



The Town and Country Planning Act 1990 The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Refusal of Permission in Principle

Application Reference Number: PL/2025/09044

Decision Date: 22/01/2026

Applicant:	Mr & Mrs R & N McCormack 10 The Meadows, Hook, Swindon, SN4 8EJ
Particulars of Development:	Erection of 1No new dwelling in lieu of existing stables and welfare facilities
At:	Woodside End Stables, Greenhill, Royal Wootton Bassett, Swindon, SN4 8EH

In pursuance of their powers under the above Act, the Council hereby REFUSE Permission in Principle for the development referred to in the above application and plan submitted by you, for the following reason(s):

Refusal Reason

- 1 The site is located outside recognised Limits of Development where the development of new housing is strictly controlled and would be contrary to the Spatial Vision for the sustainable development of Wiltshire as set out in Core Policy 1, Core Policy 2 and Core Policy 19 of the Wiltshire Core Strategy and Paragraphs 2, 7, 8, 9, 15, 48 and 83 of the NPPF (2024). The significant adverse impacts associated with the breach in planning policy would significantly and demonstrably outweigh the limited benefits that would arise.

Refusal Reason

- 2 Due to the distance to local services, facilities and amenities, occupants of a dwelling on the plot would likely be heavily reliant on the use of private motor transport for the majority of day to day activities, contrary to the principles of sustainable development and the aims of reducing the need to travel, contrary to Wiltshire Core Strategy Core Policy 60 and Core Policy 61 and paragraphs 109 and 110 of the NPPF (2024).

Nic Thomas - Director of Planning, Economy and Regeneration

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: <http://www.planningportal.gov.uk/planning/appeals>.

Appeals must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09044
APPLICATION TYPE:	Permission in Principle
SITE ADDRESS:	Woodside End Stables, Greenhill, Royal Wootton Bassett, Swindon, SN4 8EH
DEVELOPMENT DESCRIPTION:	Erection of 1No new dwelling in lieu of existing stables and welfare facilities
RECOMMENDATION:	Refuse

SITE DESCRIPTION/CONTEXT

The application site relates to a plot of land which lies beyond the end of an undesignated highway known as Greenhill and which is mainly single track for much of its length. There are sporadic dwellings along the track with the final termination at a farm to the north of the site and with which this site shares its access.

The site comprises modest stable facilities and an outbuilding with hard surfacing directly adjacent to the stables. There is gated access into the farmland and a further gate on the eastern side of the farm access track which leads into the application site.

Lying outside and distant from any defined settlement, the site lies within the open countryside for the purposes of planning legislation. There are no heritage assets within the vicinity of the site, but it does fall within the outer zone of influence for the North Meadows Special Area of Conservation.

PROPOSAL

The application seeks approval for Stage 1 “permission in principle” for the erection 1 (one) dwelling on the site. It is noted that one dwelling is the minimum and maximum number of dwellings proposed.

The submitted details are limited to a site plan indicating that access would be from the private access track adjacent to the west of the site, which in turn leads onto the unclassified highway to the south.

PLANNING HISTORY

Proposal / Summary
N/06/00971/CLE - Use of Caravan as Residence. Refused. Dismissed at Appeal, 20 June 2007

It is noted that there is significant planning history on an adjacent site to the south of this application site, which will be discussed in a later section of this report

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Statutory Legislation:

National Planning Policy:

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

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains 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:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 19 Spatial Strategy: Royal Wootton Bassett & Cricklade Community Area
- Core Policy 45 Meeting Wiltshire's Housing Needs;
- Core Policy 48 Supporting Rural Life
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 64 Demand Management

Draft Wiltshire Local Plan Policies

The emerging local plan is at Draft Stage and in this instance, holds limited weight at the time of writing

Neighbourhood Plan:

Lydiard Millicent Neighbourhood Plan. Made May 2021

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

ISSUES

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

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)
- Whether there will be any land contamination / air quality issues (CP 55)
- What planning obligations are required to make the development acceptable in planning terms?

CONSULTATION RESPONSES

It was noted that the eastern side boundary of the site is where the common Parish Boundary of Lydiard Millicent and Purton lie. Whilst the majority of the site lies within the Parish of Lydiard Millicent, the adjoining Parish of Purton were also consulted as the boundary is shown crossing the rear of the outbuilding.

Lydiard Millicent Parish Council: Object. Outside settlement boundary and contravenes the LM Neighbourhood Plan

Purton Parish Council: No Objection, but raised concern of increase volume of traffic

WC Highways: No Objection

WC Rights of Way: No Objection, subject to Informatives regarding rights and responsibilities of using the PROW.

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- A site notice displayed near the site

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this

application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

- Site is beyond farm gate and on a private, unmade road
- Incorrect comparisons to adjacent site to south
- This is not infill development
- Encroachment into open countryside
- Planning policies and decision should avoid isolated homes in the countryside

ASSESSMENT

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 made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of Development

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in:

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises:

- Sustainable patterns of growth, reducing the need to travel and supporting local services.
- Development should be plan-led, aligning with the settlement strategy and supported by infrastructure.
- Windfall development (not allocated in plans) must still comply with the principles of sustainable development.

- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Together, CP1 and CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

The Wiltshire Housing Land Supply Statement (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.

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

The absence of a five-year housing land supply is a material consideration in the determination of this application. In accordance with Paragraphs 78 and 11(d) of the National Planning Policy Framework (NPPF), for applications involving the provision of housing, where there is a shortfall in the supply of deliverable housing sites, the most important policies for determining the application should be considered out of date. The current housing land supply shortfall is a factor that must be considered in the planning balance and in this case, as a five-year housing land supply cannot be demonstrated, the weight that can be applied to the most important policies for determining this application should be assessed and altered in the light of the shortage in housing land supply. The proposal must be assessed against the national policy context of the need to boost housing supply and the benefits of delivering new homes whilst having particular regard to the key policies set out in paragraph 11(d)(ii) and Footnote 9 of the NPPF.

Paragraph 11 (d) of the NPPF sets out that plans and decisions should apply the presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to 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.*

The application site lies outside and distance from any designed settlement as defined within the WCS. The strategic policies CP1 and CP2 identify the settlements where sustainable development should take place and given the location of the application site and the nature of the proposal, no exception policies set out under paragraph 4.25 of the WCS would be met in this instance.

Whilst CP48 does broadly support the conversion and re-use of rural buildings, this particular application proposes a replacement and is therefore not considered to meet the criterion of that policy.

The applicant acknowledges that the proposal does not satisfy any of the “exception policies” in listed in paragraph 4.25 of the WCS but places reliance on CP48, which it is stated, can be evidenced on the adjacent site to the south at Brockhurst Stables and which is considered to have similar circumstances. It is also opined by the applicant that this “forces the conclusion that there is a very reasonable prospect of delivering residential accommodation on this site as relevant fallback”.

However, the extensive planning history of that adjacent site demonstrates that despite having a similar starting point comprising of stables and outbuildings, had the benefit of a Lawful Development Certificate for the use of the one the buildings as a dwelling (18/02724/CLE) with subsequent applications for replacements meeting the criterion of CP48.

In this instance, on the site known as Woodside, there is evidence of a similar application for a Lawful Development Certificate for the use of a caravan as a residence (N/06/00971), which was refused by the Local Planning Authority. Furthermore, the applicant for this current submission clearly states that the outbuilding is for “welfare” facilities.

As such, there is a very clear difference between the two sites, with Woodside not benefitting from any form of residential dwelling or unit on the site and subsequently no fallback position in terms of assessment through CP48.

Saved Policy H4 of the North Wiltshire Local Plan states that new dwellings in the countryside, outside of settlement boundaries will be permitted provided that they are either in connection with the essential needs of agriculture or forestry or it is a replacement for an existing dwelling. As there is no fallback position of a dwelling on the site and the proposal is for an open market dwelling, the proposal fails to accord with the criterion of this policy.

Therefore, owing to the location of the site, the breach in the aims of the development plan is not considered slight and would be so severe as to render that harm in respect of this conflict of great weight as a material consideration. The site is in a highly unsustainable location lacking reasonable access to many service facilities. The occupants of any dwelling in such a location would likely be entirely reliant on private transportation for daily living.

Paragraph 83 of the Framework states that housing “*should be located where it will enhance or maintain the vitality of local communities*”. This site would not do so, being distant from any settlements, and approving housing away from the settlements, as a matter of principle, is harmful to the viability of local services and facilities, which are reliant on a critical mass of

local residents to survive and indeed thrive. In this way, the lack of sustainability of sites such as this one is not only unsustainable environmentally but also socially and economically.

The Applicant makes no claim, either, that the application is supported by any of the exceptions set out at Paragraph 84 of the Framework. In the absence of any support for this type of location in national policy, material considerations weighing in favour of development are limited to the provision of additional housing, the economic benefits of construction and CIL payments. In reality, the additional single unit would do little to tackle the acknowledged undersupply of housing, and while the benefits in terms of increasing supply might justify a pragmatic approach in a marginal case where the location is significantly more sustainable, the total unsuitability of the location for housing continues to weigh heavily against approval taking into account the modest benefits identified.

It is therefore considered that the harm of permitting this form of development in principle would significantly and demonstrably outweigh the benefits and this application for permission in principle should be refused due to the unsuitability and unsustainability of the proposed land use in this location.

Design and Impact on the Character and Appearance of the Area

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Section 12 of the NPPF emphasises design that is:

- Visually attractive.
- Functionally effective.
- Contributes to the quality of the built environment.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

Building for a Healthy Life Framework promotes healthy, inclusive, and sustainable places. The document encourages:

- Walkability.
- Access to green space.
- Active design principles for well-being.

Details pertaining to the form and scale of the proposed building would be confined and considered by the LPA at any subsequent Technical Details States.

Notwithstanding that position, it is considered that structures such as agricultural buildings and equine facilities are considered reasonably typical and not especially out of place in the rural countryside. The facility known as Woodside is firmly viewed within this context of farm

buildings, farmland and surrounding agricultural land. This is further reinforced by the location of the site, set beyond the gates of the track leading to the farm to the north, beyond any adopted highway and with the access also comprising part of a public right of way. Albeit there is a loose ribbon of development along Greenhill and within the vicinity of the site, there is a clear change of character upon reaching the farm gates. The addition of a further, residential dwelling together with the inevitable domestic paraphernalia that accompanies such sites, is considered to unnecessarily extend the built form into the rural countryside adding to the coalescence of the built environment and encroachment into the countryside.

The overarching policy CP2 states that at Small Villages, development will be limited to infill within the existing built area and where it meets housing needs of settlements and it is not considered that any further WCS Policies permit infill development in countryside locations. Whilst it is acknowledged that there is a ribbon of development along Greenhill, this is neither a small village nor could be considered a cluster of associated dwellings. Albeit there is a two storey dwelling to the south of the site, the development of this site would not constitute infill and would result in the encroachment of new residential development further into the open countryside.

CP51 of the WCS states that development should protect, conserve, and where possible enhance landscape character and must not have a harmful impact upon landscape character. As such, albeit there are no given details of the proposed property, there is significant doubt as to the proposals capabilities of providing a positive contribution to or be sympathetic to the character and appearance of the area.

Amenity

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

These policies guide the assessment of amenity impacts, which will be considered in detail under the below headings.

By virtue of the proposed plot sizes and the distance from the neighbouring properties, it is considered that the site is reasonably capable of accommodating the proposed development in a manner that can safeguard the residential amenities of other properties in the area, provided details submitted at technical details stage are considered acceptable.

Highways Impacts and Parking

Transport implications are a key factor in assessing planning applications, especially for larger developments. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.

- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Proposals must also ensure safe access for refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

Where necessary, Transport Assessments or Statements should be submitted to evaluate impacts and identify mitigation. Planning conditions or legal agreements may be used to secure off-site improvements, travel plans, or contributions to sustainable transport infrastructure.

The Council's Highway Engineer has raised concerns in relation to the sustainability of the site for residential development due to the likely reliance upon the private car for potential future occupants or visitors. It is acknowledged that opportunities to maximise sustainable transport solutions will vary between urban and rural locations, but in the absence of any alternative travel options other than private transport in this location future occupiers would be highly reliant on private car transport for access to many services and facilities.

Therefore, any potential future development is considered to result in a level of harm to the settlement strategy in the development and considered contrary to CP1, 2, 19, 60 and 61 and Section 9 of the Framework, which aims to reduce the need to travel by private car and encourage the use of sustainable transport alternatives.

Whilst the site would utilise part of the public right of way, it is considered possible that, subject to the applicant ensuring that they have a private right of vehicular access both over the footpath and common land leading into the site. The Council's Public Right of Way Officer has not raised any objection subject to relevant informatives to this effect being appended to any Decision Notice.

Further advice has been given in relation to vehicle parking, garaging, cycles storage and EV charging points. However, such points are considered to be a matter for the Technical Details Stage and would not be a reason for refusal on this matter of the principle in this instance.

Ecology and Biodiversity

Impact on North Meadow and Clattinger Farm SAC

North Meadow is an exceptional example of a lowland meadow with world class populations of snakeshead fritillary flowers and is open to the public throughout the year. Visitor pressure is impacting the meadow, and it is likely additional residential dwellings/overnight accommodation will lead to the site losing its special interest. Wiltshire Council and neighbouring authorities have therefore prepared a joint Interim Recreation Mitigation Strategy.

The site is within the inner zone of influence of the North Meadow and Clattinger Farm Special Area of Conservation, and the applicant has confirmed that their agreement under S111 of the Local Government Act 1972. As such it is considered to be concluded that the protected site could be adequately safeguarded if the Local Planning Authority were minded to approve the proposal.

However, given earlier conclusions of the unsuitability of the site for additional residential development and the conflict with the overarching policies of the WCS, it was not considered necessary to progress this matter in further detail.

PLANNING BALANCE AND CONCLUSION

The proposal has been assessed in accordance with Paragraph 11(d) of the NPPF, which sets out the presumption in favour of sustainable development. Sub paragraph 11(d)(ii) is engaged in this case. The application site is subject to policies within the NPPF that protect areas or assets of particular importance, and clear reasons for refusal have been identified based on these considerations. While the overarching aim of the NPPF is to significantly boost the supply of homes, this must be balanced against the need to ensure development occurs in sustainable locations and respects the character and constraints of the area.

The proposal would deliver only a very modest level of public benefit through the provision of one new dwelling, contributing to the acknowledged shortfall in housing supply. In addition, some economic benefits would arise during the construction phase and through the subsequent occupation of the dwelling, including potential support for local services and businesses. However, these benefits are considered very limited in scale and do not outweigh the significant harm identified. The development does not provide wider social or environmental enhancements that would contribute meaningfully to the NPPF's sustainability objectives.

The development of this site with residential use in the open countryside would be in direct conflict with Core Policies 48, 51 and 57 (of the WCS) and Saved Policy H4 of the North Wiltshire Local Plan and would result in further encroachment into the rural countryside. The site is not allocated for development at a neighbourhood level, nor in a settlement boundary, as such is also contrary to Core Policies CP1 and CP2 of the WCS and the principles and objectives of the Framework.

RECOMMENDATION:

That Planning Permission be **REFUSED**.

1. The site is located outside recognised Limits of Development where the development of new housing is strictly controlled and would be contrary to the Spatial Vision for the sustainable development of Wiltshire as set out in Core Policy 1, Core Policy 2 and Core Policy 19 of the Wiltshire Core Strategy and Paragraphs 2, 7, 8, 9, 15, 48 and 83 of the NPPF (2024). The significant adverse impacts associated with the breach in planning policy would significantly and demonstrably outweigh the limited benefits that would arise.

- 2 Due to the distance to local services, facilities and amenities, occupants of a dwelling on the plot would likely be heavily reliant on the use of private motor transport for the majority of day to day activities, contrary to the principles of sustainable development and the aims of reducing the need to travel, contrary to Wiltshire Core Strategy Core Policy 60 and Core Policy 61 and paragraphs 109 and 110 of the NPPF (2024)

12th November 2025

Our Ref: SWLC.LPC6238

Development Services – North
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Dear Sir/Madam

Town and Country Planning Act 1990
Re: Permission in Principle for the erection of 1 No new dwelling
in lieu of the existing stables and welfare facilities at
Woodside End Stables, Greenhill, Wiltshire, SN4 8EH

Please find enclosed a duly completed Permission in Principle (PiP) application for the erection of a single new dwelling at Woodside End Stables, Greenhill, Wiltshire, SN4 8EH. The site in question is shown below, and the proposed new dwelling will replace the existing stables and associated storage structures, as well as the separate welfare premises.



The application approach is defined in the National Planning Practice Guidance (PPG), as below;

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage

LPC (TRULL) LTD
TRULL, TETBURY
GLOS, GL8 8SQ
Tel: 01285 841433
www.lpctrull.com

(or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

This establishes that the application is a two-stage process, with the first stage solely intended to establish whether the site is suitable in principle and the second stage then considering the detailed development proposals and potential impacts. The Government's guidance sets out that the scope of the first stage of permission in principle is limited to location, land use and the amount of development.

It is the purpose of this Planning Statement to focus on the principle of development at this location only. Any further details in respect of the intended dwelling and its acceptable assimilation will be submitted at the technical details stage. I will of course provide an overview of the planning policy context and an assessment of the key material planning considerations, demonstrating the proposal's acceptability.

BACKGROUND CONSIDERATIONS

The application site's planning history highlights that the current equestrian use is both an established, and in part, potentially tolerated position. The yard is a brownfield site used for commercial and private purposes. It comprises a T shaped stable building range, with fodder, bedding and tack storage space. The majority of the stable range is constructed from concrete blocks with timber framing to the front. The rest of the structure is more fully constructed as a timber framed range.

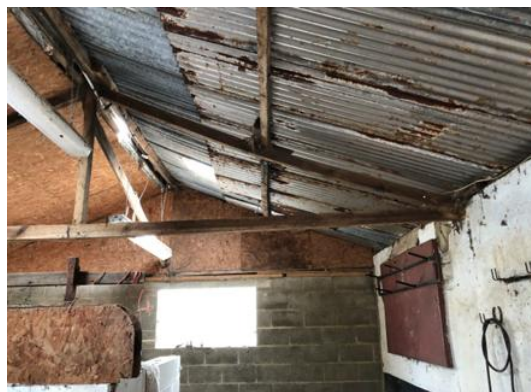
Behind the stable building there are two separate storage structures. Finally, to the western side of the site is a welfare structure providing shelter and kitchen/toilet facilities. This structure is understood to comprise an old mobile home that has been clad with timber boarding. Pictures of all the structures on site are inserted below.





It is important to compare the buildings on site with those on the neighbouring site, historically known as Brockhurst Farm Stables.

By application reference PL/2021/07191 planning permission was granted for the conversion of the former stable buildings thereat, to create 1 No new dwelling. As the pictures below shown the buildings in question were a mix of concrete blockwork and more rudimentary infill sections.





The above approval was never enacted as planning permission was subsequently granted by application reference PL/2022/08003 for the erection of a large new 'replacement' dwelling in lieu of an adjacent sanctioned replacement dwelling and the above residential conversion. The conversion established the increased physical spread as a fallback argument.

These considerations are believed to be material to the assessment of the enclosed application. There are no reasons to suggest that the residential conversion of the existing stable building would not be supported on the same basis and comparable application of planning policy. The sites are direct neighbours, and the second photograph on the previous page includes the newly built dwelling in the background.

As the case officer's delegated report noted, regarding the approved conversion; *'... any additional structural intervention for the overall stability of the outbuilding and the works proposed are mostly internal including fitting of insulation and alterations to existing external materials'*.

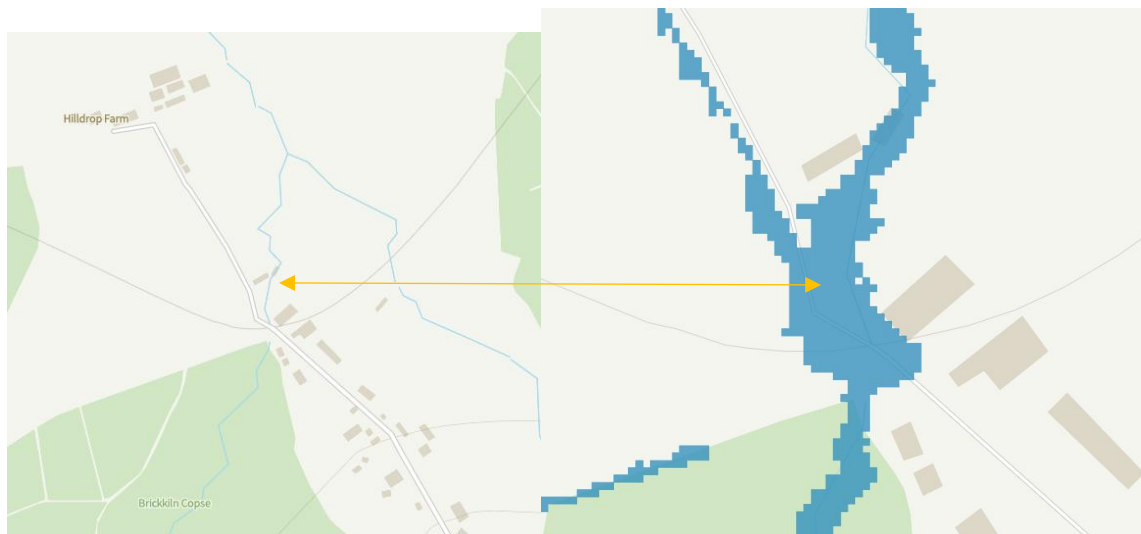
It was also noted in any event that policy CP48(i) of the Wiltshire Core Strategy (WCS) *'allows extensions and alterations that would preserve the character of the existing building, the replacement of existing dilapidated external material and the removal of the unfavourable roof and existing lean-to rear extension is considered to enhance the existing character of the building and subsequently the immediate setting/landscape.'*

No objection was received from your Council's Highways Officer with regard to access or highway safety in general. Although comparatively remote from local services it was also concluded that this is not a practical location for alternative uses, sequentially preferred by CP48.

Over and above the comparable benchmarking between the adjacent sites, supporting the reasonable assumption that an application as a matter of consistency, for a subsequent policy compliant conversion would be likely to be approved, it is also noteworthy that other residential development has been recently sanctioned on Greenhill at The Claypits, involving the stationing of caravans for residential purpose (LPA Ref PL/2023/04820).

The officer's delegated report in that regard opined that, *'although occupiers would be car dependent, that is to an extent an inevitability with countryside locations'*. Indeed, he went on to state that, *'it would be difficult to sustain an objection on appeal that the site is genuinely so remote and unreasonably far from facilities and services that it would be considered 'away from existing settlements'*.

