

APPLICATION FOR PERMISSION IN PRINCIPLE CASE OFFICER REPORT

APPLICATION REFERENCE:	PI/2026/01527
APPLICATION TYPE:	Permission in Principle
SITE ADDRESS:	Land at Upper Castle Combe, Chippenham, SN14 7HA
DEVELOPMENT DESCRIPTION:	Permission in Principle for the construction of 2 dwellings
RECOMMENDATION:	Planning Permission be REFUSED

PROPOSAL AND SITE DESCRIPTION

This application seeks Permission in Principle (PiP) for 2no dwellings. The application site comprises agricultural land, used as allotments, in 'Upper Castle Combe', part of the Chippenham community area. At the time of writing, Upper Castle Combe does not benefit from a made neighbourhood development plan (NDP) or development framework boundary. The nearest settlement with a defined framework boundary is 'Yatton Keynell', over 1.7km east of the site.

Land directly west of the site is also used as allotments, indicated within the provided covering letter as being within the same ownership as land associated with this application site, and land further west is predominantly undeveloped agricultural land. There are dwellings to north and east of the site, land subject to a planning application for mixed used development (pending decision at the time of writing) directly south, and 'Castle Combe Circuit' further south. Whilst Upper Castle Combe does not have a development framework boundary defined under policy, the sites spatial and visual connection to both open countryside and the existing built form of this part of Castle Combe is considered to be at the edge of the settlement.



Figure 1: map view of site



Figure 2: aerial view of site (red)

The site is partially visible from the adjacent unclassified highway, at the point where existing vehicular access is located. The site is within the Castle Combe Conservation Area (CA) and near (50m south-west of) Grade II listed 'The Old Forge'. The CA does not benefit from a made appraisal or management plan. The site is also wholly within the Cotswolds National Landscape (NL) – previously Area of Outstanding Natural Beauty (AONB) – the landscape character for this part of the NL is 'Dip-Slope Lowland'.

The Environment Agency (EA) identify the site as being within flood zone 1, at the lowest risk of flooding from rivers and seas, and the Councils Strategic Flood Risk Assessment (SFRA) does not indicate that the site is likely to be at high risk of groundwater or surface water flooding. The site is, however, within the outer zone (SPZ2) for groundwater source protection. The site is also within the 2km buffer for lesser horseshoe bats at the Nettleton Mills Barns Core Roost associated with the Bath and Bradford-on-Avon Special Area of Conservation (SAC)

PLANNING HISTORY

Relevant planning history at the site:

None

Recent, relevant planning history near the site:

East Combe Farm:

- PL/2025/03695 requesting full planning permission for *Mixed use development comprising erection of approximately 1,000sqm office extension with 75 parking spaces. Change of use of land from agricultural to Class E (Office and Light Industrial). Demolition of buildings. Retrospective permission for change of use of land to Builders Compound (2,950sqm sui generis use) and storage building (785 sqm B8 storage use). Removal of earth works operation* is currently pending determination

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

Wiltshire Core Strategy (WCS) – Adopted 2015

- CP1: Settlement Strategy
- CP2: Delivery Strategy
- CP10: Spatial Strategy for the Chippenham Community Area
- CP45: Meeting Wiltshire's Housing Needs
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensuring the Conservation of the Historic Environment

- CP60: Sustainable Transport
- CP61: Transport and Development
- CP64: Demand Management
- CP67: Flood Risk

Saved Policies of the North Wiltshire Local Plan (NWLP)

- H4: Residential Development in the Open Countryside

Wiltshire Local Transport Plan (LTP4)

Wiltshire Housing Site Allocations Plan 2020

Countryside and Rights of Way Act 2000 (CROW)

Cotswolds AONB Landscape Strategy and Guidelines

- LCT 11: Dip-Slope Lowlands

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

Town and Country Planning (Permission in Principle) Order 2017

The Conservation of Habitats and Species Regulations 2017

HOUSING LAND SUPPLY

The Councils Housing Land Supply (HLS) Statement (base date: April 2024) was published in June 2025 and covers the HLS for Wiltshire and each Housing Market Area within Wiltshire as set out in the WCS. The HLS position identified under section 6 of the statement expresses that the current number of years deliverable supply is 2.42 years.

