

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09066
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Brambles, 102 Lye Green, Upper Westwood, Bradford on Avon, BA15 2DT
DEVELOPMENT DESCRIPTION:	Erection of one replacement dwelling, demolition of garage, new vehicular access, and associated landscaping
RECOMMENDATION:	That planning permission be GRANTED

SITE DESCRIPTION/CONTEXT

The site comprises an existing bungalow which lies at the eastern edge of a small group of buildings, including those forming Lye Green Farm. The subject property is set in a mature garden and has been subject to extensions and alterations. A public right of way passes through the site at its eastern edge.



Aerial mapping of site context

The subject building is not listed and there are no designated heritage assets identified in the surrounding area which would be impacted by the proposal, including their settings. The following constraints are applicable:

- Green Belt
- Cotswolds National Landscape
- Access of/adjacent to Public Right of Way WWO032
- Bath and Bradford Bat SAC
- GHS 4km Core Roost Buffer - Combined Gripwood Sites, Combined Winsley Sites,
- Winsley/Murhill Rift, Iford Manor
- LHS 2km Core Roost Buffer - Belcombe Court, Carpenter's Shop, Kingston Mills, BoA, Iford Manor

PROPOSAL

The proposal is to demolish the existing 2-bed bungalow and construct a replacement 4-bedroom dwelling. The proposed replacement would be sited on a similar footprint to the existing. The location plan and proposed site plan extracts show the existing and proposed site layout and context of the site:



Location Plan and Proposed Site Plan

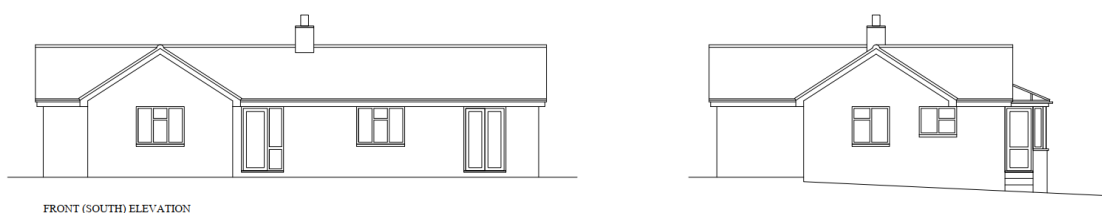
The proposed dwelling has been designed as a 1.5 storey dwelling so that first floor accommodation is within the roof, served by dormers and gable windows, as shown in the extracts from the proposed elevations below.



Proposed elevations

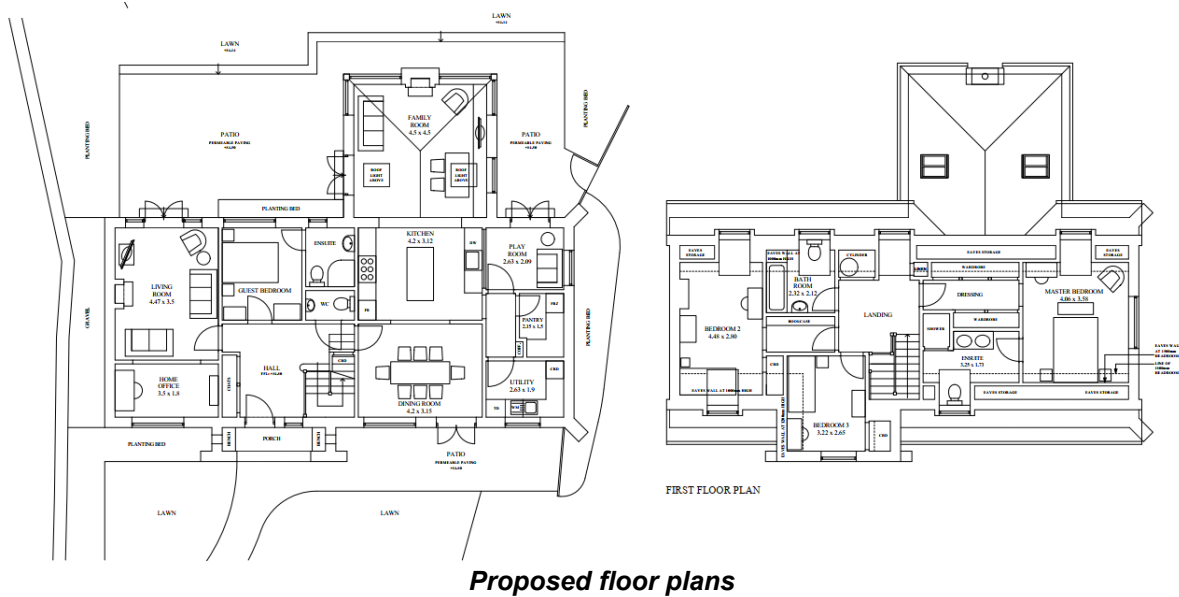
The proposed materials comprise bath stone coloured render with feature Bath stone dressings with a natural slate roof and painted timber windows and doors.