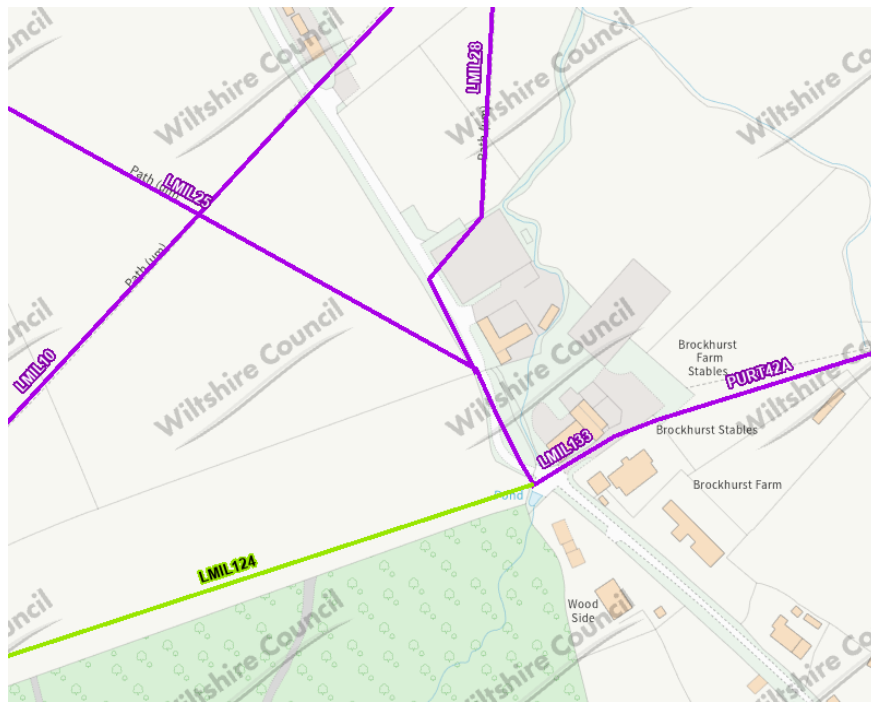
The area's flood mapping, to the left below, shows that the application site lies in Flood Zone 1. There is however an open drainage ditch that runs along the south eastern side of the enclosed yard. In this regard the right hand side extract shows there is evidence of surface water drainage along the access road and reflective of the drainage ditch routing.



The application site is nearly completely laid to hard surfacing so the technical detailed stage provides an opportunity to improve the site's porosity and design a suitable sustainable drainage strategy that also demonstrates that a suitable residential environment will be created, adopting flood resistant measures if considered necessary. The horse schooling arena shown below will also no longer be needed and its compacted surfacing can be removed to improve both porosity and biodiversity.



With regard to the background considerations, believed to be material to the planning balance I shall review in due course, the footpath plan extract inserted below highlights the confluence of several paths in close proximity. Vehicular access to the application site is shared with Hildrop Farm to the north, where the road, shared with the footpath shown below (LMIL28) becomes private, past Brockhurst Farm.



Finally, the site 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. Within this area, there is evidence that housing development contributes to the deterioration of the SAC. A Recreational Mitigation Strategy (RMS) has been agreed upon with Natural England, involving contributions secured under Section 111 of the Town and Country Planning Act, 1990 (as amended). The applicant will enter into such an agreement for this application, and as such, the Council will be able to conclude that the protected site will be adequately safeguarded, in accord with Wiltshire Core Strategy Core Policy 50 and the legal duties under the Habitat Regulations 2017.

THE PROPOSAL

Permission in Principle is sought for the erection of 1No new dwelling, redeveloping the existing equestrian yard and replacing the various stables, storage facilities and welfare premises rather than explore their conversion as a staged approach. The existing concrete hardsurfacing will be removed too.

The site as a whole measures approximately 1200m² in area and will utilise the existing access, and return the associated equestrian land to farm land. All potential

comings and goings associated with the site's unrestricted equestrian use will be removed.

The site's established planted boundaries will be retained and augmented as part of the second stage technical details submission.

PLANNING POLICY CONTEXT

National Planning Policy

The NPPF (December 2024), and associated PPG, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions. The policies within the following chapters of the NPPF are relevant to the assessment of the proposed development:-

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment

The Local Development Plan

The NPPF highlights that planning law (section 70 [2] of the Town and Country Planning Act 1990 and section 38 [6] of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The associated PPG confirms that the same applies to an application seeking permission in principle; "A decision on whether to grant permission in principle to a site following a valid application ... must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise" (Paragraph: 011 Reference ID: 58-011-20180615).

At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (Adopted June 2006), and Lydiard Millicent Neighbourhood Development Plan (LMNDP) (2021). In that regard the following policies are believed to be relevant to the enclosed application.

Wiltshire Core Strategy (2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3 Infrastructure Requirements

Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area

Core Policy 41 Sustainable Construction and Low-Carbon Energy

Core Policy 45 Meeting Wiltshire's Housing Needs;

Core Policy 44: Rural Exceptions Site

Core Policy 48: Supporting Rural Life

Core Policy 50: Biodiversity and Geo Diversity

Core Policy 51 Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Core Policy 64: Demand Management

Core Policy 67: Flood Risk

Core Policy 67 Flood Risk;

Core Policy 68 Water Resources.

Saved Policies North Wiltshire Local Plan 2011 (2006)

H4 Residential Development in the Open Countryside

Lydiard Millicent Neighbourhood Development Plan (LMNDP) (2021)

• Policy LM3 – Local Gap

PLANNING ASSESSMENT

As set out in paragraph 012 of the PPG, the matters to be considered when determining permission in principle applications are limited to location, land use and the amount of development. This application relates to the construction of 1No dwelling on a parcel of previously developed equestrian land located outside the defined settlement boundary of a recognised settlement, although it should be stressed that the new residential development at The Claypits acknowledged that the site is reasonably located for access to services and facilities.

In terms of assessing this PiP proposal against the adopted WCS and the spatial strategies, namely: CP1, CP2 and CP19 (the spatial strategy for Royal Wootton Bassett and Cricklade), under which the development falls, the site is located in the countryside.

Policy CP2 of the adopted WCS indicates that other than in "circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map".

This proposal does not therefore satisfy any of the 'exception policies' listed in paragraph 4.25, although as part of the planning balance to be relied on it is material to note that the application of Core Policy 48, as evidenced on the immediately adjacent site in similar circumstances, forces the conclusion that there is a very reasonable prospect of delivering residential accommodation on this site as relevant fallback.

Previously Developed Land is defined (WSC Page 323) as Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes, where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation ground and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape on the process of time. The application site is previously developed land.

The NPPF at section 11 promotes the effective use of land in meeting the needs for housing and at paragraph 125 gives substantial weight to the value of using suitable brownfield land, albeit ideally within settlements, but also promoting development of under-utilised land and buildings where that would help meet identified needs for housing.

Paragraph 72 to the NPPF is repeated below as it highlights the issue of housing need.

‘Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.’

Planning policies should identify a supply of:

- a) specific, deliverable sites for five years following the intended date of adoption; and
- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.

The NPPF confirms that the Council needs to provide a five year Housing Land Supply (HLS). As a result of recent changes to the way housing need is calculated, introduced by Government, the Council is unable to demonstrate a five-year supply of deliverable housing sites. Currently, the Council can only show a 2.42 year supply.

As a result of this housing land supply shortfall, NPPF paragraph 11 is engaged and local plan policies which seek to restrict the supply of housing whilst there is a supply deficit should be considered 'out-of-date' and full weight cannot be afforded to these policies. In this case that includes policies CP1,2 and 19.

As set out within the NPPF the presumption in favour of sustainable development (the 'tilted balance') set out in paragraph 11d)ii. is engaged whereby permission should be granted for new housing unless any adverse impacts of doing so would "significantly and demonstrably outweigh the benefits."

This assessment is well rehearsed throughout the Council area, and I would draw attention to a recent appeal approval for another PiP submission by application reference PL/2025/00998. The Inspector fully recognised the site's *locational shortcomings by direct reference to a similar policy conflict identified above and at paragraph 14 stated 'I find that the appeal site is **not optimally located** in terms of minimising the use of private car (sic) to reach Kington Langley and other nearby towns and larger settlements'* (my emphasis). In applying the planning balance though the modest contribution to the area's housing supply was assigned substantial weight. He also afforded *'modest favourable weight to the scheme's economic and environmental benefits along with a larger quantum of favourable weight to the utilisation of a brownfield site'* (paragraph 22).

Consequently, based on the same logic, the adverse impacts of the proposal associated with its location outside the development boundary and conflict with policies of the WCS, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which is a material consideration that weighs heavily in favour of allowing the enclosed development.

In terms of development in rural areas, and mindful that this is not an isolated site within the meaning determined by the Braintree case, the NPPF requires at paragraph 98 that planning policies and decisions recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. Taking a logical approach therefore where the Development Plan's housing policies are out of date these considerations can reasonably be applied to the application development as the local needs are irrefutable, and the potential coming and goings from the site's full livery and teaching etc would be less for a single household.

Windfall housing such as the application proposal make an important and budgeted contribution to the housing supply position. Moreover, *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly'* (NPPF paragraph 73)

In light of the very substantial housing supply deficit your Council has of course published a Briefing Note (No.24-20) which set out the implications of the NPPF and revisions to the standard methodology on its housing land supply position. It explains that due to the change to the standard methodology, which is used to calculate local housing need, the number of homes the Council must plan for on an annual basis has increased from 1,917 to 3,525 (the annual Local Housing Need figure), an increase of 84%. There is clearly a large scale issue to address that requires a positive approach to all housing developments.

The Briefing Note explains that “the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately”. When the revised Local Housing Need figure is considered against the Council’s Housing Land Supply figures which can be delivered within five years, it results in a 2.42 years supply. Your Council therefore confirms that the tilted balance should be applied to housing application and highlights that “the magnitude of the shortfall in supply is now substantial and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply”. This changes the weight to be given to applications for positive additions to the housing supply generally. The Council also advises within the Briefing Note that the application of the presumption in favour of sustainable development should be considered within the national aim of radically boosting the supply of housing.

In terms of the implications for plan-making, the Council confirms that because the housing requirement in the emerging Local Plan will meet less than 80% of the revised Local Housing Need, the Council will be expected to begin work on a new Local Plan promptly. However, when the new Local Plan is adopted, the five year Housing Land Supply position will be determined based on the previous Local Housing Need calculation, albeit the updated NPPF requires a 20% buffer to be added, which in essence will require a six-year Housing Land Supply position to be demonstrated.

The Director of Planning clearly advises within the above Briefing Note that “To meet this increased buffer, the council will need to continue to approve planning applications to ensure a sufficient housing land supply can continue to be met at, and beyond, this date”. This is obviously not an encouragement to support those that satisfy the Development Plan but to take a more positive approach to growth involving previously developed land and closely related to existing settlements for instance.

In these circumstances, NPPF paragraph 11d advises that policies which are most important for determining the application (which in this case would include Core Policies 1, 2 and 19) should not be considered up to date. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged, so permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to 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.

It is considered that there would be no adverse impacts associated with the approval of the PiP application that would significantly and demonstrably outweigh the benefits. In terms of the benefits, the proposed development would result in the provision of a new dwelling that would contribute towards the substantial deficit in the Council’s five-year housing land supply, which is a significant benefit. The development would also produce short term economic benefits to the construction

industry, and the development would also generate ongoing revenue for the Council from Council Tax etc.. There will also be further benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development reflecting the support for rural housing at paragraph 83 to the NPPF. The development would also deliver ecological benefits associated with the requirement to deliver 10% Biodiversity Net Gain that will be considered during the technical details stage. As a brownfield site the development reduces pressures on greenfield land and will also increase planting generally, removing the exercise arena.