Briefing Note (No. [25 – 04](#)) dated 18.06.2025 reiterates that position and states under section 2.3 that: *The council cannot demonstrate the requisite five-year housing land supply. The current position indicates there is a 2.42 years supply.*

The examination of the emerging Wiltshire Local Plan has been paused and the weight to be afforded to any part of the emerging plan can be no more than very limited. A decision on how to proceed will be made by the Council in May 2026

ISSUES

The main issues in the consideration of this application are:

- Whether the development is exempt from permission in principle
- Whether the site location is suitable in principle
- Whether the land use is suitable in principle
- Whether the amount of development is suitable in principle

CONSULTATION

Castle Combe Parish Council: Object

Castle Combe Parish Council does not support this application for the following reasons: This land is designated as agricultural. The construction of residential properties in such locations is only justified when directly related to agricultural use, such as housing for farm workers or facilities for progressing agricultural products. This application does not meet these criteria.

The provision of an alternative site for the displaced allotments will only be achieved by utilising land already designated as agricultural. The overall effect will therefore remain a loss of agricultural acreage.

The erection of two large properties on this site would have minimal impact towards achieving the target for new homes within the County.

The site is within a Conservation Area and Area of Outstanding Natural Beauty and as such the visual impact is of key importance. This is an exceptionally quiet country lane with its own natural beauty which will adversely impacted by the proposed access and vegetation changes.

The development proposal includes lighting of buildings close to, or actually on, habitats consistently used by bats for foraging, commuting and possibly underground roosting, and European Protected Species legislation is therefore fully relevant.

Councils Conservation Team: Comment

Given the nature of the site ie adjacent to other development and behind existing development, the site appears to have potential for residential use for a max of two units.

This is subject to the scale of the development being appropriate to the local context. I would suggest the buildings should be limited to 2 storeys of accommodation. The materials of the buildings must also be appropriate to the local context.

Councils Ecology Team: Object

[...]

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

The application site is within a consultation zone for Lesser Horseshoe bats associated with the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and therefore has potential to result in significant adverse impact on the special features of that site. Appropriate Assessment (AA) under Section 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) 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.

The site is linked to grassland and woodland in the wider landscape, potentially providing important foraging and commuting habitats. There are a number of records of Lesser

Horseshoe bats approximately 340m north of the site. Based on the information provided, the current proposal could result in the loss of foraging/commuting habitat as well as disturbances during construction and post-development, via, e.g., new lighting or noise, vibration and dust pollution. It is not known whether any trees are proposed for removal. For projects that could impact a European habitats site, a habitats regulations assessment (HRA) must be carried out to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

Insufficient information has so far been submitted to enable the Appropriate Assessment to be undertaken, which must be completed and the conclusion agreed with Natural England prior to the application being determined. Such information should include detailed surveys demonstrating how bats currently use the site, including for roosting, foraging and commuting, as well as a clear statement of any vegetation proposed for removal, and proposed mitigation, e.g., by alternative or supplementary planting. Any commuting/foraging habitat should be buffered sufficiently to ensure functionality is maintained.

Paragraph 1A of regulation 70 of the Conservation of Habitats and Species Regulations 2017 states that the assessment provisions apply to “granting permission in principle under section 59A of the TCPA 1990 (Development orders: permission in principle)”. This makes it clear that the LPA must make an Appropriate Assessment (AA) of the implications of the Proposal before any Permission in Principle is authorised. Further information can be found within [the Government’s guidance for applications for permission in principle](#).

The site supports habitat or features functionally linked to and suitable for the qualifying features of the SAC and these features could be impacted by the development. Conditions to ensure no adverse impacts on these features and therefore the Habitats Site can’t be imposed for this type of application. In the absence of mitigation potential for adverse effects can’t be ruled out and the LPA is unable to conclude the AA favourably.