The existing dwelling is a single storey Woolaway bungalow, as shown in the extracts from the existing elevations below.

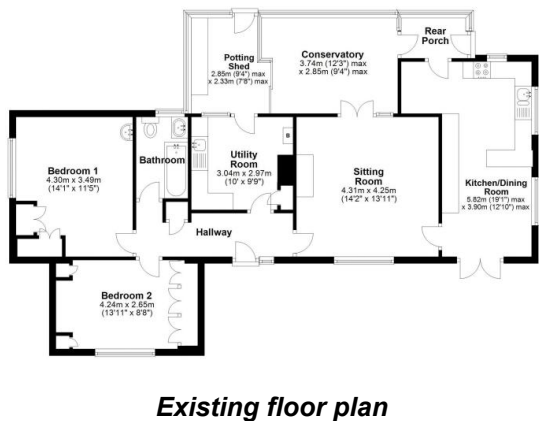


Existing elevations

Internally, the proposed dwelling would have two floors of accommodation, comprising living room, family room, kitchen, dining room, home office, playroom, pantry, utility room, entrance hall, wc and en-suite guest bedroom at ground floor and master bedroom with en-suite and dressing room, 2 additional bedrooms, bathroom and landing area at first floor, as shown in the floor plan extracts below.



The existing dwelling comprises single storey accommodation comprising of sitting room, kitchen/dining room, utility room, 2 bedrooms, bathroom and hallway with conservatory/porch/potting shed extension, as shown in the floor plan extract below.



PLANNING HISTORY

Proposal / Summary
W/01/01961/FUL - Full planning permission Decision - Approve with Conditions Date: 31/12/2001 – Single storey side and rear extensions
W/75/00044/HIS - Historic apps 1974 to 1983 Decision - Approved Date: 3/3/1975 – Building outer wall around existing Woolaway bungalows
PL/2024/10964 - Lawful development: Proposed use Decision - Approve Date: 21/1/2025 – Certificate of lawfulness for proposed works to include new lobby, single storey rear

extension and a outbuilding accommodating two home studio/offices, a games room and gymnasium to be used incidental to the enjoyment of the main house.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

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 7 - Bradford on Avon Community Area Spatial Strategy
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 61 Transport & Development;
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;

Draft Wiltshire Local Plan Policies (2020-2028)

- Policy 1: Settlement Strategy
- Policy 2: Delivery Strategy
- Policy 3: Reserve sites and broad locations for growth
- Policy 4: Addressing climate change
- Policy 70: Sustainable transport
- Policy 71: Transport and new development
- Policy 73: Transport: Demand management
- Policy 82: Housing in the Countryside
- Policy 85: Sustainable construction and low carbon energy
- Policy 88: Biodiversity and Geodiversity
- Policy 89: Biodiversity net gain

- Policy 90: Woodland, hedgerows and trees
- Policy 91: Conserving and enhancing Wiltshire's landscapes
- Policy 95: Flood risk
- Policy 96: Water resources
- Policy 98: Ensuring high quality design and place shaping

The above are currently the strategic policies within the emerging Local Plan which has reached Regulation 24 stage although the examination is presently paused. In accordance with the advice set out in paragraph 49 of the NPPF, the emerging Plan is capable of carrying some weight in decision-making.

Neighbourhood Plan:

There is currently no made Neighbourhood Plan for this area.

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:

- Principle of Development
- Green Belt
- Design/Landscape Impact
- Highways/Public Right of Way
- Amenity
- Ecology
- Flood Risk

CONSULTATION RESPONSES

Westwood Parish Council: Support BUT access to the footpath running on the property must be maintained during development.

WC Highways: No objection in principle subject to additional plans to ensure there is adequate visibility to the east of the proposed access.

WC Rights of Way: No objection subject to conditions/informatives

WC Arboricultural Officer: No objection subject to compliance with Arboricultural Method Statement & Tree Protection Plan

WC Ecology: No objection subject to conditions

WC Drainage: No objection subject to conditions

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:

- Neighbour notification letters sent to adjoining and nearby properties.
- 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.

- Need to ensure well-used public footpath remains accessible during construction and when completed.
- Attractive building/materials – the proposal would be an improvement to visual amenity.
- Retains trees and garden.

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.

Environmental Impact Assessment (EIA) Screening

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the local planning authority has considered whether the proposed development constitutes EIA development.

No formal screening opinion was requested or issued. However, the local planning authority has considered the scale and nature of the development as part of the application process and is satisfied that it does not constitute EIA development under the 2017 Regulations.