In terms of the harms, the development is considered to comply with the spirit of WCS as it is accessible and not isolated, and prioritises a previously developed site, where the neighbouring recent redevelopment comparison forces the conclusion a consistency of approach would support the existing rural building's residential conversion, and is therefore in accordance with the NPPF. However, without prejudice, and should the Council disagree and identify conflict with the plan-led approach only very limited weight should be attributed to this factor within the overall planning balance because Core Policies 1, 2 and 19 are not only out of date but the scale of the housing deficit is very substantial. The site is well contained, and it will be demonstrated during the technical details stage that the development would not result in any site specific harms, or to the wider environment that cannot be adequately mitigated. As said earlier my client is willing to enter into the anticipated section 111 agreement.

This application is not for a 'major' development, and the site is not 'isolated'. In terms of the paragraphs that are relevant, in addition to those already noted, paragraph 110 outlines that the planning system should actively manage patterns of growth to ensure developments are acceptable. This paragraph is relevant, as it goes on to state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The development would result in the effective and efficient use of land in accordance with the objectives of paragraph 129 and can be designed to ensure it will function well and add to the overall quality of the area in accordance with paragraph 135.

The proposed development would contribute towards the Government's aim of significantly boosting the supply of homes in an accessible previously developed location and it is believed that when considering the overall tilted balance, which includes having regard to the key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places, there would be no adverse impacts that stem from the development that would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies in the NPPF.

The contribution made by the approval of minor developments throughout the Wiltshire Council area, towards addressing housing need, should not be underestimated and now has greater importance considering the Council's substantial housing land supply deficit and the Government's objective to radically boost the supply of housing, as identified by the Council within the aforementioned Briefing Note.

I trust the case outlined above and material considerations are clear however if you have any questions to ensure your support please do not hesitate to contact me direct.

Yours faithfully

Simon Chambers
Director

Enc.

Cc: Mr and Mrs McCormack



The Planning Inspectorate

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Your Ref: PL/2021/03749

Our Ref: APP/Y3940/W/24/3345598

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

21 January 2025

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Westbury LVA LLP

Site Address: Land at Glenmore Farm, The Ham / Hawkeridge Road, Westbury,
BA13 4HQ

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Cameron Alford

Cameron Alford

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Hearing held on 21 November 2024

Site visit made on 21 November 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/Y3940/W/24/3345598

Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Westbury LVA LLP against the decision of Wiltshire Council.
 - The application Ref is PL/2021/03749.
 - The development proposed is residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access.
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access at Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ in accordance with the terms of the application, Ref PL/2021/03749, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The appeal is for outline planning permission with access only. However, 3 parameters plans show the location for development, open space and building heights. These would be subject to a condition to adhere to in any future reserved matters. Additionally, an illustrative masterplan shows a potential layout, but this is for indicative purposes only.
3. A finalised Section 106 planning obligation agreement was discussed at the Hearing and 4 signed counterparts were submitted, dated 12 December 2024. Certified copies were received on 16 January 2025.
4. An agreed Statement of Common Ground was submitted before the Hearing, which set out that the Council no longer wished to defend the appeal due to a change in the housing land supply position.
5. An Ecology Briefing Note was submitted prior to the Hearing, which updated the ecology position given the surveys were over 2 years old. This included a site visit by a qualified ecologist, and I am satisfied that the ecological evidence is sufficient to determine the appeal.
6. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. The appellant and Council were provided with the opportunity

to comment. The Council confirmed that the effect of the revised Framework means that the Council can now only demonstrate 2.03 years supply of housing instead of the previously agreed 3.46 years. However, it maintained concerns over deliverability in 5 years. The appellant provided a reply in relation to deliverability concerns, which I have had regard to.

7. The Council has submitted the Wiltshire Local Plan for Examination. However, given no hearings have taken place yet, it is of limited weight.

Main Issue

8. This is whether the site is suitable for the proposed development, having regard to the Council's settlement strategy.

Reasons

Site and surroundings

9. The site lies to the north west of The Ham and west of Hawkeridge Road, situated to the north west of Westbury. It comprises agricultural fields associated with Glenmore Farm. The site is adjacent to existing residential development to the west and south, which forms the settlement edge of Westbury, with a trading estate located north.
10. The proposal is for a residential development of up to 145 dwellings. The parameters plans indicate that these would be located on the southern part of the site, leaving the northern part for amenity and open space, acting as buffers for both ecological and noise reasons.

Whether the site is suitable for the proposed development

11. Core Policy 1 of the Wiltshire Core Strategy (January 2015) (CS) sets out the spatial strategy for development in the area, identifying the settlements in a hierarchy where sustainable development will take place. Westbury is identified as a Market Town, meaning it can support sustainable patterns of living in Wiltshire through its current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town to help sustain, and where necessary, enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.
12. CS Core Policy 2 sets out the delivery strategy and requires that at least 42,000 additional homes are built in Wiltshire between 2006 and 2026. This is disaggregated into 3 Housing Market Areas (HMAs). Westbury is in the North and West HMA, with a requirement of 24,740 homes. The CS splits Wiltshire into several Community Areas, with Westbury Community Area, under Core Policy 32, being given its own minimum housing requirement.
13. CS Core Policy 2 sets out that development will not be permitted outside the development limits unless in circumstances permitted by other policies. The proposal does not meet any of the other circumstances and the proposal's location outside the development limits of Westbury is contrary to CS Core Policy 2 and interrelated to this, would conflict with Core Policies 1 and 32. Thus, there would be an in-principle policy harm owing to the conflict with the settlement strategy set out in CS Core Policies 1, 2 and 32.

Other Matters

Active and sustainable modes of travel

14. The site is located on the settlement edge of Westbury, and is sufficiently close to the services and facilities that this market town provides. The planning obligation would provide a commuted sum towards a night time bus service, and there are bus stops close to the site access. The bus stops would also be upgraded, with shelters and raised height pedestrian access kerbing [condition 18].
15. Additionally, there is an existing pedestrian footway along the front of the site, which, using best endeavours¹, would be widened. However, the existing footway would offer suitable walking links if the wider footpath could not be secured. A 3m wide cycle link would be provided through the site [condition 5], exiting at the northern corner and continuing up along the main road to provide access to the trading estate.
16. Cycling would be an option to commute to the town centre, railway station and other recommended cycle routes, given the terrain is mostly flat. Additionally, each dwelling would be fitted with an electrical vehicle charging point, along with a public charging point, which would be required via a condition [condition 15]. This means that future owners would be encouraged to own ultra low and zero emission vehicles, which represents a sustainable transport mode in the Framework. A Full Travel Plan would also be necessary to provide future residents with sustainable transport options [condition 17], which follows the principles of the Framework Travel Plan, which details measures to reduce car usage and increase sustainable transport modes.
17. Overall, the location of development is likely to result in future residents relying on a private car for some journeys. However, there are realistic means of accessing services and facilities using sustainable travel modes. Thus, the proposal would be in a suitable location.

Safe and suitable access

18. Despite the concerns raised by local residents, the evidence before me relating to the off site highway works would be an improvement to the existing situation. The speed limit would be decreased outside the site, which is provided for in the s106. Visibility splays would be appropriate, and suitable crossing facilities would be provided. Additionally, there is the cycle link proposed at the northern edge of the site and the closure of an existing unsafe access point. The works proposed have been subjected to stage 1 and 2 road safety audits and the Council confirmed that they would be acceptable. These off site works, visibility splays and access would be subjected to planning conditions [5, 12 and 19], or obligations in the s106.
19. An emergency access was not considered to be necessary by the Council's highways team, and the data presented is robust and accurate. I have no reason to doubt the evidence before me, and for these reasons, the proposal would provide safe and suitable access for future residents.

¹ In the planning obligation

Living conditions for future residents

20. Residents and the Parish Council raised concerns about the proposed footpath link to the small play area off Hawkeridge Park. Whilst layout is not proposed, pedestrian access from the site to this play area should be encouraged. This would enable suitable pedestrian links to existing and future development. It would also promote legibility and community cohesion.
21. Furthermore, despite claims that it is closed for winter months, I heard that it had not been closed for last winter or this winter, and I do not see this as a barrier to providing access through this play area and onto Hawkeridge Park. It would also provide access for existing residents through to the proposal, to access public open space, other play areas and the trading estate. Claims that the Parish Council would not grant access seems perverse when these future residents would be part of the community.
22. The indicative layout has been designed to ensure that living conditions for future residents would be suitable, in specific relation to noise from the nearby trading estate, nightclub and traffic. This is through embedded mitigation and a suitable layout. The Council's Public Protection team have not raised objections, subject to planning conditions, that would control internal and external noise levels. These would ensure that windows in habitable rooms could be opened and would not rely on mechanical ventilation. This would be necessary to ensure suitable future living conditions, and based on the evidence before me, this would be secured [conditions 13 and 14].
23. Claims of odour from a nearby resource recovery centre were raised. That site is subjected to a permit from the Environment Agency and odour is regulated through the agency. The site is further away from the source than existing dwellings, and although future residents may be subjected to unpleasant odours from time to time, this would not lead to unacceptable future living conditions.

Drainage

24. Foul water from the site would drain into the existing sewers. Surface water would be split into separate discharge points, prior to discharge into the water course, with an attenuation basin on site. The appellant detailed at the Hearing that this was subject to a riparian agreement, which involved no third party landowners. The Local Lead Flood Authority raised no objections, and I am satisfied that the site would not result in any increased flood risk, subject to conditions [conditions 10 and 11].

Biodiversity

25. The scheme has been designed with biodiversity and ecology as a driving priority. There are significant ecological buffers provided around the site, which would provide habitats and bat mitigation, along with enhancements and biodiversity net gain (BNG). Evidence of a district level licence for great crested newts was presented and the proposal, with its embedded mitigation, would have no adverse effect upon any other protected species, such that no other licenses would be necessary.
26. *Salisbury Plain Special Protection Area (SPA)* - The site lies within the 6.4km buffer zone of the SPA. The qualifying feature of the SPA is the stone curlew population, and likely significant effects (LSE) would arise from all residential

development within 6.4km of the SPA, due to increased recreational pressure from visitors. This would include the proposal.

27. The Council, as Competent Authority in the first instance, has a Habitats Regulations Assessment (HRA) for the CS and a HRA for the Wiltshire Housing Site Allocations Plan. Within this, the Appropriate Assessment (AA) looks to mitigate the LSE through annual stone curlew and visitor monitoring. The AA reached a conclusion that housing growth would not have an adverse effect on the integrity of the Salisbury Plain SPA, either alone or in-combination with other plans and projects, provided that the mitigation scheme continues to be implemented. This is secured by the Council through its Community Infrastructure Levy (CIL) and would include a receipt from this development.
28. Nonetheless, the proposal would be unplanned development, and could contribute to an effect not mitigated for by the Council's HRAs. However, given the scale of development in comparison to the size of the buffer zone, this effect would be minimal. Additionally, the scale of public open space on site would absorb a significant amount of everyday recreational activity by new residents. Therefore, I am satisfied that with the mitigation from the CIL payment, and the amount of onsite public open space, the scheme would not adversely affect the integrity of the Salisbury Plain SPA.
29. *Bath and Bradford on Avon Special Area of Conservation (SAC)* - The site lies within the zone of medium risk for the SAC. The qualifying features are 3 bats, Bechstein's bat (*Myotis bechsteinii*), Greater horseshoe bat (*Rhinolophus ferrumequinum*) and Lesser horseshoe bat (*Rhinolophus hipposideros*), with the conservation objectives being to ensure the integrity of the site is maintained or restored, to ensure favourable conservation status of the qualifying features. LSE effects would arise from increased recreational pressure at woodlands used by Bechstein's bat for breeding and loss or damage to bat habitats. Natural England also identified that in the Trowbridge area, there is a need to maintain the presence, structure and quality of any linear landscape features which function as flightlines. These should remain unlit, operating as dark corridors.
30. Additionally, the site is located between Round Wood (approx. 2km) and Pickett and Clanger Woods (approx. 1.5 km), both of which are easily accessible by public footpaths and road. These woods are publicly accessible and each support a colony of Bechstein's bats which together are believed to form a meta population of national importance.
31. The proposal would lead to LSE, both in terms of habitat loss on site and by recreational pressure placed upon nearby habitats and woodlands by new residents of the development. This would be an in-combination effect.
32. However, the open space parameters plan, illustrative masterplan and the ecology evidence details a significant buffer of more than 100m to the northern hedgerow, which would be maintained as high quality semi-natural greenspace, of value to the qualifying features. All core bat habitat would also be buffered from development by at least a 22.5m corridor of natural habitat. The central hedge would be retained, there would be significant native tree and scrub planting, an orchard, new hedgerows and other species specific mitigation. Additionally, an 'alternative space for recreation' would be proposed in the northern half of the site to encourage residents to walk and or exercise dogs on-site. Resident's packs are also to be provided.