Protected species and habitats

The site and surrounding area may be suitable for use by bats, badgers, nesting birds, hedgehogs, and reptiles. Ancient Woodland Parsonage Wood lies approximately 400m west of the site.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate:

- i. No net loss of local biodiversity resource and
- ii. Secure the integrity of local ecological networks

In line with NPPF and with CP50, applications must ensure that no net loss of functional habitat for the benefit of wildlife in the local area will occur as a result of the proposed development. In addition, it is expected that gains for biodiversity, relevant to local habitats and wildlife populations will form part of the proposed development.

The scope of permission in principle is generally limited to location, land use and amount of development. At the technical details consent stage, evidence to demonstrate that there will be no net loss of local biodiversity resource, and that the integrity of ecological networks will be maintained, must be submitted for review by the LPA’s ecology team.

Ecological information submitted at that stage should consider the presence of protected and Priority species and habitats, and any relevant mitigation as well as enhancements.

Biodiversity Net Gain

The grant of permission in principle is not a grant of planning permission, and so the mandatory biodiversity gain requirement does not apply at this stage.

[...]

If the applicant considers that the development would not be subject to the biodiversity gain condition, Schedule 7A of the Town and Country Planning Act 1990 the applicant must provide a statement as part of the planning application setting out the reasons why they believe this is the case. Submission of a completed metric calculation tool may be necessary to evidence the statement.

Insufficient information has been submitted. In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application. I therefore maintain a holding objection until all the issues listed above have been suitably addressed

Councils Highways Team: No Objection

REPRESENTATIONS

At the time of writing (09.04.2026) 5no Public Objections, raising the following summarised concerns, have been received:

- Loss of community space
- Loss of agricultural land
- Not enhancing the CA
- No local need and 2no houses would not bring about much benefit to the HLS
- Highway safety impacts by virtue of the tight turning from the access
- Village has reached sewage capacity – there has been recent sewage overflow into fields
- Out of settlement location
- Inaccuracies within the submission

In addition, concerns have been raised regarding the public consultation carried out for this application; a site notice was placed in a publicly accessible location on 18.03.2026; accordingly the public consultation period ran until 01.04.2026; all representations received have been duly taken into account.

ASSESSMENT

PiP provides an alternative route for obtaining planning permission for housing-led development. The PiP stage establishes whether a site is suitable in principle (limited to the location, land use and amount of development) and the technical details consent (TDC) stage considers the detailed design, layout, mitigation and all other reserved matters.

Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 prevents the grant of PiP for certain development. Where a proposal is assessed as falling within one of the Article 5B exclusions, the LPA has no power to grant PiP and the application must be refused. The primary assessment to be made at PiP stage is, therefore, whether the proposal is excluded from the PiP regime by Article 5B.

Where the proposal is not excluded by Article 5B, a secondary assessment is undertaken to determine whether the site is suitable in principle regarding the location, proposed land use and amount of development.

As planning conditions cannot be imposed at the PiP stage, mitigation that is required to make a proposal acceptable in principle must be clearly established at the PiP stage. Mitigation that relates to reserved matters may be separately addressed at the TDC stage; however, where mitigation is necessary to avoid or rule out impacts that would otherwise prevent the grant of PiP, the proposal would fall outside the scope of the PiP regime.

Whether the development is exempt from permission in principle

Context

Article 5B(1) of the 2017 Order directs that an LPA may not grant PiP in relation to development which is:

- Major development
- Habitats development
- Householder development; or
- Schedule 1 development

Article 5B(2) of the 2017 Order further directs circumstances where Schedule 2 development cannot be granted PiP by the LPA.

Assessment

The application site lies within the consultation zone for Lesser Horseshoe bats associated with the Bath and Bradford-on-Avon Bats SAC and the site supports habitats or features functionally linked to and suitable for the qualifying features of the SAC.

Consultation with the Councils Ecology Team has been carried out, which resulted in a holding objection confirming that there has been insufficient information submitted to allow the Local Planning Authority to rule out the likelihood of significant effects on the SAC arising from the proposed residential development.