Principle of Development

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. 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 that 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 WCS does not include a policy specifically related to the replacement of existing dwellings. However, saved policy H20 in the West Wiltshire District Plan (WWDP) – 1st Alteration (dated 2004) states that.

Replacement of existing dwellings in the countryside and in settlements without Village Policy Limits will be permitted provided the new dwelling is not materially larger than the dwellings to be replaced and such a replacement does not perpetuate a serious traffic hazard, form an isolated development away from public services or adversely affect the rural scene. Replacement proposals that involve substantial alteration or other types of change will be treated as new dwellings under Policy H19. This policy does not apply to the replacement of non-residential buildings in the countryside.

It should also be noted that the WWDP Policy H19 was not saved at the time the WCS was adopted in 2015. Instead CP2 and CP48 refer.

In addition to above and in recognition that the saved WWDP policy is very dated (being over 20 years old), it is noteworthy to mention that Policy 82 of the emerging Local Plan supports development which would entail the replacement of an existing residential dwelling, provided that the scale and design of the development is appropriate, having regard to the local landscape and design context.

The site lies within the open countryside where the principle of a wholly new residential dwelling would be contrary to local and national policy. However, the site is currently developed with an existing dwelling and as such the replacement of the existing dwelling would not result in a new dwelling in the countryside and is therefore capable of support in principle subject to the details and impact on the site and surroundings.

The existing Woolaway property, which contains asbestos, is reported as being structurally defective in terms of its panelised construction and has a very poor thermal efficiency rating. Its proposed demolition along with the ancillary outbuildings is not objected to in principle by officers since it has no architectural merit worthy of retention.

Green Belt

The existing dwelling lies within the designated Western Wiltshire Green Belt where local planning authorities are required to ensure that substantial weight is given to any harm, including harm to the openness of the Green Belt resulting from inappropriate development. In the absence of any Green Belt policy set out within the WCS, full regard must be afforded to the NPPF.

NPPF paragraph 154 (with officer emphasis added below) states that:

Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry.*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.***
- e) limited infilling in villages.*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction.*
 - ii. engineering operations.*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location.*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction.*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

As a replacement dwelling, sub-paragraph d) is clearly relevant.

The exclusions set out in NPPF paragraph 155 are not applicable to the proposal as the site location is not deemed to be 'grey belt'.

Inappropriate development is defined by the Government/the NPPF as a replacement building which is *materially larger* than the one it replaces. The NPPF does not prescribe what materially larger means, and as such, each application must be assessed on the site-specific details. It is however important to appreciate that the NPPF does not preclude larger replacement dwellings.

The use of the word 'materially' prior to the word 'larger' is very important. This clearly shows that it was not the intention of the Government to hinder appropriate larger replacement dwellings in the Green Belt, but a planning judgement is clearly necessary for each proposal to fully test the materiality of any proposed increase.

Officers accept that the proposed new dwelling would have the same footprint of 143 sq.m to that of the existing property.

In terms of volume, in support of the application, the appointed planning agent has set out that the existing house and garage equate to 477 cubic metres whilst the proposed house, with the garage demolished, would be 720 cubic metres. This represents a significant increase in terms of volume.

The footprint in the absence of the difference in height is not an adequate measure of the scale, and despite what the planning agent argues in terms of both the existing and proposed dwellings being single storey buildings, officers do accept that the additional volume is taken up by an increased roof pitch. Whilst the eaves height would be more or less maintained, the roof form and dormers and the additional ridge height (that would be necessary to provide for first floor accommodation) would create a 1.5 storey new property. The NPPF does not prevent this either. Again, the appropriate test relates to whether the replacement dwelling would be materially larger.

Officers are mindful of a s.78 planning appeal (APP/F0114/W/17/3178000) in 2017 at Chew Stoke, Bristol that considered and allowed the demolition of existing dwelling and outbuildings, and erection of a replacement dwelling and garage within the Green Belt with the central question being:

“whether the proposed replacement would be materially larger than the building it replaces”

Within para 7 of the appeal decision, the appointed inspector observed that:-

“It is ultimately a matter for the decision maker having considered all of the relevant circumstances which could include, amongst other things, volume, floorspace, overall footprint and form”

Within para 8, the inspector confirmed:

In undertaking this assessment, it is first necessary to establish the baseline against which the proposed new building can be compared. In addition to the existing dwelling, the site presently contains a garage together with a number of single-storey outbuildings.

The appellant has drawn my attention to the recent case of Tandridge DC v. SSCLG & Syrett [2015] EWHC 2503 where the court held that there is no reason in principle why the objectives of green belt policy cannot be met by the application of the exception to a group of buildings as opposed to a single building.

