:

The application site is located at Oaksey which is designated as a large village within CP15 of the development plan. CP1 sets a hierarchy of settlements to direct new development to the most sustainable locations. Large Villages and Small Villages are towards the bottom of the hierarchy in acknowledgement of their limited range of services and facilities. CP2 sets out that at Large Villages, such as Oaksey that new development within the limits of development may be supported. However, outside of these lines development shall be considered to be within the 'open countryside' and as such can only be supported where the exemption policies under paragraph 4.25 apply. No paragraph 4.25 exemptions are considered to apply in this proposal given the removal of the initial submission for this to be accommodation for over 55s. The decision to remove this part of the proposal was in light of the Parish Council's response which set out a desire for more 'family accommodation' within the village. As such, the proposals are considered to be contrary to CP1, CP2 and CP15 of the Wiltshire Core Strategy, but it is noted that they have support from the local council.

Policy H4 is supportive of dwellings in the open countryside subject to being in connection with the essential needs of a rural based enterprise; it is a replacement dwelling meeting all three specific criteria set out in the policy. None of these apply here and so policy H4 does not present support.

Policy 2 of the ONP sets out that *"development outside the settlement boundary will be strictly controlled and proposals will only be supported for development which requires a countryside location... or are related to community, leisure or recreation. In particular those designed to meet the needs of local residents will be supported. Residential development will only be permitted in the countryside where it meets one of the exceptions policies referred to in paragraph 4.25 of the Wiltshire Core Strategy and National Planning Policy."*

As amended, it is considered that this application is a form of development in the open countryside for which there is no policy support. As amended to address the concerns of Oaksey Parish Council who wish to see more 'family accommodation' no paragraph 4.25 exemption policy justification is being advanced.

In terms of other material considerations, Policy 3 of the ONP provides further relevant context here considering the complex planning history (please see below for more information). This policy relates to holiday accommodation. The planning history includes approval of a virtually identical form of development at the site albeit a C3 use restricted to occupation as holiday accommodation. A type of occupation that has proven on the adjacent land to the east to be financially unviable and consequently relaxed.

Nonetheless, Policy 3 sets out that the removal of occupancy restrictions on holiday accommodation, located in the countryside, to allow permanent residential dwellings will not be supported because *"it would result in residential development that is isolated and/or has poor accessibility to sustainable transport modes"*. However, the policy does go on to state that *"the Parish Council will work with Wiltshire Council and the operators of Oaksey Park to improve pedestrian and cycle linkages between the village and Oaksey Park to enhance accessibility and active travel opportunities for the existing residents of Oaksey Park"*.

In this context it is relevant to consider that Oaksey Parish Council have no objection to the proposals now presented after previously objecting and setting out their view that 'family accommodation' is what is required in Oaksey.

Furthermore, it is relevant to consider that the Council has a shortfall in its 5-year housing land supply position, currently reporting a level of 2.42 years. These matters will be considered further in the planning balance.

However, based on planning policy, it is concluded that the proposed development is contrary to CP1, CP2, and CP15 of the WCS and does not benefit from the support of policies 2, 3 or 15 of the ONP or policy H4 of the NWLP.

Planning history:

The planning history provides a context for the site and is a material consideration particularly in considered detailed matters.

Planning permission was granted in 2002 for the erection of holiday accommodation to the east of the current application site. Then in 2005 a further approval for 12 more holiday units were granted on the application site. These were allowed on appeal and it was found that the built form proposed would not result in any harm to planning interests such as landscape or highways. This proposal is substantively unchanged in terms of the built form. This was subsequently renewed in 2010.

In 2014 in granting approval for the removal of holiday accommodation restrictions to some of the units to the east of the current application site it is clear that the development to the east was implemented but the remaining 12 units (phase 4 were not implemented). In 2021 a further decision was issued that approved more units to the east being allowed to remove their restrictive occupation for holiday let purposes only. Furthermore, committee report sets out that the phase 4 holiday let development was, although not under construction, an extant consent in light of related works for the development to the east. The view was taken that whilst the approval of phase 4 could not be reasonably voided, a legal covenant could be imposed to prevent the building out of phase 4 of planning permission ref N/10/03612/S73A without the applicant demonstrating to the Council's reasonable satisfaction that there is demand for the units contained within phase 4. This was justified on the basis of the development was not built and there was an agreed stance that holiday accommodation was not a financially viable form of development at the site. The legal agreement reiterates the extant status of the planning permission for phase 4 as holiday accommodation.

As a footnote to this part of the local relevant planning history, it is noted that unit 2 to the east was refused unfettered residential use in 2022 based on inadequate information.

In 2024 applications were refused on the application site for variation of the holiday let conditions and replacement with conditions seeking to allow permanent occupation by over 55s only. One application was dismissed at appeal for an effective technicality and did not address the planning merits of the proposal in order not to prejudice any future decision maker. A parallel application was concluded by the council declining to determine it based on the technicality issues found at appeal.