33. Providing that these measures are subject to conditions, such as construction environmental management plan, a landscape and ecology management plan, and external lighting [conditions 7, 12 and 16], the proposed mitigation would ensure that the proposal would not adversely affect the integrity of the SAC through any habitat loss on site.
34. The Trowbridge Bat Mitigation Strategy (TBMS) outlines a strategy to mitigate increased recreational pressure on the bats. This applies to the site and seeks contributions to purchase, plant up and maintain an amount of habitat. This would mitigate the residual effects of increased recreational pressure from new residents upon nearby habitats and woodlands. The planning obligation commits to the payment of this sum per dwelling. Thus, with the mitigation proposed, the potential adverse effect would be avoided, and the integrity of the SAC would not be adversely affected.
35. *Picket and Clanger Woods Site of Special Scientific Interest (SSSI)* – Special interests of the SSSI are the floristically-rich ancient woodland, supporting an outstanding range of butterfly and moth species, and woodland birds such as nightingale. A range of small mammal species and common lizard have been recorded and as detailed above, it is known to support significant populations of Bechstein's bat.
36. The proposal would result in increased recreational impacts on the SSSI from new residents. The TBMS requirement would not mitigate the impacts on the wider SSSI, and the Council detail that parts of the SSSI are in an unfavourable and recovering status. Therefore, a bespoke recreational mitigation strategy would be necessary, that would contribute a monetary sum to assist with the management of increased recreational pressure. This is provided for in the planning obligation. With this mitigation, the special interests of the SSSI would not be adversely affected.

Planning obligation

37. In addition to those identified above, the planning obligation would also provide:
 - an early years contribution towards the funding of 17 pre-school places.
 - 40% affordable housing, split 60% affordable rent and 40% intermediate houses, with 10% adapted units.
 - Waste and recycling contribution towards the provision of containers.
 - Leisure contribution towards off site sports provision.
 - Monitoring fee
38. Based on the evidence before me, all the obligations would be necessary to make the development acceptable; directly related to the development; and fairly and reasonably related in scale and kind to the development. This would be compliant with the tests in the Framework and the CIL Regulations.
39. Additional infrastructure, such as contributions towards doctors' and dentists' surgeries was raised by interested parties. However, there is simply no evidence before me that seeking obligations would comply with the Framework and CIL tests, despite the various assertions about appointment wait times and overstretched services. Additionally, the Local Education Authority did not require any contributions towards secondary or primary education places, nor did the Highway's Authority necessitate any contribution towards strengthening the rail underbridge on Station Road.

Planning balance

40. The location of the proposal outside the 'limits of development' would conflict with the development plan as a whole. However, the Council does not have a 5 year supply of housing land and there is a significant shortfall of affordable housing. Thus, Footnote 8 of Framework Paragraph 11 details that policies for applications involving the provision of housing are considered out of date. There are no policies that would indicate a strong reason for refusal and thus the 'tilted balance' of 11 d) ii would apply.
41. Aside from the emerging Local Plan, which has only just been submitted for Examination, there is no other obvious remedy to the shortfall in the short or medium term. This overall position indicates that the development plan is failing to meet its strategic challenges. Thus, its settlement strategy and limits of development are not working effectively. These policies are therefore of limited weight, as is the conflict with them.
42. The delivery of market and affordable housing is of substantial weight in favour. Additionally, there would be biodiversity net gain, public open space, a community orchard, creation of jobs during construction, increased local spending, provision of night time bus service and off site highway improvements. These all weigh in favour and many would benefit the wider community. Aside from the marginal loss of best and most versatile agricultural land, which would be of little weight, there are also no technical reasons that would result in any harm. I have no reason to doubt that the dwellings would not start to be delivered in the next 5 years, especially considering the extensive indicative layout that has been provided to ensure suitable future living conditions.
43. Consequently, the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, all of which the proposal would provide. As such, the material considerations indicate a decision other than in accordance with the development plan.

Conditions

44. In addition to the conditions above, which would be necessary to make the development acceptable, the plans (including broad accordance with the parameter plans), dwelling numbers, phasing plan and provision of public open space are listed for certainty [condition 4].
45. The dwellings would be built sustainably, including reductions in energy use and emissions and efficient water use, as detailed in chapter 7 of the Design and Access Statement. This would be necessary to ensure the prudent use of natural resources, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy [conditions 6 and 9]. A condition for archaeological investigations would be necessary to ensure that any matters of archaeological interest are correctly recorded [condition 8].

46. Closure of the existing access to Glenmore Farm would be necessary in the interests of highway safety [condition 19]. The Council requested that this was within 3 months of the commencement of development. However, this would be an unreasonable time scale. The access is open now and can be used freely, and whilst it would be necessary to ensure it is closed as soon as practically possible, I see no specific reason to require it to be closed until the development is nearing completion, to ensure its closure can be properly phased into the development as it is built out.
47. The suggested Travel Plan condition [condition 17] has been amended to remove the requirement for the employment of a Travel Plan Co-Ordinator as this would go beyond the realms of a condition. However, I have required details of who has responsibility for monitoring compliance and the means of securing that future monitoring and management arrangements of the travel plan, along with the length of time and frequency.

Conclusion

48. For the reasons set out above, the appeal is allowed.

Katie McDonald

INSPECTOR

APPEARANCES

For the Local Planning Authority:	
Gen Collins LLB(Hons) MA MRTPI	Principal Planning Officer, Wiltshire Council
Mark Wiltshire MIHE	Transport and Highways Manager, Wiltshire Council
For the appellants:	
Alan Williams BSC MPLAN MRTPI	Director, Grass Roots Planning
Matthew McShan	Associate Partner, LVA
Mubassir Malik MEng (Hons) MIOA	Associate Acoustician, Stantec
Interested parties	
Suzanne Wycombe	Ethandune Ward Cllr
David Jenkins	Heywood Parish Cllr
John Masson	Heywood Parish Chairperson
Francis Morland	Heywood Parish Cllr

HEARING DOCUMENTS

HD1	Public Protection comments
HD2	Travel Plan condition
HD3	Finalised Unilateral Undertaking dated 12 December 2024

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall make provision for the following:
 - a) Up to 145 dwellings;
 - b) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 4,106 square metre (sqm) of general public open space and at least 171 sqm of equipped play space.

The layout and scale shall be broadly in accordance with the following plans –

- Dwg Ref: 191119L 02 01 J (Illustrative Masterplan) dated 06/22
- Dwg Ref: 191119 PP 01 (Building Height Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 04 Rev A (Areas Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 02 (Open Space Parameter Plan) dated 11/22
- Doc Ref: 191119 R 02 01 D (Design & Access Statement) dated 07/22
- Doc Ref: 4712_01E_EcIA Ecological Impact Assessment

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

- 5) The 'means of access' to the site and the off-site highways works shall be provided in accordance with the following drawing –

- Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23

In addition, the final layout shall include a 3 metre wide shared-use cycleway within the application site, as indicated at note 7 on illustrative Masterplan 191119L/02/01/J.

Prior to commencement of the development, a programme for the delivery and completion of the means of access, the off-site highways works and the shared-use cycleway shall be first submitted to, and approved in writing by, the local planning authority. The means of access to the site, the off-site highways works and the shared-use cycle way shall then be delivered and completed in accordance with the approved programme.

All visibility splays shown on Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23 shall be provided prior to first use of the new means of access to the site from The Ham by any vehicle other than any vehicle connected with the initial construction of this access. The visibility splays shall thereafter be retained clear of any obstructions to visibility in perpetuity.

- 6) Application/s for the approval of the reserved matters shall be in accordance with section 4.7 of the approved Design and Access Statement (Dwg Ref: 191119 R 02 01 D) regarding sustainability. A Sustainability Statement shall be submitted with each reserved matters application which demonstrates this, and the development shall be implemented in accordance with the Sustainability Statement.
- 7) Prior to the start of construction ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development (other than small, privately owned, domestic gardens) including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet

grassland, scrapes, reedbed), native tree and scrub planting, semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- i. A phasing plan demonstrating the timing of habitat creation works in relation to landscape buffers (Zone A and Zone B of the Trowbridge Bat Mitigation Strategy) and advanced planting proposals including predevelopment provision of 'space for recreation' will be completed in advance of or alongside vegetation stripping.
- ii. A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines.
- iii. Distinguishing between formal and informal open space and land required to meet mitigation and BNG objectives.
- iv. Details of how habitats created will be managed to achieve predicted BNG gains for the duration of the development.
- v. A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- vi. Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented as approved in full and for the lifetime of the development in accordance with the approved details.

- 8) No development shall commence until a written programme of archaeological investigation, which should include on-site work (i.e. trial trenching) and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority. The programme of archaeological work shall be carried out in accordance with the approved details.
- 9) No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 10) No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the local planning authority. This should include detailed drainage calculations which demonstrate that discharge rates from the whole developed area (2.507ha) of the site do not exceed:
 - 1 in 1 year storm event - 1.65 l/s
 - 1 in 30 year storm event - 4.14 l/s
 - 1 in 100 year storm event - 5.15 l/s
- 11) No development shall commence until a detailed drainage ownership and management plan has been submitted to and approved in writing by the local planning authority. The plan shall:

- Detail the required maintenance activities for drainage (including SuDS) features, along with details on how frequently these activities will be completed, and the party responsible for maintenance. The development shall be carried out and maintained in accordance with the approved drainage ownership and maintenance plan.
 - Provide copies of legal agreements which confirm that the developer has the right to cross 3rd party land and discharge to the ordinary watercourse in perpetuity. The legal agreements must demonstrate that the developer has permission to cross third party land to enable the drainage system to be constructed, and for it to be maintained throughout its whole design life.
- 12) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. Construction phase environmental management plan, named person for residents to contact definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Detailed Site logistics arrangements;
 - v. Details regarding parking, deliveries, and storage;
 - vi. Details regarding dust mitigation;
 - vii. any other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - viii. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
 - ix. Details of how surface water quantity and quality will be managed throughout construction;
 - x. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
 - xi. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.

- xii. Details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- Pre-development species surveys, including but not exclusively, roosting bats, otter, water vole and birds.
 - Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of 'alternative space for recreation'.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, badger and dormice.
 - 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.
 - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday and no working on Sundays, Bank or Public Holidays.

The development shall be implemented in accordance with the approved details of the CEMP.