Within para 10, the following was reported:

The other buildings on the site are clearly used for purposes ancillary to the main dwelling. However, the appellant’s calculations indicate that, even discounting the polytunnel, the amount of floorspace would increase by around 26%. Likewise, its volume would increase by around 33% and there would be an increase in height compared to any of the existing structures. Nevertheless, it would still be smaller in terms of footprint and although it would be

higher than the existing dwelling, it would be comparable to neighbouring properties and would not appear large or out of keeping with its surroundings.

In para 11, the inspector concluded

Furthermore, the site is generally well contained and where views are possible from within the surrounding landscape, it is seen within the background of the surrounding properties, which in some cases are substantial. In the context of this specific site, the impact that replacing the existing buildings with the development proposed would have only a minimal spatial and visual impact on this part of the Green Belt. As such, although the new dwelling would be larger, I do not consider it would be materially so.

In concluding on the green belt analysis, in para 12, the Chew Stoke appeal inspector resolved that

Accordingly, I find that the proposal would fall within the fourth bullet point of paragraph 89 of the Framework and accordingly would not constitute inappropriate development. As such, it would not be in conflict with CS Policy CP8 and I am satisfied that the proposal would accord with the development plan as a whole. In such circumstances, it is not necessary to consider its impact on openness further and the need for the very special circumstances required by the Framework does not arise.

For the PL/2025/09066 proposal, additional volume would be created largely due to incorporating 2-storey accommodation to replace the existing single storey accommodation. The pitch of the existing roof is about 32 degrees, and it is clearly not a vernacular building, however the existing dwelling is not 'incongruous' and neither does it have any adverse landscape impact.

The material increase in the proposed size of the replacement dwelling would be observed through the increased height rather than the calculation of its overall volume since the height of the proposed dwelling exceeds that of the exiting dwelling by over 3 metres. The proposed replacement building would be comparable to neighbouring properties and would not appear obtrusively large or out of keeping with its surroundings.

The exception in p154 (d) is not a test of whether the visual impact of the new building would be significant greater as a matter of judgement, but whether the building is materially larger as a matter of fact.

However, it cannot be argued that such a proposed increase in the height and volume of the building (which would result in almost doubling the height of the building it would replace) would not be materially larger, even if designed in such a way as to minimise the visual effects of the increased scale. Consequently, the NPPF policy is that proposed replacement dwelling would be inappropriate development which, by definition, would be harmful to the Green Belt and contrary to NPPF, unless there are very special circumstances.

Paragraph 153 states that *'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

In this case, officers are satisfied that the replacement dwelling proposal would comprise public benefits pursuant to the public right of way – which the proposal seeks to maintain along its definitive route without passing through the garden of the dwelling, which would be of a mutual benefit to future occupiers and users of the RoW. It is also proposed that the replacement dwelling would be a self-build dwelling for which there is a demonstrable unmet need within the County.

Additionally, officers are satisfied that whilst the proposed building is materially larger, it has been designed in such a way as to both minimise the additional impact of a first floor and of a design and vernacular which is compatible with the adjacent buildings, such that it would not be considered to undermine the five purposes of the Green Belt as set out in paragraph 143 of the NPPF, which are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

In consideration of the purposes of the Green Belt, the absence of demonstrable harm to purposes of the Green Belt and the circumstances which include public benefits, officers conclude that the objectives of the NPPF are met in this case and therefore grounds for refusal due to the materially larger built form would not be sustainable at appeal.

5 Year Housing Land Supply

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. As a replacement dwelling, the proposal would not deliver any new housing and therefore the absence of a five-year housing land supply is not a significant material consideration in the determination of this application. Although it is noted that the present dwelling is reported as being defective and the replacement built to modern housing standards would result in betterment overall.

Design and Impact on the Landscape Character

WCS Core Policy 57 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.

WCS Core Policy 51 requires development to:

- Protect, conserve, and enhance landscape character and quality.
- Respect local distinctiveness, key views, and visual receptors.
- Give particular weight to impacts on National Landscapes (formerly AONBs) and locally valued landscapes

Section 12 of the NPPF emphasises design that is:

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

The NPPF further emphasises the need to protect and enhance valued landscapes, particularly those with scenic, historic, or ecological significance. Planning decisions should:

- Recognise the intrinsic character and beauty of the countryside.
- Safeguard key views, local distinctiveness, and landscape settings.
- Ensure development is well-integrated into its surroundings and avoids visual intrusion, especially in sensitive or designated areas.

NPPF Paragraph 189 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.

Under Section 245 of the Levelling-up and Regeneration Act 2023, LPAs and other relevant authorities must now “seek to further” the statutory purposes of National Landscapes (formerly Areas of Outstanding Natural Beauty), replacing the previous duty to merely “have regard to” them. This is an active duty, requiring authorities to take reasonable and proportionate steps to support the conservation and enhancement of the natural beauty, special qualities, and key characteristics of these designated areas when exercising any function that affects them.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality and promotes a context-led approach, encouraging integration with natural features and settlement patterns while avoiding visual intrusion.