This is intended to be a brief explanation of the planning history. In short, a significant proportion of the adjoining development to the east has been allowed to have unrestricted occupation.

Highways and accessibility:

The proposal would have vehicular access via the development to the east and the golf course. This connects to the public highway some way to the east of the village but provides a safe junction with turning points to address the potential for conflicting movements. The

additional movements from the 12 units, like the junction, have been found to be acceptable previously and there is no reason to reach an alternative conclusion.

It is noted that the existing emergency access to Wick Road that serves the existing built form could equally serve the proposed development.

In terms of accessibility, it is important to recognise that Wiltshire is a rural area and the county has above average levels of car ownership compared to the nation and the SW region. This is reflective of the levels of services and facilities that exist in Wiltshire and the strong out-commuting trends that are experienced. Whilst the development plan seeks to address the loss of village facilities and the need to out commute for employment, education and leisure; it has to be acknowledged that the reliance on private vehicles is strong and that a shift to more active travel options needs to be pragmatic.

The proposals would have an active travel link to Wick Road and provide a mechanism to secure this for the benefit of future occupiers in perpetuity. This would also extend to benefit existing occupiers of the development to the east of the site. Additionally, it would also benefit those living in the village wishing to access the countryside and the facilities provided by the golf course. This would be beneficial and accord with the aims set out in Policy 3 of the ONP and Policy 10 that has more generally stated active travel aims for Oaksey. This will be achieved without conflict to Policy 10 requirements to also maintain 'Rural Lane Character' including at Wick Road which is stated to operate as a shared surface road. This approach is also consistent with the Character Area H – Wick Road within the ONP.

Parking standards to comply with CP64 on demand management and Policy 10 which seeks to ensure "adequate on-site provision" should be provided. This is achieved through compliance with the minimum residential parking standards of 2 spaces per 3-bedroom dwelling and 2 visitor spaces (12 dwellings at 0.2 per unit requires 2.4 visitor spaces).

Proposals to provide cycle parking in a safe, secure and convenient location can be conditioned to ensure that future residents have opportunity to make trips to the village by pedal power. Again, the active travel link to Wick Road will be beneficial in this regard. This connects to Wick Road at a point with no pavements or street lighting. However, it is a relatively short distance along this lane to the main road in the village which has greater levels of safety. Whilst not necessarily a 'gold-standard' approach to providing safe and convenient active travel options nor is it the antithesis of safety or indeed convenience. Indeed, it is comparable the situations experienced by occupiers of many other dwellings in the village when seeking to access the local facilities or limited public transport options. Nonetheless this is an arrangement that may put some people off and lead them to make greater use of their private vehicle.

Therefore, it is considered that the proposals would have some conflict with CP60 and CP61 of the development plan. However, the opportunity to secure active travel links in perpetuity for the benefit of the existing dwellings and those wishing to access the services and facilities of the golf course / countryside is also a material consideration in the planning balance.

Character and appearance of the area:

The proposed development is virtually identical to the extant planning approvals on the site for holiday accommodation. This approved development has previously been found to be acceptable in terms of design and landscape. This is a significant material consideration. Whilst this is not previously developed land it is important to note that the proposal would not encroach into the landscape or important open areas any more than the extant scheme for holiday let accommodation. The proposals would make an efficient use of a site – reflecting

the density at Oaksey Park Cottages - that has a chequered planning history that can still be implemented in theory should the holiday accommodation prove to be financially viable. It would achieve this without harm in terms of the character and appearance of the area or this undesignated rural landscape based on the planning history and views of PINS.

No important views would be impacted on a site that would be well contained by existing landscape features. As such, the proposal would not impact on the existing street scenes of the village; and the existing character and linear form of the settlement would not be adversely affected. Additional planting is proposed and the final detail of which may be secured through condition to ensure the use of wildlife friendly native species that will not only provide a suitable context for the built form, but support wider environmental objectives such as biodiversity gain, drainage and giving shade. This would be considered high-quality landscaping.

The ONP reveals that the use of “*coursed rubble stone walls and stone tiled roofs*” reflects a typical Cotswolds character. The proposals would offer a reflection of this through their materials palette whilst providing a contemporary scale, mass and form that takes cues from a rural vernacular. This adds to the context of the village where the ONP sets out that “*Oaksey village now includes buildings from many periods and in many styles*”. This is an acceptable approach in a location where the proposals would harmonise with the adjacent development to the east away from the village core. The slight separation of the proposals from Oaksey Park Cottages means that the development would to a large extent form its own character area. Nonetheless, the scheme produces 12 dwellings with the a similar vernacular to the adjacent development. Within the scheme itself there would be a high degree of homogeneity with some subtle variation through the use of semi-detached, linear terrace and L-shaped terraced blocks. Final details of materials can be controlled by condition including the details of bonding through a requirement for a sample wall panel.

The details of hard landscaping are relevant too and given it would be accessed from a private road it is possible to build with high levels of infiltration and permeability. This is evident within the submitted plans and final details for roads, parking spaces and courtyards can be secured through a landscaping condition. Conditions can ensure that, as feasible, measures such as water butts can be employed to support water conservation and drainage.