- 13) No development shall commence until an Acoustic Design Scheme (for external traffic noise) for the protection of the proposed residents from external traffic noise has been submitted to and approved in writing by the local planning authority. The Acoustic Design Scheme (for external traffic noise) shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:
- bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{max,F} of 45dB based on the 10th highest measured level.
 - living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
 - external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The Acoustic Design Scheme (for external traffic noise) shall be implemented during construction of each dwelling, and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

In accordance with a timetable in the approved Acoustic Design Scheme (for external traffic noise), a post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to and approved in writing by the local planning authority. This shall provide evidence that the approved Acoustic Design Scheme (for external traffic noise) has been fully implemented, any additional measures required to achieve compliance.

- 14) No development shall commence until an Acoustic Design Scheme (entertainment and industrial noise) for the protection of the proposed residents from entertainment and industrial noise has been submitted to and approved in writing by the local planning authority. This shall relate to internal noise levels and private external amenity areas. The Acoustic Design Scheme (entertainment and industrial noise) shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise - New Residential Development (May 2017 or later versions)) and it shall include the site layout (showing barrier blocks), internal dwelling layouts, façade construction (including design and installation), manufacturers details of windows and ventilation, and boundary treatments.

Within 320 m of the West Wiltshire Trading Estate boundary, (ie closer than existing dwellings), the design shall achieve a rating level (LArTr) of equal to and no greater than typical background sound levels (LA90T) for facades with openable windows to habitable rooms (living rooms and bedrooms) and for private external amenity areas when assessed using BS4142:2014+A1:2019 or any subsequent version.

Internal noise levels from entertainment noise, shall be designed to not exceed the following:

- NR 20 dB Leq,15minutes
- NR 20 dB LfMax
- The LFN Reference Curve within Table 9 of NANR45 revision1 December 2011 - Procedure for the Assessment of Low Frequency Noise Complaints.

The Acoustic Design Scheme (entertainment and industrial noise) shall be implemented during construction of each dwelling, and thereafter be permanently retained. In accordance with a timetable in the approved Acoustic Design Scheme (entertainment and industrial noise), a post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme (entertainment and industrial noise) or other suitably qualified expert, shall be submitted to and approved in writing by the local planning authority. This shall provide evidence that the approved Acoustic Design Scheme (entertainment and industrial noise) has been fully implemented, any additional measures required to achieve compliance.

- 15) Prior to commencement of development above slab level, a scheme for the provision of at least one public electric vehicle 'rapid' charging point (EVRCP) in a publicly accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The EVRCP shall be installed and be ready for use prior to the first occupation of the 100th dwelling or in accordance with a programme to be first agreed by the

local planning authority, whichever is the sooner. The EVRCP shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

- 16) No external lighting shall be installed in public areas until details of the type of light appliance, height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority. The details shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Where light spill has the potential to impact bat habitat, a lighting impact assessment shall be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met. The external lighting shall be installed and maintained in accordance with the approved details, and no additional external lighting in public areas shall be installed. Prior to final occupation of the development, a post-development lighting survey demonstrating compliance with the approved details, conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy, shall be submitted and approved in writing by the local planning authority.
- 17) Prior to first occupation of any dwelling, a Full Travel Plan shall be submitted to and approved in writing by the local planning authority. The Full Travel Plan shall be based on the Framework Travel Plan and include details of who has responsibility for monitoring compliance and the means of securing that future monitoring and management arrangements. This shall include the length of time over which monitoring will occur and the frequency. The Full Travel Plan shall be implemented in accordance with the approved details.
- 18) Prior to occupation of the 30th dwelling, 2 bus stops including shelters and raised height bus passenger access kerbing (one for northbound passengers, and one for southbound passengers) outside the site shall have been provided in accordance with details to be first submitted to and approved by the local planning authority.
- 19) Prior to occupation of the final dwellinghouse, the existing northern vehicular access point to Glenmore Farm (for the avoidance of doubt the vehicular access to Hawkridge Road located 63 metres north-west of Shallow Wagon Lane) shall have been properly and permanently closed and the highway verge reinstated. Thereafter the access point shall remain closed in perpetuity.

*****END OF CONDITIONS*****

Examination of the Wiltshire Local Plan Review

Inspectors: Philip Mileham BA (Hons) MA MRTPI
Gareth Wildgoose BSc (Hons) MSc MRTPI

Programme Officer: Ian Kemp
Email: ian@localplanservices.co.uk

For the attention of Mr Nic Thomas – Director – Planning, Economy and Regeneration
27 February 2026

Dear Mr Thomas,

Re: Wiltshire Local Plan examination - response to Inspectors' post Stage 2 hearings letter

Thank you for your letter and enclosures dated 30 January 2026 and subsequent letter dated 26 February 2026.

We have considered your proposals and the associated work programme to address the issues and actions identified in our letter dated 22 December 2025. As you are aware, the Council would need to undertake a substantial amount of work for the examination to progress. Having reviewed your proposed project plan, we wish to raise several concerns regarding both the achievability of the proposed programme and the timeframe for the examination which would result from it.

As a starting point, under both your proposed Option A and Option B, it is currently unclear whether the Council has sufficient sites within the Strategic Housing and Economic Land Availability Assessment to identify enough suitable and available land for allocation under a revised strategy. If an additional call for sites is required, this is going to add further, significant, and currently unplanned time to the programme going forward.

Critically, the proposed work programmes for both Option A and B also make no allowance for stakeholder engagement during the examination. This is important because the scale of required changes under either of your proposed options is likely to lead to a spatial strategy and new site allocations which are significantly different from those in the submitted Plan. Engagement with stakeholders on matters such as key infrastructure will therefore be needed to inform strategic decisions regarding the strategy and sites before undertaking any public consultation. It is unclear whether those engagement requirements have been adequately factored into the work programme. There also appears to be an underestimation of the time required to achieve the necessary sequencing of the approach to Sustainability Appraisal and Habitats Regulation Assessment to appropriately assess and inform the different spatial options.

To ensure procedural fairness, the Council would also need to consult on any suggested changes to the Plan during the Examination in the same way as at Regulation 19 stage, with equivalent coverage and duration. This is necessary to ensure that no party is disadvantaged by any suggested revisions to the spatial strategy or new site allocations. It

is also necessary to identify any additional participants to the examination who may be affected by any of the changes that the Council suggest.

In light of the need for additional public consultation during the examination, and given the volume of existing representations, the additional consultation is likely to generate substantially more representations. The proposed timetables make no allowance for the preparation of a summary of additional representations received. The Council will also require adequate time to consider these before submitting any suggested changes to the Plan. This will add time that does not appear to be reflected in your proposed workstreams.

Additional participants will also undoubtedly result in a significant number of additional hearing sessions being required which would extend the overall examination timetable. The programmes for both options are also unclear on whether sufficient time has been allocated for elected members to consider any proposed revisions to the Plan and raise queries. There will also be lead-in times for any member approvals required.

Given all the above, and the fundamental nature of the changes and additional work likely to be required, the work programmes under both Options A and B appear to be unrealistic and would likely take much longer than you anticipate. In addition, once the information has been submitted, we would also need some time to review the adequacy of the work before further hearings could take place. On that basis, and taking account of the statutory notification period, we would not envisage future hearings commencing until late Spring 2027 at the earliest. That would be over 12 months from now and would be two and a half years into the examination. Even then, the hearings thereafter would be for a prolonged period as they would likely need to be staged to allow reconsideration of the revised spatial strategy before we hold any sessions on site allocations and other detailed policies.

There is also a risk, due to the protracted nature of the examination, that other elements of the Council's evidence base would become out of date before further hearings were to take place. This includes, in particular, the calculation of housing need under the standard methodology which can only be relied upon for two years. That period is likely to be exceeded before the work in your proposed programme under either option is completed.

Moreover, even if we were to find that a revised spatial strategy and/or new sites suggested by the Council would be capable of overcoming the soundness issues identified, the timetable would still need to accommodate post-hearing consultation on Main Modifications. It follows that in a best-case scenario, adoption would be unlikely before well into 2028. To put this into context, this is a Plan that was submitted in November 2024, has already been in examination for around 15 months and by 2028, would be approaching four years since submission.

Therefore, although we have sought to take a pragmatic approach, we consider that either of the proposed work programmes would result in an overly long examination. This would conflict with a key aim of the Minister of State for Housing and Planning's letters of 9 October 2025 and 30 July 2024.

In addition, the Ministry of Housing, Communities and Local Government letter to your Council on 15 January 2026 requires you to give notice of preparing a new plan by 30 June 2026, and to submit your Gateway 1 self-assessment by 31 October 2026 under the new plan-making system. We are, therefore, concerned that extending this examination

significantly will also create considerable overlap with the progression of the new plan, as it is unlikely that we could reach interim conclusions on any suggested modifications before late 2027 at the earliest. This overlap risks creating tension between the two processes, particularly if the spatial strategy and/or new site allocations in the new plan diverge from this Plan. We are also conscious that progressing the two processes simultaneously will place substantial pressure on Council resources, and the impact on your proposed work programmes as a result should not be underestimated.

To meet housing and employment needs in Wiltshire for 15 years post adoption in accordance with the National Planning Policy Framework - September 2023, the programme of work that would need to be pursued in the first instance would be your Option B. However, it follows from all of the above, that even if you were to pursue Option A, it is evident that an overly-long examination could not be avoided due to the nature of the issues identified, which relate to strategic matters of strategy and site selection.

Conclusion and next steps

To conclude, we acknowledge the work undertaken so far and the Council's willingness to complete the necessary tasks. However, fundamental changes and/or new evidence are required to overcome the significant soundness concerns that we have identified, several of which are strategic in nature. This is all work that would have to take place alongside the preparation of a new Local Plan for Wiltshire commencing this year. Furthermore, there remains a risk that, despite the significant time, effort and resources likely to be involved, it may still not result in a sound plan.

As we set out in our previous letter of 22 December 2025, the progress of the examination was subject to the Council outlining an achievable timetable for the preparation and submission of additional evidence that would not unreasonably delay the progress of the Examination. Based on the above, we do not consider that either work programme would achieve this aim. It is our view, therefore, that the most efficient and effective course of action for all parties to avoid an overly long examination is for the Council to withdraw the submitted Plan and address these matters through the preparation of the new plan under the new local plan-making system.

The alternative would be for the Council to request that we proceed to prepare and issue our report on the Plan as submitted. This would require additional time and cost to the Council. Given our fundamental concerns about the spatial strategy and the insufficient consideration of reasonable alternatives as set out in our letter dated 22 December 2025, such an approach would inevitably lead to a recommendation that the Plan is not adopted.

We therefore ask the Council to confirm which of the two options above it wishes to pursue. We recognise that this may require input from your elected members and, therefore, request that you provide us with an anticipated timescale for formally advising us of the decision within 10 working days of the date of this letter.

If there are any procedural or other questions arising from this letter, the Council should contact us via the Programme Officer in the first instance. We would be grateful if this letter

could be placed on the examination website at the earliest opportunity. We are not inviting, nor do we expect to accept, comments from other examination participants at this stage.