The context for the site is within the open countryside within the designated Cotswolds National Landscape, adjacent to a small group of properties and buildings comprising those associated with Lye Green Farm and including existing residential properties. The existing bungalow occupies a mature plot such that the dwelling is not readily visible from the vehicular highway due to the presence of trees and vegetation, although a public footpath runs immediately adjacent to the eastern end of the building. The redevelopment of the site would inevitably have the potential for significant impact on the character and appearance of the site due to the likelihood of site clearance, which would otherwise be less likely to occur.

The Council’s tree officer assessed the submitted Arboricultural Method Statement and Tree Protection Plan and is satisfied that the construction of the new dwelling and access would not a significant or adverse impact on existing trees subject to a condition to ensure that the development proceeds in accordance with the submitted information.

Aside from the above, the visual impact of a building with two-storeys of accommodation would be more impactful than the presence of a building with single storey accommodation and the replacement dwelling would be open to views from the surrounding designated national landscape. However, the design of the replacement dwelling would have a more traditional

form, which is compatible with the adjacent development and there is no objection to the loss of the existing bungalow in terms of its historic or architectural merit.

Whilst the increase in height from approximately 4.25 metres to approximately 7.5 metres as depicted by scaled elevational drawings would introduce a larger building which would have an increased visual impact than the existing dwelling, the impact would not cause unacceptable harm to the local context or surrounding designated landscape setting, or openness of the Green Belt.

Impact on Heritage Assets

The subject building is unlisted and is not an undesignated heritage asset. There are no designated heritage assets in the locality which would be affected by the development.

Amenity

WCS Core Policy 57 (Point vii) 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. The site has one neighbouring dwelling, located to the west of the site, Flintstones, 103 Lye Green.

The main issue for consideration of the relationship with this dwelling is the potential for an increase in overlooking/loss of privacy as a result of first floor window openings which are not present in the existing single storey dwelling. However, the building is sited at an angle and direct overlooking would be unlikely to arise. There has been no objection on the grounds of loss of privacy, and it is concluded that the position of the dormer windows at first would not cause demonstrable harm to amenity to sustain a reason for refusal.

The separation and orientation is such that effects arising from loss of light/overshadowing are not anticipated and it is not considered that the proposed replacement dwelling would result in an overbearing impact or overall sense of enclosure. There would be no change in noise levels as a result of the replacement dwelling, temporary effects during the construction phase would be limited and not a reason for refusal of permission.

The internal accommodation and external amenity space would exceed minimum Space Standards and would provide a good standard of amenity for future occupiers.

Highways Impacts and Parking, including Public Right of Way

Transport implications are a key factor in assessing planning applications. 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.

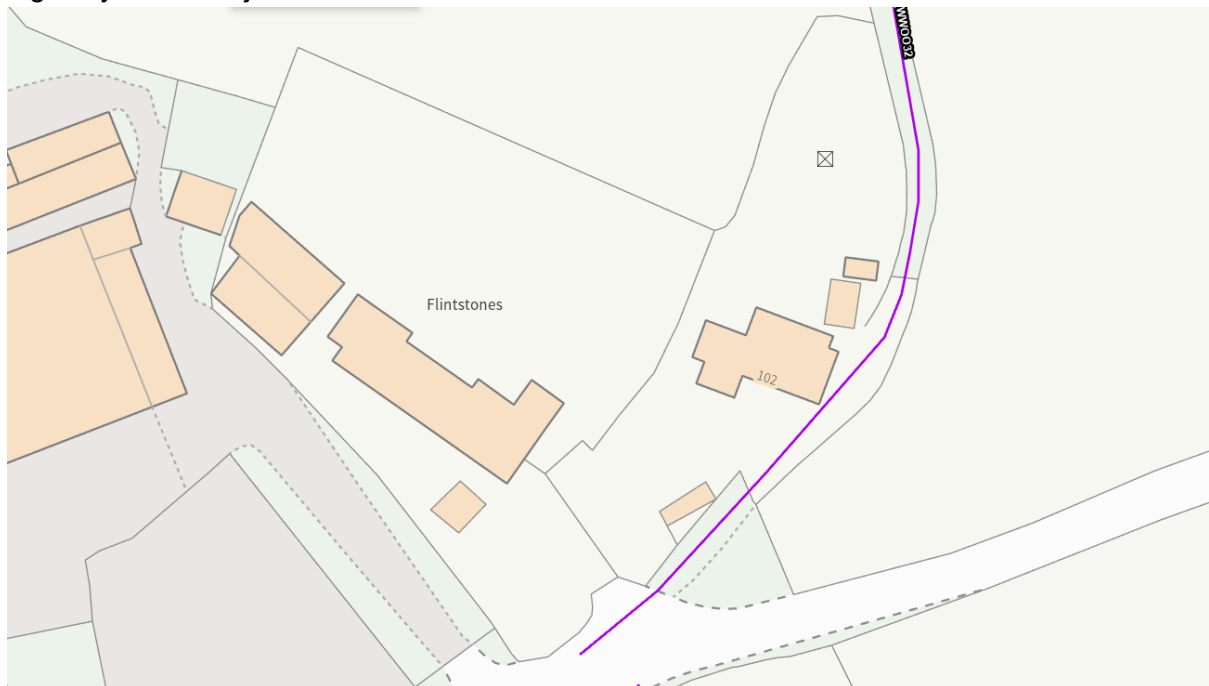
- Safe access for refuse collection vehicles in accordance with the Wiltshire Council Waste Storage and Collection SPD (2017).