Following the application update, the proposal no longer includes an over-55 housing restriction and instead seeks approval for standard open market dwellings. This revision aligns with the initial parish council consultation response that identified ‘*a housing need for families to grow and thrive in the village at a suitable location*’. The most recent response raises issues new matters not previously raised around compliance with the neighbourhood plan design guide. However, the scheme has been considered against the design principles of this document and found to have accordance in many respects and the parish council do not raise any clear or specific areas of conflict. It is not possible to condition the design to comply with the guidance due to the need for precision within planning conditions and the scale of change may not be reasonable. However, conditions are proposed to seek the finer detail of design such as final materials.

In summary, the proposals are considered to be acceptable in terms of the character and appearance of the area. The proposal is considered to provide a form of development that makes a positive contribution to the character of Wiltshire through providing a scheme that would reflect the local Cotswolds vernacular, but be sufficiently separated and screened from the village so as to ensure that it would not impact on the existing public street scenes or wider rural landscape. Details of the scheme can be conditioned to ensure the best possible finishes in the development to secure the delivery of homes that reflect the requirements of CP57, Policy 4, Policy 17, Design Guideline 1 – General Guidelines for All Development; and Design Guideline 3 – Additional Guidelines for New Buildings. There are no other material

considerations, including the WDG to reach a different conclusion to the adopted development plan especially in light of the site history and context.

Heritage:

As set out within Figure 4 above the built form of the development is located outside of the designated Oaksey Conservation area. Only the proposed active travel link to Wick Road would adjoin the boundary of the conservation area. In practical terms this active travel route and the associated operational development already existing and between the built form and the heritage assets within the village there is a dense woodland planting that means there would be no strong physical association between the proposal and any heritage assets.

Nonetheless, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set statutory duties in relation to the protection of listed buildings and conservation areas. This includes special attention to be had so as to ensure that their character and appearance, including their settings are preserved or enhanced. These tests are enshrined within the development plan policies, which have general conformity with the NPPF.

In summary, given the physical separation of the built form and proposed operational development from any designated heritage assets by virtue of distances and existing landscape features then the proposal would cause no harm to the character and appearance of the Oaksey Conservation Area or indeed any listed buildings and non-designated heritage assets therein. Furthermore, the proposals would maintain the setting of these heritage assets. Therefore, the proposals would be in accordance with CP58, Policy 11, Policy 12 and Policy 13.

Living conditions:

As already explained the proposal would be self-contained. During its operational phase (i.e. occupation of the dwellings) there would be no overlooking, loss of light, dominance or additional noise generated that would be harmful to the reasonable living conditions of the occupiers within the existing built form at Oaksey Park Cottages or indeed within the more established built form of Oaksey.

Within the site itself the proposals reflect the built form proposed for holiday accommodation. However, holiday let accommodation is different to permanent occupation and so further consideration is necessary.

The proposals would not result in any unacceptable overlooking between the properties given the siting, orientation and separation distances between the units. The proposals would not result in any dominance or loss of light as a result of the siting and mass of the built form. The proposals would provide private amenity space to each unit. The enclosure of these spaces is arguably less than would be expected within a conventional development, but future occupiers would be able to provide higher fencing of these spaces if so desired under permitted development. The spaces are relatively modest, but the development has been planned with communal open spaces around the development that can be utilised, along with the wider countryside to support the amenity needs of the future occupiers.

The issue of noise from the development, potentially including air source heat pumps (ASHP), is a matter that can be suitably addressed through conditions – see Sustainable Construction section below.

Construction phase concerns have been raised by colleagues in environmental protection. Whilst the construction process would inevitably lead to some disruption in terms of noise, vibration, dust etc; these are all transient and limited to the period of constructing 12 homes

only. Furthermore, conditions and informatives can be used to restrict the hours of operation and/or require a construction management plan all to minimise the impacts. Given this and the distances involved the proposal would not be unacceptable or indeed contrary to any planning policy.

In summary the proposals would provide for the reasonable amenities of future occupiers without any harm to the living conditions of those occupying the existing dwellings. As such, the proposal would accord with CP57 of the development plan.

Ecology and Biodiversity Net Gain:

Policy 17 seeks to support development that benefits the setting of Oaksey village through the protection and enhancement of natural features and habitat conservation. A specifically listed feature includes Oaksey Wood and tree planting at Oaksey Golf Club. The proposals detail strategic landscaping to provide biodiversity net gain and provide active travel linkages that make natural features and woodland accessible. CP50 seeks to preserve and where possible enhance biodiversity interests. Moreover, statutory Biodiversity Net Gain is applicable on this site and requires a 10% uplift.

The application has been subject to consultation with the Council's ecologist and the proposals have been amended compared to the extant permission in order to address matters of statutory Biodiversity Net Gain which has come into force since the plans were initially drafted. The council's ecologist raises no objection subject to conditions on matters such as external lighting and a construction environmental management plan. Furthermore, an informative regarding nesting birds would be prudent. They consider that the information provided in relation to Biodiversity Net Gain is sufficient to allow the development to proceed.