Kind regards,

Philip Mileham

Inspector

Gareth Wildgoose

Inspector

Briefing Note

No. 24-20

Service: Planning

Further Enquiries to: Nic Thomas, Director - Planning

Email: nic.thomas@wiltshire.gov.uk

Date Prepared: 17 December 2024

IMPLICATIONS OF DECEMBER 2024 NATIONAL PLANNING POLICY FRAMEWORK AND REVISIONS TO THE STANDARD METHODOLOGY ON THE HOUSING LAND SUPPLY

Overview

1. On 12 December 2024 the Government issued an update to the [National Planning Policy Framework](#) (NPPF). This followed a consultation into the proposed changes in summer 2024. The changes to the NPPF included amendments to the deliverable housing land supply policies, the terms under which a buffer should be added to the housing requirement to be used in the housing land supply calculation, and the implications of not being able to meet a sufficient deliverable housing land supply.
2. On the same date the Government also issued revisions to the Planning Practice Guidance (PPG) including the standard methodology for assessing and setting Local Housing Need, and published the [2023 Housing Delivery Test results](#).
3. The revisions that are pertinent to the housing land supply calculation and its implications are summarised as follows:
 - a) Local Planning Authorities are now required to demonstrate a deliverable supply of housing sufficient to meet **five** years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) in all circumstances. Under the previous NPPF, Wiltshire was only required to demonstrate a **four-year** housing land supply because its draft Local Plan had reached an advanced stage.

- b) Local Planning Authorities are now required to add a buffer to the housing requirement in the **five-year** housing land supply calculation in all circumstances. The buffer to apply is driven by the council's latest Housing Delivery Test results, which for Wiltshire indicates a 5% buffer to be added¹. Under the previous NPPF a buffer was only required if the council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement, which was not the case for Wiltshire.
- c) The revisions to the PPG have set out a revised standard methodology for the Local Housing Need – this is the calculation that establishes the housing figure to be used in the housing land supply calculation. The revision has changed the method from being based on future household projections, to being based on the amount of existing housing stock in the local authority area. The revision has also changed the adjustment factor which is based on the affordability of housing in the local planning authority. The figure for Wiltshire has changed as follows:

Number of homes per annum under previous Local Housing Need calculation ² .	Number of homes per annum under revised Local Housing Need calculation.	Percentage change
1,917	3,525	+84%

The implications of the revised Local Housing Need calculation are set out in paragraphs 5-7 for determining planning applications and appeals, and in paragraphs 8-11 for the implications on the emerging Local Plan.

- d) The consequences of not being able to demonstrate a five-year housing land supply are that the presumption in favour of sustainable development (often referred to as the 'tilted balance') applies. This is set out in paragraph 11d of the NPPF. This paragraph has also been amended in two ways. Firstly, where there are exception policies³ that prevent the 'tilted balance' applying that these provide a 'strong' reason for refusal, rather than a 'clear' reason for refusal. Secondly, to ensure that when the planning balance is being

¹ The 2023 Housing Delivery Test results were published on 12 December 2024. These indicate that Wiltshire had delivered 135% against its housing requirement in the last three years which is the period over which housing delivery is assessed in the test. This results in a 5% buffer to be applied on the five-year requirement in the housing land supply calculation.

² Under a 2024-base dated assessment

³ Footnote 7 of the NPPF sets these out.

carried out, that particular regard is had to certain key policies in the Framework⁴ related to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

4. In summary, the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately. As the table in paragraph 3.c above shows, this results in a significant increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The council cannot demonstrate the requisite five-year housing land supply and can demonstrate a **2.03 years supply**.

Implications for decision-taking

5. Annex 1 of the revised NPPF indicate that new provisions apply immediately for determining planning applications and appeals.
6. Prior to the publication of the revised NPPF the council was already in a position where it was unable to demonstrate the requisite housing land supply (see member Briefing note [24-18](#)) and the 'tilted balance' was applied. The same implications for determining planning applications therefore continue to apply, however with other particular factors to consider because of changes to the NPPF. Firstly, the magnitude of the shortfall in supply is now substantial and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply. However, and following on from this, the presumption in favour of sustainable development now requires decision-takers to have particular regard to key policies as set out in footnote 9 of the NPPF (highlighted in paragraph 3.d above) to ensure that proposals that can help improve housing land supply are properly and thoroughly assessed against the key policies.
7. The Government's response to the NPPF consultation growth agenda reiterates its Plan for Change. This sets out a commitment to rebuilding Britain, delivering 1.5m new homes along with the critical infrastructure that underpins economic growth. It further sets out that this will

⁴ Specifically policies related to affordable housing, isolated dwellings in the countryside, town centre uses, locations which are sustainable in terms of transport, efficient use of land and density, and design. See footnote 9 of the NPPF.

be achieved in part by reforming the planning system, and radically boosting the supply of housing, while delivering homes and places that are high-quality and genuinely affordable. The approach to applying the presumption in favour of sustainable development should be seen with this national objective in mind.

Implications for the Local Plan

8. Annex 1 of the revised NPPF provides transitional arrangements for plan-making which dictate how emerging plans will be treated in regard to the revised NPPF.
9. The council submitted the Local Plan for independent examination on 28 November 2024. Under the NPPF's transitional arrangements, the Plan (and the housing requirement) will continue to be assessed under the relevant previous version of the NPPF, which in this case will be the September 2023 NPPF. The Examining Inspector will need to be satisfied that the council can demonstrate a five-year housing land supply at the point of adoption. This will be assessed against the housing requirement in the emerging Local Plan which is lower than the revised Local Housing Need.
10. However, as the housing requirement in the emerging Local Plan will meet less than 80% of the revised Local Housing Need, the council will be expected to begin work on a new Local Plan promptly, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (when the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need.
11. Upon adoption of the Local Plan, the five-year housing land supply will be assessed against the housing requirement in the plan (which is based on the previous Local Housing Need calculation) for a period of up to five years from adoption. However, the revised NPPF includes a clause that for authorities whose adopted housing requirement is substantially less than the revised Local Housing Need figure (which is the case for Wiltshire), they will be required to add a **20% buffer** to their five-year housing requirement from **1 July 2026** (the equivalent of a six-year housing land supply). To meet this increased buffer, the council will need to continue to approve planning applications to ensure a sufficient housing land supply can continue to be met at, and beyond, this date.

Implications for new Neighbourhood Plans

12. Where the presumption in favour of sustainable development (NPPF paragraph 11d) applies, NPPF paragraph 14 includes provisions as to how this affects Neighbourhood Plans that meet criteria related to their age and how the Neighbourhood Plan meets its identified housing requirement. These provisions in paragraph 14 are unchanged in the revised NPPF.

Summary

13. The revisions to the Local Housing Need and housing land supply aspects of the planning system are significant changes. They provide for a substantial uplift (84% plus 5% buffer) in the levels of housing that the council will need to plan for. This forms part of the Government's economic growth agenda.
14. The changes introduced on 12 December 2024 mean that the council now has a substantial shortfall in its housing land supply position (2.03 years). This alters the weight to give to housing supply when giving consideration to planning applications for residential development. This means balancing the strengthened need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.
15. The changes to the NPPF are wider than those set out above. They can be viewed via the following link, which show a comparison with the December 2023 version:
[NPPF December 2023.pdf → NPPF-December-2024.pdf - Draftable](#); which indicates moved, replaced and inserted text.

Appeal Decision

Site visit made on 26 August 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/Y3940/W/25/3367502

Kington Langley Garage, Malmesbury Road, Kington Langley, Chippenham SN15 5PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by KLD Property Investments Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2025/00998.
 - The development proposed is the erection of up to 8no dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for the proposed erection of a minimum of 4 and a maximum of 8 dwellings at Kington Langley Garage, Malmesbury Road, Kington Langley, Chippenham SN15 5PY in accordance with the terms of the application, Ref PL/2025/00998.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted.
4. A site layout plan has been submitted as part of the proposal. This is an indicative plan only and shows just one way that the scheme could be developed. I have therefore attributed limited weight to this plan in my consideration of the appeal.

Background and Main Issues

5. The Council's objections to the proposal concern the principle of the development and its accessibility. My decision is therefore focused on these matters. However, the main issue in this case is whether the site is suitable for the proposed development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. Policies CP1 and CP10 of the Wiltshire Core Strategy (WCS) outline the hierarchical spatial strategy for accommodating new housing in Wiltshire, with

development focused on principal settlements, then market towns, then local service centres, then large villages and small villages.

7. Policy CP2 of the WCS sets out the Council's housing delivery strategy and states that, unless permitted by other policies within the WCS as set out at paragraph 4.25, development will not be permitted outside the limits of development. In addition, Policy CP2 states that at small villages, such as Kington Langley, development will be limited to infill within the existing built area. The site is classified as a location outside the defined limits of development under Policy CP2 and there is little to indicate that any of the paragraph 4.25 exceptions apply in this case.
8. The appeal site is developed, accommodating two large commercial buildings with associated yard areas. It is positioned within a small development cluster which includes residential properties, a place of worship and a pub. Whilst the small village of Kington Langley is nearby, it is physically separated from the appeal site by the A350 dual carriageway.
9. With regards to the appeal site's relationship with Kington Langley, the Council have drawn my attention to an earlier appeal decision¹ which found that the separation distance from the village, lack of consistent pavement and physical severance by the A350 resulted in the site being found unsustainable and contrary to Policies CP1, CP2 and CP10. Given the geography of the site has not changed and based on the evidence before me, I have no reason to disagree and I find accordingly that the proposal would be outside the existing built area of Kington Langley. As a consequence, it would not constitute infill as defined in Policy CP2, nor would it accord with policies CP1 and CP10.
10. Policies CP60 and CP61 of the WCS identify that new development should be located and designed to reduce the need to travel by private car and encourage the use of sustainable transport alternatives.
11. For the reasons I have given above, dwellings in this location would not necessarily support services and facilities in Kington Langley.
12. With regards to access to services and facilities outside of Kington Langley, the evidence before me indicates that there are two bus stops which are approximately 100m away from the appeal site on Old Malmesbury Road and approximately 160m away on the opposite side of the A350. These stops provide hourly bus services between Chippenham and Kington St Michael on weekdays from mid-morning until early evening and services on Saturdays and hourly weekday services between Chippenham, Malmesbury, Wootton Bassett and Swindon from early morning to early evening, and services on Saturdays.
13. I observed on my site visit that the A350 is a busy road but that there is a blister pavement crossing point at the traffic lights, therefore it would be possible to cross with care, albeit the nature of the crossing might be a deterrent to some of the future occupiers of the proposed dwellings. Therefore, whilst there would be access via public transport to nearby towns and larger settlements some residents would need to travel by private car to meet their day-to-day needs.

¹ Appeal Reference APP/Y3940/W/20/3244779

14. Accordingly, I find that the appeal site is not optimally located in terms of minimising the use of private car to reach Kington Langley and other nearby towns and larger settlements. The proposal would therefore conflict with the housing strategy of the development plan, specifically WCS policies CP60 and CP61 and would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Other Considerations

15. Set against the harm identified, the proposal would deliver an additional 8 housing units toward the area's housing supply.
16. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure of future occupiers in the local economy.
17. From my observations of the commercial uses at my site visit, the loss of the commercial site, would likely provide some further environmental benefits to the living conditions of the occupants of nearby residential properties through reduced noise and commercial activity. Although a matter for the TDC stage, landscaping would also provide biodiversity enhancements.

Planning Balance

18. The Council sets out it has a housing land supply position of 2.42 years. Therefore, there is a significant shortfall against the requirement to demonstrate a five-year supply of deliverable housing land, as set out at paragraph 78 of the Framework.
19. In this circumstance, paragraph 11(d) (ii) of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. Despite the presence of nearby bus routes, the proposed development would not be optimally located to reduce the need to travel and encourage the adoption of sustainable transport options. However, paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, therefore I attach moderate harm to the proposal's conflict with Policies CP1, CP2, CP10, CP60 and CP61 of the WCS.
21. In terms of benefits, paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and paragraph 89 of the Framework also gives substantial weight to the value of using previously developed land where suitable opportunities exist.
22. The proposal would provide up to 8 additional dwellings, thus making a modest but important contribution towards the area's housing requirement. Considering the magnitude of shortfall in the area's housing supply, the provision of 8 dwellings would make a valuable contribution, to which I assign substantial weight. I also afford modest favourable weight to the scheme's economic and environmental benefits along with a larger quantum of favourable weight to the utilisation of a brownfield site.