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.

The existing dwelling is served by an existing access from the highway which is also a Public Right of Way.

The proposal includes relocating the vehicular entrance further to the west and forming a new parking/turning area within the front garden, this would comprise three parking spaces and sufficient space for vehicles to turn and enter the street facing forward. The accompanying statement indicates that at present they are unable to do so. Cycles would be stored in existing sheds which are located in the front garden and are to be retained. The proposed new access would be used solely for the replacement dwelling, allowing the route of the public footpath (along its current alignment) to be separated from the access drive/front garden.

The Council's highways officer raises no highway objection to the proposed development, subject to a consolidated access, turning area and adequate drainage to prevent surface water discharging onto the highway. However, the proposed access is adjacent to the access to the neighbouring property and therefore additional plans to ensure that there is adequate visibility to the east of the proposed access were sought to ensure the safety of users of both properties. Following receipt of a revised site plan, the highway's officer confirmed having no highway-based objection.



Public footpath WWOO32 runs along the eastern boundary of the property as shown above and on the submitted site plan, however it is noted that no further details have been provided. The parish council and third parties raised no adverse comments other than expressing concern that access to the public footpath is maintained. There is no proposal to divert or

extinguish the right of way from its current alignment, instead, the proposal seeks to re-configure the site layout so that the vehicular driveway is removed from the route of the PRow footpath to allow the garden to be enclosed from the route of the footpath without obstructing its use and to create a clearer separation which as mentioned above, is recognised as being a public benefit.

The footpath must be available at all times at a minimum width of 2.4 metres through the site and that no works affecting the footpath or access to it should be undertaken without prior consultation with the Countryside Access Officer. The Council's countryside access officer has no objection to the proposal subject to condition to required that the public footpath WWO032 running through the site is made fully available and accessible along its legal alignment, such that it is cleared of all obstructions, including any remnants of the former stone wall or other debris and provided with a suitable and safe walking surface, fit for public use, and subsequently maintained to ensure unobstructed passage. A planning informative setting out the obligations under the Highways Act are recommended.

Ecology and Biodiversity

The ecological impact of development is a key planning consideration. Proposals must assess and address potential effects on:

- Protected species
- Priority habitats
- Ecological networks
- Green and blue infrastructure

WCS Core Policy 50 requires development to:

- Avoid harm to ecological assets.
- Deliver measurable Biodiversity Net Gain (BNG), in line with the Environment Act 2021.
- Support habitat restoration and connectivity.
- Integrate biodiversity into site design.

Unless exempt, National policy requires a minimum of 10% Biodiversity Net Gain (BNG), demonstrated via:

- Biodiversity Metric calculations
- Ecological assessments (e.g. PEAs, Phase 1 surveys, protected species surveys)

The application is supported by a Preliminary Ecology Appraisal, Seasons Ecology, August 2025, Bat Survey, Crossman Associates, October 2025 and Arboricultural Method Statement & Tree Protection Plan, October 2025.

Bath and Bradford-on-Avon Bats Special Area for Conservation (SAC)

The site lies within a multiple parcel and core roost buffers for Lesser Horseshoe and Greater Horseshoe bats associated with the Bath and Bradford-on-Avon Bats SAC. It therefore may have the potential to result in significant adverse impact on the special features of that site. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried

out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

This application does not propose the removal of any bat roosts or significant bat foraging or commuting habitat – minor areas of modified grassland (within a garden) will be removed to accommodate a parking area, but otherwise, the new dwelling largely falls within the existing dwelling's footprint. The bat emergence survey did not record any activity of qualifying bat species within the garden. Further, minimal new lighting is proposed (see comments below) and will be positioned to avoid illuminating the surrounding habitats. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that given the scale and nature of the currently proposed development, there is no mechanism for adverse impact on the Conservation Objectives of the SAC, and the proposal can be screened out of Appropriate Assessment.