The proposal includes works on the site including creation of native wildflower grassland, species-rich wildflower lawn, planting of 68 native trees and the planting of hedgerows. Furthermore, to meet the 10% gains off-site works are also proposed within the applicant's wider land ownership including a further 50 native trees, wildflower planting and scrub.

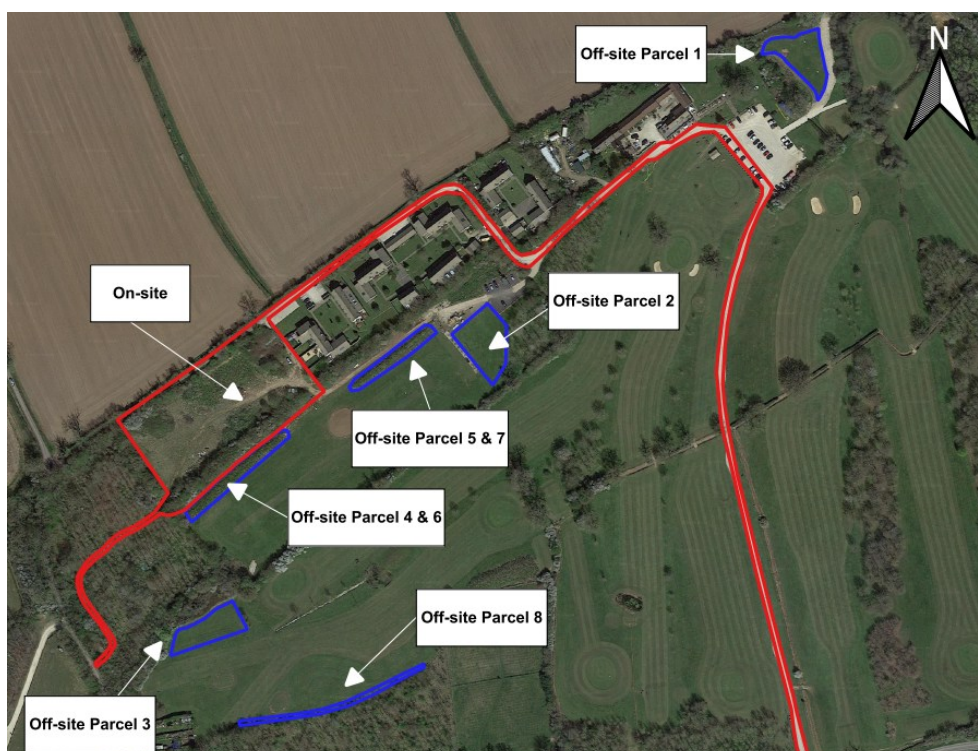


Figure 6: Plan showing the areas subject to statutory Biodiversity Net Gain planting.

The biodiversity net gain can be secured on this site based on the technical expert advice received from the council's ecology team. The on-site BNG is agreed to be secured through conditions and a monitoring fee within the s106 legal agreement. The agreed approach for the off-site BNG is to gain verification post-determination and then once that is complete a further legal agreement will be necessary or a conservation covenant. This approach has been agreed with the developer and was an option presented by the council's ecology officer.

The development lies within the outer zone of influence (4.2 – 9.4km) for the North Meadow National Nature Reserve (NNR)/Site of Special Scientific Interest (SSSI) component of North Meadow and Clattinger Farm SAC, notified as an exceptional example of lowland meadow with a very high proportion of the surviving UK population of snake's head fritillary. The development is screened into Appropriate Assessment under the Habitat Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone or in-combination with other plans and projects.

Wiltshire Council, Cotswold District Council and Swindon Borough Council in partnership with Natural England have produced an Interim (2023-2028) Recreation Mitigation Strategy for proposed development within this zone.

The standard mitigation agreed under the above strategy for all relevant (e.g., overnight accommodation) development of under 50 units in the Outer Zone is:

- Strategic Access Management and Monitoring (SAMM) contribution per unit £331.75

The planning obligation can be secured through the s106 legal agreement for this application. Subject to the mitigation measures detailed in the Interim (2023-2028) Recreation Mitigation Strategy being secured via the s106 as agreed with the developer, the Appropriate Assessment concludes no adverse effects on the integrity of the North Meadow and Clattinger Farm SAC. This approach has been agreed with Natural England.

In summary it is considered that the proposals will have a largely neutral impact on ecology interests at the site and the proposals will provide statutory biodiversity net gain and provide biodiversity enhancement as encouraged by CP50 of the development plan.

Drainage and Flood risk:

As set out above, based on data from the Environment Agency there is no elevated fluvial flood risk and a very small area of the site susceptible to surface water flooding. The Strategic Flood Risk Assessment 2024 indicates that the north east corner of the site is considered to have the potential for groundwater emergency but not to such an extent that it flows. The majority of the developed area is classed as having 'no risk' of groundwater flooding.