23. Consequently, the adverse impacts of the proposal associated with its location outside the development boundary and conflict with policies of the WCS, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which is a material consideration that weighs heavily in favour of allowing the appeal.

Conditions

24. The PPG advises that there is a default time limit duration of 3 years for a permission in principle and that, it is not possible for conditions to be attached to a grant of permission in principle.
25. The PPG also advises that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings, which are, in principle, permitted. Whilst Kington St Michael Parish Council has suggested that the site could accommodate a higher quantum of dwellings, as the description of development identifies 8 dwellings and the application form indicates a minimum of 4 dwellings, I include a range of 4-8 dwellings in granting permission in principle.

Conclusion

26. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal is allowed.

SE Hughes

INSPECTOR

Agenda item

PL/2024/07482 - Land at Clay Pitts, Greenhill, Royal Wootton Bassett, Wilts, SN4 8EH

- [Meeting of Strategic Planning Committee, Wednesday 12 February 2025 10.30 am \(Item 18.\)](#)

Material change of use of land for the stationing of caravans for residential purposes with dayrooms and hardstanding ancillary to that use (Resubmission of PL/2023/04820).

Minutes:

Public Participation

Mike Brewser spoke in objection to the application

Cllr Mel Allsop of Lydiard Millicent Parish Council spoke in objection to the application.

James Repper, Senior Planning Officer, introduced a report which recommended that the application for material change of use of land for the stationing of caravans for residential purposes with dayrooms and hardstanding ancillary to that use (Resubmission of PL/2023/04820) be delegated to the Director of Planning to approve, subject to conditions and successful conclusion of a Section 111 agreement, and appropriate assessment in relation to the North Meadows Special Area of Conservation to be concluded after approval.

Key details were stated to include the principle of development; highways matters and access; character, design & landscape impact and ecological impact.

Slides were shown to the Committee which showed location maps and aerial images. There were Rights of Way (RoW) close to the site. Access to one of these RoW (LMIL4) was via the same gate as the site access. Site plans were shown of the existing site, the proposed site and the previously refused scheme. In addition, photographs of the site and the access were shown to the Committee.

There had been 32 letters of objection to the application from members of the public and the local division Member, Lydiard Millicent Parish Council and Purton Parish Council had objected. However, there were no objections from technical consultees, as there had been on previous applications. Highways had noted in relation to sustainability that the site was outside any settlement boundary. However, as Wiltshire Council could not at the present time demonstrate a sufficient supply of Gypsy and Traveller sites, combined with changes to the NPPF, this meant that for applications where this was the only issue, then the assumption was in favour of approval. It was considered that with conditions as suggested, there would not be sufficient harm to significantly outweigh the benefits in policy terms.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on Biodiversity Net Gain (BNG), land ownership and sustainability.

In response to the questions on BNG officers explained that applications must contain metrics as to how BNG will be achieved which were assessed by the ecology team, who were happy with the metrics for this application. However, full details were worked out following an approval to grant planning which contains a condition on BNG, as the applicant has to provide a BNG plan to discharge the condition afterwards.

Members highlighted that it would be useful in the new council following the elections in May, if all Cllrs, particularly those who would be on planning committees were provided with training on BNG.

In response to the questions regarding land ownership which the local Member had emailed the Committee about, it was explained that land ownership was not a planning matter in this instance. However, if evidence was provided which showed that the applicant did not own the land stated in the application the planning officer would assess this and this could result in the application becoming invalid. No such evidence had been seen. In addition, planning approval did not give anyone the right to do work on someone else's land.

In response to questions on sustainability it was explained that the previous application had not been refused on sustainability grounds, but for a variety of other reasons. Due to the situation with the council's lack of supply for sites, and changes to the [National Planning and Policy Framework](#) (NPPF), then paragraph 11d of the NPPF came into effect. So, the tilted balance was in play and the presumption was in favour of development. Distances to the nearest services were given. Officers also highlighted that relevant appeal decisions were taken into consideration. Applications which were a similar distance from services had been considered by inspectors and had not been refused for that reason.

In response to further questions, officers explained that there were different types of habitats (grassland for example) which have different biodiversity values, and these need to be correct so that you had a baseline from which to work out BNG.

Previous reasons for refusal were detailed by the officer and could be seen in the decision notice for application PL/2023/04820.

The current application was 0.33 of an acre, the previous application was 0.34 of an acre. The sites were similar in overall size, however, for this proposal a landscaping scheme had been provided and there was a condition to secure that, the majority of the site would be used for landscaping which would help screen the site from the wider area. This had not been included on the previous application. The officer further explained how all the previous reasons for refusal had been overcome for this application.

The key issue which had changed matters was the inability to demonstrate a 5 year supply of gypsy/traveller sites and the impact of inspectors supporting that view. It was clarified that the Wiltshire Core Strategy (WCS) had not changed and that the new Gypsy and Traveller Development Plan Document was coming through), and this aims to provide more site once approved, however it would take time to deliver those sites.

In response to further queries, officers explained that the carry distance for the bins referred to how far waste staff had to carry bins (not residents). So, residents of the site would have to take their bins to the end of the track to be collected.

Furthermore, it was explained that Natural England would be consulted if the application was approved as part of the Section 111 agreement. It was noted that there had previously been enforcement on the site as there had been use without planning permission.

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

In response to the public statements the planning officer stated that the 9 policy points detailed in WCS Core Policy (CP) 47 had been addressed in his report. The significant difference now was the lack of supply of sites and so paragraph 11d of the NPPF applied (where the presumption is in favour of development). The Chairman requested that paragraph 11d be read to the Committee:

“11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷, provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.”

Officers further explained that where Wiltshire Council cannot demonstrate a 5 year supply, be it housing or gypsy and traveller sites, then it meant that our local policies are considered out of date. Recent appeal decisions had found the local policies were out of date as well as we were not meeting our statutory requirements.

The unitary division member, Cllr Steve Bucknell (RWB East division) had not been able to attend the meeting, so had sent a statement which the Democratic Services Officer read out. Cllr Bucknell highlighted that the application was very similar to the previous refused application and had numerous objections from local residents. He detailed 2 of

the reasons for refusal which were used last time, which he felt still applied. The statement explained that he understood the applicant did not own all of the land and that the Highways opinion seemed to have changed for no discernible reason. Cllr Bucknell urged the Committee to refuse the application using the grounds he had detailed.

Following this statement, the Chairman and officers had a discussion on reasons for refusal and what could be considered reasonable.

The Chairman then opened the item for debate. Cllr James Sheppard stated that he was very concerned about the application as he did not feel it was sustainable. As such he proposed to refuse the application on sustainability grounds as it was not in or near a settlement and was too far from local settlements and services and so was contrary to Core Policy 47 point v. The Chairman suggested adding the reasons for refusal provided by division Member Cllr Bucknell, which are listed below:

Owing to the scale, layout, design and siting in an open field, the proposed development would result in an urbanisation of the site. This would have an unacceptable impact on local character and the appearance of the countryside, including from views from Rights of Way network. The development would fail to integrate effectively into its surroundings, to conserve and/or enhance landscape character or relate positively to its landscape setting. The proposal is therefore in conflict with Wiltshire Core Strategy Core Policies 47 (vi and viii), 51 (ii and iii), 57 (overall aims and parts i, iii and vi); and paragraphs 130 (a, b and c) and 174 (b) of the NPPF.

The size of the application red line is excessive, and it includes large areas of land not required to deliver the proposed development. The proposal would therefore change the use of a significant quantum of surrounding land unnecessarily, which would not respect the scale of Greenhill. This places the application in conflict with Wiltshire Core Strategy Core Policy 47 (viii) and paragraph 25 of the Planning Policy for Traveller Sites.

Cllr Sheppard was happy to add these to the motion. The Chairman then seconded the motion. Officer advice was sought on whether anything could be considered unreasonable about this motion, and whether it would be defensible at appeal. Officers highlighted that much of this was subjective and highlighted that their recommendation was to approve due to the lack of a supply of sites making our policies out of date and changing weightings, especially of Core Policy 47. It was felt that using Core Policy 47 point vi would be difficult to defend at appeal. However, this was left as part of the motion.

Other Members felt that Core Policy 47 point ii should be added to the motion, as it was note felt to be a safe route for vehicular and pedestrian access, however as Highways had not objected, it was not felt that this could be added to the reasons for refusal.

This motion to refuse was put to the vote, and the motion fell.

Therefore, Cllr Stewart Palmen proposed to approve the application as per the officer recommendation, which was seconded by Cllr Carole King.

There was no further debate and it was,

Resolved

To delegate to the Director of Planning to approve subject to the following conditions and the conclusion of a Section 111 agreement, and appropriate assessment in relation to the North Meadows Special Area of Conservation to be concluded after approval.

Conditions:

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

- **Application form and certificate received 9th August 2024**
- **Plans and documents:**
- **Location Plan DWG: 21_1167B_001 Received 9th August 2024**
- **Proposed Site Plan DWG: 21_1167B_003 P03 Received 4th December 2024**
- **Proposed Dayroom - Plans and Elevations DWG: 21_1167B_005 Received 9th August 2024**
- **Arboricultural Survey DOC: BS5837 - Land at Clay Pitts - Arbtech TSR 01 - 29-05-2024 Received 4th December 2024**
- **Tree Constraints Plan Appendix 3 DWG: Arbtech TSR 01 Received 4th December 2024**

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

3. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than two shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan.

REASON: In the interests of the appearance of the site and the amenities of the area,

and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

6. The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) 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 conserving the functionality of the local area for biodiversity and to minimise unnecessary light spillage above and outside the development site.

9. No development shall take place until surface water drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage, condition the following additional information must be provided:

- Details on the material specification.
- Details on the level of compaction required, and
- Cross sections through proposed gravelled area

REASON: To ensure the gravelled area will be able to accommodate the runoff from the development for the 1 in 100 year plus climate change (40%) rainfall event, and will not in effect act as an impermeable surface.

10. No development shall take place until a foul drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above condition it is expected that the applicant will provide:

- Evidence that the EA's General Binding rules have been met in full.
- Drawings to demonstrate the proposed siting of the Foul Package Treatment Plant
- Supporting calculations to demonstrate compliance with Building Regulations for any drainage field/mound.

REASON: To prevent pollution of nearby water courses.

11. 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 :-

- a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities; all hard and soft surfacing materials

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

12. 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 building(s) 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 moved, 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.

13. No petrol or diesel electricity generators shall be used on site at any time unless otherwise permitted by the Local Planning Authority.

REASON: In the interests of amenity.

14. The development will be carried out in strict accordance with the following documents:

- Preliminary Ecological Appraisal. V3. Arbtech.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

15. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of features for wildlife in accordance with the Preliminary Ecological Appraisal (V3) shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

16. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity

17. The development hereby permitted shall not be brought into use/ first occupied until the refuse store shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

Informatives:

1. The applicant should note that no construction / demolition vehicle access may be taken along footpath LMIL4 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

2. 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.

3. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

4. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

5. The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

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

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

7. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development

commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

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

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

(b) the planning authority has approved the plan.

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Irreplaceable habitat:

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Supporting documents:

- [PL.2024.07482 - Land at Clay Pitts, RWB - Report, item 18. PDF 606 KB](#)
- [PL.2024.07482 - Location Plan, item 18. PDF 571 KB](#)
- [Strategic Planning Committee Presentation - 12 February 2025, item 18. PDF 5 MB](#)