Protected species

Owing to suitable gaps in the roofline, mortar and soffit boxes, the bungalow was assessed as having some potential to host roosting bats, albeit low. Accordingly, a dusk emergence survey was undertaken in August 2025. No bats were recorded emerging from the building. Relatively common species were recorded foraging in the garden, as well as a single Greater Horseshoe bat (not seen).

Although it is considered unlikely that the building hosts roosting bats, the report makes suitable precautionary recommendations for the dismantling of the roof and soffits, as well as sensitive lighting design. The Design and Access Statement confirms that lighting is planned only for the entrance doors, to be motion-sensitive on a short timer, and with a warmer colour temperature. Adherence to these recommendations should be secured via a condition.

The garden provides some suitable bat foraging habitat which, as per the bat survey, was used by a number of common species. However, only minor areas of modified grassland will be lost to accommodate this development (e.g., ~80m² for the parking area, as measured from the Site Plan), and it is noted that a number of new trees and planting beds are proposed, which would help to mitigate for this loss. Further, in line with the NPPF and CP50, the Design and Access statement notes that a bat box, swift boxes, and reptile hibernaculum will be installed. The locations and specifications of these enhancements should be secured through a planning condition.

The site includes habitats that could be used by nesting birds. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds (such as vegetation clearance or building demolition) from March to August inclusive. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged.

Biodiversity Net Gain

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment

Act 2021). Based on the information available, the biodiversity gain planning condition is not considered to apply to this application as it is for self and Custom Build Development, meaning development which:

- consists of no more than 9 dwellings;
- is carried out on a site which has an area no larger than 0.5 hectares; and
- consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015)

In order to benefit from the self-build exemption the applicant has agreed to secure the self-build development by Unilateral Undertaking. As such, the LPA is satisfied that the application can be determined without the statutory BNG metric.

Flood Risk and Drainage

WCS Core Policy 67 and NPPF paragraphs 170–182 require:

- Avoidance of increased flood risk.
- Use of appropriate mitigation measures.
- Application of the sequential and exception tests for developments in Flood Zones 2 or 3.

The Wiltshire Council Strategic Flood Risk Assessment, SFRA Data Explorer, has indicated that the site is located within Flood Zone 1 and has a low level of risk from fluvial flooding. The site has a low level of risk from groundwater flooding and a low level of risk from surface water flooding.

The proposal is to demolish the existing bungalow and garage and build a new 4-bedroom house with a similar footprint, while managing surface water on-site through a soakaway system in the rear garden; however, no details of the soakaway design or soakage/percolation testing have been provided, and the application does not confirm whether the proposed new parking area and access will use permeable materials or include a drainage strategy for these impermeable surfaces. The Council's drainage officer has therefore raised no objection subject to a condition requiring the submission of a surface water drainage strategy to be submitted prior to commencement of development.

Environmental Considerations (Noise, Air Quality, Contaminated Land, etc.)

Policy Context

WCS Core Policies 55 and 56 require:

- Development proposals to avoid unacceptable environmental impacts.
- To provide appropriate mitigation where risks are identified.

The NPPF and Planning Practice Guidance (PPG) reinforce this by stating that proposals should:

- Prevent development that contributes to or is exposed to unacceptable pollution.
- Ensure developer responsibility for safe development on contaminated land.

Wiltshire Council's Air Quality SPD (2023) provides detailed guidance, especially near Air Quality Management Areas (AQMAs) and encourages mitigation such as:

- EV charging infrastructure
- Green buffers
- Sustainable transport options

The proposal is for a replacement dwelling. As such it is anticipated that the likelihood of risks is low. The provision of EV charging infrastructure will be a matter for Building Regulations and therefore it is not considered that a planning condition is warranted for the scale of development proposed.

Other Issues

Pre-commencement Condition Agreement

This recommendation includes pre-commencement planning condition(s) relating to drainage and public right of way. In accordance with Section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority formally notified the applicant/agent of the proposed condition(s) and sought their agreement. Written confirmation of agreement was received from the applicant's agent.

CIL & S106 CONTRIBUTIONS

CIL

The proposed development may be liable for CIL as set out in the Wiltshire CIL Charging Schedule dated May 2015. This is a charge that local authorities can impose on new developments in their area for each additional square metre of floor space created. The money generated through the levy will contribute towards the funding of infrastructure to support growth and is payable upon commencement of development.

S106 CONTRIBUTIONS

Core Policy 3 advises that *'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development.'* This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 58 of the National Planning Policy Framework. These are:

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

The proposal falls below the threshold for infrastructure requirements.

PLANNING BALANCE AND CONCLUSION

The principle of development of a replacement dwelling is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy and the emerging Local Plan.