This is a form of development that has been previously approved and as before it is intended to make use of private sewerage treatment system to deal with foul waste water. In the circumstances it is considered that this can be conditioned.

In terms of surface water drainage it is noted that the proposal is to make use of soakaways and given the density of development proposed and the groundwater flood risks this is considered to be an acceptable approach which can be conditioned further. This is consistent with the drainage officer advice.

In summary, and subject to conditions it is considered that the proposals are satisfactory when considered against the development plan and any other material considerations.

Waste / Refuse:

The proposals include the provision of a number of bin storage locations and plans have been provided to demonstrate that the site is accessible to refuse vehicles through vehicle tracking diagrams to the bin storage/collection points. Subject to conditions this is considered to satisfy the requirements of Policy 10 of the ONP which requires screened and easily accessible bin storage and collection.

Sustainable Construction:

Policy in this regard is supportive and encouraging towards measures that provide enhanced levels of sustainable construction which support wider objectives around the mitigation and adaptation to climate change. CP41 requires the submission of a Sustainable Energy Strategy for major developments (although it sets no particular requirements) and Policy 18 supports in principle the delivery of renewable and low-carbon energy (such as roof mounted solar PV and air source heat pumps) and electric charging points. Minimum standards in relation to energy efficiency and electric vehicle charging points are currently set within building regulations. Policy 19 sets out that new development should aim to meet high levels of sustainable design and construction targeting zero carbon emissions including through passive solar gain and thermal efficiency in building materials, insulation and glazing.

Based on the information provided the matter of sustainable construction is considered to be a broadly neutral consideration. A sustainable energy strategy has not been provided. However, in light of the planning history and in the interest of providing flexibility in any planning permission and allowing any developer through Technical Design stage to react to the acknowledged Climate Emergency, conditions can be utilised that allow for a more ambitious and proactive approach than required under minimum building regulations. This is considered to be an appropriate response here under the remit of supporting and encouraging climate action and given the paucity of information.

S106 Heads of Terms

Wiltshire Council has a Planning Obligations Supplementary Planning Document, which should be read in conjunctions with the WCS (primarily Core Policy 3 'Infrastructure Requirements') and the Wiltshire CIL charging schedule. This SPD identifies the planning obligations that will be sought by the council for development that generates a need for new infrastructure and should be a material consideration in planning applications. It is essential to demonstrate that each obligation meets the three Regulation 122 tests under the Community Infrastructure Levy (CIL) Regulations 2010. Paragraph 58 of the National Planning Policy Framework reiterates the three tests as:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the application site and have been raised by consultees as necessary in order to mitigate the impact of the proposed scheme.

Affordable Housing

The NPPF Chapter 5 supports the provision of affordable housing, particularly paragraphs 64-66. The PPG gives further guidance regards provision of housing for different groups. Core Policy 43 of the Wiltshire Core Strategy supports the provision of affordable homes as part of large housing developments. This policy requires affordable housing to be secured via a legal agreement.

WC Housing officer has requested the following:

- Affordable housing contribution of £347,734.55

Waste And Recycling

The importance of the handling and treatment of waste is covered by the PPG in general terms. The Wiltshire Core Strategy at paragraph 4.41 (Core Policy 3) identifies sustainable waste management facilities as essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities. Waste management is listed as place shaping infrastructure under priority theme 1 of Core Policy 3 of the WCS. The Council's Waste Core Strategy policy WCS6 and SPG also outlines that large housing developments should contribute towards recycling provision.

The WC Waste and Recycling officer has requested the following mitigation:

- Waste and recycling contribution of £1380.00

Public Open Space And Leisure Contributions and provision

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 103 of the NPPF, and within the PPG (paragraphs 001-003), which indicate that open space provision should be taken into account in planning for new developments, as it can provide health and recreation benefits, have ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and is a component in achieving sustainable development.

Core Policy 52 of the adopted WCS supports this, and open space is listed as place shaping infrastructure under priority theme 2 of Core Policy 3 of the WCS.

WC Open space officer has requested the following mitigation:

- Public Open Space contribution of £25,106.40 (off-site contribution)
- Equipped play contribution of £10,368.40 (off-site contribution)
- Sports Pitches contribution of £3,312.00 (target site to be identified)

Highways works/mitigation/contributions

NPPF paragraph 109 (f) supports the provision of suitable infrastructure. Sustainable transport measures are also listed at infrastructure priority theme 1 under Core Policy 3 of the adopted WCS. Core Policy 60 and 61 of the WCS encourage the sustainable, safe and efficient movement of people and goods. The Wiltshire Local Transport Plan contains a number of policies to support active travel, including:

- Policy SO2 (to provide, support and promote a choice of sustainable transport alternatives);
- SO13 (to reduce the need to travel, particularly by private car) and,
- SO14 (to promote travel modes that are beneficial to health) of the Wiltshire Local Transport Plan 3.

Specific to the particular issues at this site and the access proposals, so as to enhance active travel opportunities following to mitigate the impacts of the development has been agreed:

- Securing the existing active travel link to Wick Road in perpetuity

Bio Diversity Net Gain (BNG)

As of April 2024, any major planning application needs to demonstrate no net loss and a minimum of 10% net gain in biodiversity (BNG) on the site, in line with the requirements of the NPPF, PPG, WCS policy CP50 (Biodiversity and Geodiversity) and the Environment Act. The preference is for any such BNG to be provided on site, although it can also be provided off site.

The Council's ecologist has requested that:

- Biodiversity Net Gain Monitoring Contribution for on-site (£11,156.00)

S106 Monitoring Fee

To ensure proper and effective management of planning obligations the Council will monitor development sites to ensure obligations are met as and when 'triggers' set are reached. A monitoring fee is thus necessary to cover the admin costs of monitoring which otherwise would not be required were no development to take place. The fee is directly related to the costs of monitoring the s106 that would be attached to this planning permission and is calculated at 1% of the total sum of contributions.

In this case the monitor fee will be £4,030.38

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support development. The development will represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule.

Overall S106 mitigation summary

With regards to the above, it is therefore considered that the following contributions, provisions and mitigation is needed in relation to this proposal:

Heads of Terms:

- Affordable housing contribution of £347,734.55
- Public Open Space contribution of £25,106.40 (off-site contribution)
- Equipped play contribution of £10,368.40 (off-site contribution)
- Sports Pitches contribution of £3,312.00 (target site to be identified)
- Waste and recycling contribution of £1380.00
- Strategic Access Management and Monitoring (SAMM) contributions (£3,981)
- Biodiversity Net Gain Monitoring Contribution for on-site (£11,156.00)
- Securing the existing active travel link to Wick Road in perpetuity
- S106 monitoring fee, at 1% of the total sum of contributions
- The provision and maintenance of communal open spaces, parking, driveway, amenity areas and planting by means of the management company, including footpath.

Other material considerations:

Oaksey Parish Council responded to the original submission to state that they oppose the application if the restriction to an age limit of over 55 is included, as their perception is that there is no housing need for that age group. Instead they believe there is a housing need for families to grow and thrive in the village at a suitable location.

It is in light of this that the application has been amended to C3 use with no restrictive conditions on the occupation and would provide 12x 3-bedroom open market houses. That the parish council favour this form of development is considered to have some positive weight.

Planning history – The planning history means that there is an extant planning permission for 12 holiday lets at the site. A legal agreement is in place that requires evidence to be presented such as to demonstrate that the approved holiday lets are a viable proposition. Any such evidence can only ever be a snap shot in time and circumstances are constantly evolving and changing including economic conditions and planning policy. It is conceivable that the applicant could demonstrate viability for the holiday lets, construct the development and then circumstances could change to mean that unrestricted occupation is justifiable. As such, the planning history and extant approval is still afforded some weight in the planning assessment of this application.

Securing active travel link from site to Wick Lane – Securing the existing active travel link to Wick Road would not only benefit the proposed development it would provide a beneficial facility for the existing occupiers of Oakley Park Cottages. Furthermore, it provides a benefit for all residents of Oaksey that wish to have this access to the countryside and the quiet enjoyment of this landscapes area away from road; or wish to conveniently access the facilities at the golf club. This is considered to weigh in favour of the proposals.

5 year housing land supply –

The Wiltshire Housing Land Supply Statement (published June 2025) provides the latest position on the Council's ability to demonstrate a five-year supply of deliverable housing land, which is a material consideration in the determination of planning applications for residential development. The council currently has a 2.42 year housing land supply. This is a shortfall against the 5 year housing land supply required.

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.

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development and that for decision-making this means approving development proposals that accord with an up to date development plan without delay or where the policies which are most important for determining the application are out of date granting permission. Paragraph 11 sets out exemptions to this including as relevant here where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework taken as a whole having particular regard to the key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes,

individually or in combination. In short, the housing land supply position means that what is known as the 'tilted balance' is engaged in this case.

Benefits of the Proposal

Provision of Market Housing

Paragraph 66 of the NPPF is a key housing policy, and relates to the provision of a mix of housing, including affordable housing. The delivery of new homes is a significant benefit, particularly in the context of Wiltshire's current housing land supply position. As of the latest Housing Land Supply Statement (June 2025), the Council is unable to demonstrate a five-year supply of deliverable housing land, with a shortfall that is considered substantial.

- **Benefit:** Provision of 12 new dwellings.
- **Weight:** Very substantial weight.

Provision of Affordable Housing

Paragraph 66 of the NPPF is a key policy under footnote 9, and relates to the provision of a mix of housing, including affordable housing. The delivery of affordable housing is a key policy objective at both national and local levels. Wiltshire Council has a shortfall in affordable housing delivery, and the provision of new affordable homes contributes directly to meeting identified local needs.

- **Benefit:** Provision of commuted sum for affordable housing units.
- **Weight:** Substantial weight.