The development is within the Green Belt where national planning policy deems that replacement buildings which are materially larger than the buildings they replace constitute inappropriate development. The proposed dwelling would be materially larger than the building it would replace having regard to its height and volume due to the provision of first-floor accommodation, however it has been concluded that the larger form does not conflict with the purposes of the Green Belt when taking into consideration the benefits of the scheme.

The proposal is broadly compliant with relevant local and national planning policies in respect of design, scale, landscape impact, residential amenity, highway safety, flood risk and drainage, ecology and biodiversity, subject to the recommended conditions and any necessary mitigation measures

The development replaces an existing dwelling and outbuildings that have no architectural merit and as such there would be no contribution to housing supply as a result of the development, however it would deliver a self-build home as well as modest benefits to the local economy during the construction phase and upgrading the existing accommodation, which weigh positively in the overall planning balance. Additionally, the reconfiguration of the plot which enables the public right of way to pass, in its current definitive route, alongside the edge of the garden rather than through it offers a public benefit to users of the footpath as well as occupiers of the dwelling.

No material considerations have been identified that would significantly and demonstrably outweigh these benefits and there are no technical reasons to indicate that permission should be refused, having regard to the assessment above and the representations received.

Accordingly, the proposal is considered acceptable in planning terms and in accordance with the Wiltshire Core Strategy, the National Planning Policy Framework, and all other relevant material considerations.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to 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 and documents:

Location Plan LGW PL-01

Site Plan LGW PL-04A

Proposed flood plans LGW PL-05

Proposed elevations LGW PL-06
Proposed sections and roof plan LGW PL-07
Proposed east elevation LGW PL-08
Coloured Front Elevation LGW PL-09

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

- 3** The development will be carried out in strict accordance with the following documents:

- Section 6 of the Preliminary Ecology Appraisal, Seasons Ecology, August 2025
- Bat Survey, Crossman Associates, October 2025
- Design & Access Statement, James Armitage Architects & Urban Designers, October 2025

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

- 4** All demolition, site clearance and development on site shall be carried out in accordance with the Arboricultural Method Statement & Tree Protection Plan, prepared by NB Tree Management and dated 17th of October 2025.

REASON: In order that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 5** Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of ecological enhancements – such as wildlife friendly plantings, nesting opportunities for birds and roosting opportunities for bats – shall be submitted to the local authority for approval. The approved details shall be implemented before occupation of the final works.

REASON: To provide mitigation/enhancement for biodiversity.

- 6** Prior to the commencement of development, the public footpath WWO032 running through the site shall be made fully available and accessible along its legal alignment. The footpath shall be:

- Cleared of all obstructions, including any remnants of the former stone wall or other debris.
- Provided with a suitable and safe walking surface, fit for public use.
- Maintained with adequate clearance from vegetation and other impediments to ensure unobstructed passage.

No works shall obstruct, divert, or otherwise interfere with the footpath unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the public right of way, ensure uninterrupted and safe access, and maintain the footpath to an appropriate standard in accordance with Section 130 of the Highways Act 1980.

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

REASON: To ensure that the development can be adequately drained and prevent run-off onto the highway.

Informatives

- The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the Highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way WWO032 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

It is the responsibility of the applicant to ensure any overhanging vegetation from the trees and hedges on their property is regularly cut back to ensure the full width of the path is available.

The applicant should note that no gates or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

If a temporary closure of the footpath is required at any time during the works, this must be applied for 3 months before any work is carried out. The applicant should contact the Countryside Access Officer or email rightsofway@wiltshire.gov.uk. An alternative route should be available during the closure.

- In order to discharge the surface water drainage condition, the following additional information must be provided:
 - A drainage plan showing any existing drainage features on the site and detailing the proposed drainage strategy, including provisions for any access /parking areas.
 - Evidence that Soil percolation tests/soakage tests have been undertaken in accordance with Building Regulations/BRE 365, and confirmation of infiltration rates.
 - Evidence or calculations to demonstrate that the soakaway has been designed for:
 - 1 in 10yr + cc flows
 - Half drain time <24hrs
 - Highest groundwater level at least 1m from base of the soakaway
 - Appropriate factor of safety in line with CIRIA C753 (Table 25.2) guidance has been included.
 - The applicant needs to confirm the extent of additional impermeable areas created by the proposed parking spaces and new access and clarify whether these surfaces will be permeable. If they are impermeable, a suitable drainage strategy must be provided to ensure surface water is managed appropriately and does not increase flood risk.

- A plan showing overland exceedance routes that minimise the risk of people and property.
- The applicant shall submit clear arrangements for the ownership and ongoing maintenance of the proposed drainage system (including SuDS features) over the lifetime of the development.
- The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.