Socio-Economic Benefits

The proposal will generate economic benefits during both the construction and operational phases. This includes direct employment in the construction sector, and increased local spending by future residents. These benefits align with paragraph 85 of the NPPF, which supports the role of housing in promoting economic growth and resilience.

- **Benefit:** Economic uplift through construction jobs and post-occupation local expenditure.
- **Weight:** Moderate weight

Green Infrastructure and Open Space

The provision of new public open space, green corridors, or enhancements to existing green infrastructure/BNG contributes to health, well-being, and ecological connectivity, in line with NPPF and local, planning policy aims.

- **Benefit:** Contributions to open space, play areas, or green infrastructure/BNG; with the addition of an active travel link being secure to Wick Road.
- **Weight:** Moderate weight.

Identified Harms

Conflict with Spatial Strategy and Accessibility

The NPPF and policies CP1 & 2 of the adopted WCS promote a plan led spatial strategy focussed on existing sustainable settlements, facilities and services. Further to this CP60 and CP61 seek to ensure travel by means other than the private car and this requires accessibility to services and facilities through other means. Whilst Wiltshire Council cannot currently demonstrate a five-year supply of deliverable housing land, this does not render development plan policies relating to the principle of development irrelevant; such policies remain capable of attracting significant weight where they align with the National Planning Policy Framework in directing growth to the most sustainable locations. This is the case here.

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

Neutral Impacts

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

- Highways safety impact, ecological impact, visual impact, flood risk and drainage

PLANNING BALANCE AND CONCLUSION

The proposals have conflict with the development plan when assessed against the principle of the development and the aims of trying to reduce the reliance on private vehicular use in Wiltshire through the appropriate accessibility of development near to services and facilities by means other than the private vehicle.

However, this is tempered by the relationship of the site to the limits of development at Oaksey, which is identified as a Large Village in Wiltshire capable of accommodating some level of growth; and the proposals to secure an active travel link between the site and Oaksey village which would provide some local benefit beyond mitigating for the impact of the development itself.

It is considered that residual harm from the development would remain though and this weighs against the grant of planning permission for the development.

The NPPF does not specify how much weight should be afforded to policies that are ‘out-of-date’ due to a lack of five-year supply of housing. As such it is a matter for the decision-maker to judge the particular circumstances of each case, and how much weight should be given to out-of-date policies related to the delivery of housing.

In terms of considering how much weight to apply the housing policies of the WCS, the extent of the lack of five-year housing supply is considered. The higher the shortfall, the greater the need for additional unplanned housing sites to meet this need.

The Council must consider and determine the application against NPPF paragraph 11d, where there is a presumption in favour of supporting new housing and only refuse such applications where the adverse impacts of allowing the development “*would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole*”.

The proposals would result in some notable benefits here. They would provide for 12 additional dwellings in an area with housing need. This would have positive economic and social consequences through employment during the construction phase, support to the existing village facilities including the primary school, community infrastructure and council tax payments and the provision of a planning obligations such as off-site contributions to affordable housing provision.

Additionally, it is considered that the proposals would make an effective use of land that already has the benefit of planning permission of 12 holiday lets. Such units may not be commercially viable, but this planning history and that the permission remains extant means that the land is being held in abeyance until some form of resolution is found. This proposal would allow the matter to be finalised and biodiversity net gain and reasonable land management occur that can secure a well-designed place for the lifetime of the development.

On balance, it is considered that the adverse impacts of granting planning permission, in the particular circumstances of this case, would not demonstrably outweigh the range of benefits. The location of the development is not the antithesis of accessibility and not the most unsustainable location. The harms are limited to the principle and the accessibility of the site to services and facilities. Allowing growth on a site that has extant planning permission would in the circumstances make an effective use of the land, secure a well-designed place and provide off-site contributions to affordable housing delivery. This would support this local rural community and so when considered against the NPPF as a whole provide for a sustainable development.

RECOMMENDATION:

That Planning Permission be GRANTED subject to delegation to the Head of Development Management for the completion of a Section 106 legal agreement covering the following heads of terms and the following conditions:

Draft Heads of Terms:

- Affordable housing contribution of £347,734.55
- Public Open Space contribution of £25,106.40 (off-site contribution)
- Equipped play contribution of £10,368.40 (off-site contribution)
- Sports Pitches contribution of £3,312.00 (target site to be identified)
- Waste and recycling contribution of £1380.00
- Strategic Access Management and Monitoring (SAMM) contributions (£3,981)
- Biodiversity Net Gain Monitoring Contribution for on-site (£11,156.00)
- Securing the existing active travel link to Wick Road in perpetuity
- S106 monitoring fee, at 1% of the total sum of contributions
- The provision and maintenance of communal open spaces, parking, driveway, amenity areas and planting by means of the management company, including footpath.

Conditions:

1.

Implementation period:

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.

2.

Approved plans:

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

1630-120 – Location Plan – Phase 4;
1630-106 Rev C – Phase 4 Site Layout;
1630-010 Rev A – Floor Plans and Elevations – Plots 1-4;
1630-011 Rev A – Floor Plans and Elevations – Plots 5-7;
1630-012 Rev A – Floor Plans and Elevations – Plots 8-10;
1630-013 Rev A – Floor Plans and Elevations – Plots 11-12;
C887/1 Rev A – Swept Path Analysis effuse Collection Vehicle;

3192 Rev 01 - Biodiversity Net Gain Assessment dated 12 February 2025

3192 Rev 01 – Preliminary Ecological Appraisal dated 20 December 2024

The Statutory Biodiversity Metric dated 12 February 2025

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

3.

External materials:

No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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: In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4.

Hard and soft landscaping submitted

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:

- location and current canopy spread of all existing trees and hedgerows on the land;
- 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;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

5.

Landscape and Ecology Management Plan (LEMP):

Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

6.

Wildlife Mitigation and Enhancement Scheme:

No development or removal of trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. This shall include details of habitat features that will contribute to the functionality of the site for the wildlife present in the area. This should include a plan showing the location(s) and type(s) of feature(s) to enhance the site for bats, nesting birds, reptiles, amphibians, invertebrates and hedgehog. The approved details shall be implemented before occupation of the final works.

REASON: To provide enhancement for biodiversity in line with CP50 and NPPF.

7.

Habitat Management and Monitoring Plan (HMMP):

No development shall commence on site until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan and including:

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;
4. the management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation; and corresponding post intervention Habitat Map) which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period, has been submitted to, and approved in writing by, the local planning authority.

The development shall not be first occupied until the habitat creation and enhancement works set out in the approved HMMP have been implemented.

The created and/or enhanced habitat shall be managed and maintained in accordance with the statutory HMMP at all times thereafter.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

8.

Construction Environmental Management Plan (CEMP):

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds, reptiles and amphibians.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

9.

External lighting

Prior to commencement of development, a lighting plan that includes a Lux Plot, shall be submitted to the LPA for approval. The plan will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 0.5 lux.

All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out 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.

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

10.

Surface water drainage

No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

11.

Foul water details

No development shall commence on site until details of the works for the disposal of sewerage including as appropriate the point of connection to the existing systems that have demonstrable capacity have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: In the interests of protecting the environment.

12.

Construction Method Statement:

No development shall commence on site until a Construction Method Statement, which shall include the following:

- a) the access and parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; and
- i) hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

13.

Cycle storage:

No development shall commence on site until details of secure covered cycle parking facilities for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy (or any replacement strategy). These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the associated dwelling hereby permitted and shall always be retained available for use thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

14.

Electric Vehicle Charging:

Prior to development above slab level final details of the electric vehicle charging points (including their location, number and manufacturer's details) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development contributes to the delivery of sustainable development and net zero by 2050.

15.

Sustainable construction:

Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages, including details of energy efficiency, low-carbon technologies and integrated renewable energy generation benchmarked against the relevant Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the development contributes to the delivery of sustainable development and net zero by 2050.

16.

Wick Road access:

Before any of the units are first occupied the access to Wick Road shall be permanently closed to motor vehicles in accordance with a scheme which shall first be submitted to and approved in writing by the local planning authority.

REASON: In the interest of highway safety.

17.

Soft Landscaping implemented

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 buildings 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 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 and the protection of existing important landscape features.

18.

Site access:

The development hereby permitted shall be served solely from the vehicular access (onto The Street) and the footpath access (onto Wick Road) as shown on the hereby approved drawings. No vehicular access shall be gained to or from Wick Road for construction vehicles or any other purpose, except in an emergency.

REASON: In the interests of highway safety.

19.

Visibility Splay:

Visibility splays of 2.4 metres x 90 metres at the junction of the site access road and The Street shall be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

20.

Water Efficiency:

The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently.

21.

Remove PD rights for means of enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans or as approved under a relevant discharge of condition application, shall be erected or placed anywhere on the application site.

REASON: In the interest of visual amenity.

22.

Remove PD rights for extensions and alterations:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

INFORMATIVES:

23.

Reference to Section 106 Agreements:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXXX.

24.

Alterations To Approved Plans Informative:

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.

25.

Materials Samples Informative:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

26.

Protected Species Informative

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.

27.

Artificial Lighting Informative

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out 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.

28.

Surface Water Drainage Informative

The applicant is advised to ensure that their final surface water drainage strategy has been informed by the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards; and soakaway testing in accordance with BRE 365. Furthermore, the strategy shall include details of the implementation, maintenance and management of the sustainable drainage scheme.

29.

Foul Water Drainage Informative

The applicant is advised to ensure that their final foul water drainage strategy takes into account relevant advice from the Environment Agency and seeks all necessary associated consents. If the strategy is to include utilisation of any existing private sewerage treatment plant as a means of disposal then a point of connection shall be set out in the strategy and it shall be demonstrated that the system and associated infiltration has capacity for additional flows.

30.

Wick Road path connection:

The applicant is advised that the path between the proposed development and Wick Road should remain private and not be put forward to be dedicated as a Public Right of Way.