The information provided as part of this application fails to demonstrate that 2no dwellings at the site would not result in adverse effects on habitats or features functionally linked to the SAC and which are relied upon by the SACs qualifying features. Consequently, insufficient information has

been submitted to enable the Local Planning Authority to undertake an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017. 'Habitats development', insofar as the requirements of The Town and Country Planning (Permission in Principle) Order 2017 applies, means development –

- (a) which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and*
- (b) for which the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Assessment of implications for European sites and European offshore marine sites)*

As the development has not been screened out of AA, and insufficient information has been provided with the application submission to enable the LPA to carry out an AA, the competent authority not been able to give consent in accordance with regulation 63 of the Conservation of Habitats and Species Regulation; therefore, the scheme constitutes habitats development.

Article 5B(1) of the 2017 Order prevents the grant of Permission in Principle for habitats development.

As the proposal is excluded from PiP under Article 5B the application must be refused. For the avoidance of doubt, however, the following very broad assessment of PiP matters is provided.

Whether the Site Location, Land Use and Amount of Development is Suitable in Principle

Development Plan Context

Policies CP1 and CP2 of the WCS relate to the special strategy for Wiltshire, setting the policy foundations for the promotion of sustainable development within the county. CP10 expresses that development in the Chippenham Community Area should be in accordance with the Settlement Strategy Set out in CP1.

The site is in open countryside and residential development in this location is broadly not supported by CP1, CP2, and CP10; furthermore, the development does not meet the exemption policies (CP34, CP37, CP39, CP40, CP44, CP46, CP47 or CP48) within the WCS or the aims of saved policy H4 of the NWLP.

CP51 of the WCS sets expectations for development to protect, conserve and where possible enhance landscape character; CP57 requires development to enhance local distinctiveness by responding to the value of the natural and historic environment; and CP58 further requires development to protect, conserve and where possible enhance the historic environment.

CP60 encourages the sustainable, safe and efficient movement of people and goods within and through Wiltshire, CP61 requires new development to be located to reduce the need to travel by private car and CP64 encourages the use of sustainable transport alternatives.

Tilted Balance Context

The Council have accepted that the requisite housing land supply cannot be demonstrated and as such, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date.

11(d) of the NPPF directs that in these circumstances planning permission should be granted unless one or both of the following apply:

- (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.*

Paragraph 14 of the NPPF goes on to further express that:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: (a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

For the avoidance of doubt, the site is not in an area which benefits from having a made NDP and as such the requirements of paragraph 14(a) of the NPPF have not been met.

Paragraph 11d(i)

The site is located within flood zone 1 and has not been identified within the SFRA as being in an area at high risk of surface or ground water flooding.

The site is not designated as green belt or local green space but is near the Bath and Bradford-on-Avon SAC. Furthermore, the site is within the Cotswolds National Landscape area and the Castle Combe CA.

Paragraph 11d(ii)

The development is not major development, and permission would not result in the creation of isolated homes in the countryside; however, the site is in an area which would likely require future occupants to be wholly reliant on the private car to access facilities. At the time of writing, the site is not considered to be in a sustainable location.

Summary and Broad Assessment

The proposed 2no dwellings would bring about some benefit to the HLS for Wiltshire; no further benefits have been indicated within the application submission.

Taking into account the site and development specific circumstances, if the scheme had not already been assessed as exempt from the PiP regime, thorough and careful assessment regarding the impact of the development on the SAC, NL and the CA would be made to determine whether impacts identified would provide a strong reason for refusing the development. After which, particularly in circumstances where there isn't a strong reason for refusing the development identified as part of that initial assessment against the provisions of paragraph 11d(i), secondary assessment regarding whether any adverse impacts of granting PiP - in relation to the provisions of paragraph 11d(ii) - would significantly and demonstrably outweigh the benefits of 2no dwellings would also be made.

In circumstances where there is no strong reason for refusal and where the adverse impacts of granting PiP do not significantly and demonstrably outweigh the benefits, the tilted balance directs that the application should be approved. On this occasion, given that the scheme is exempt from the PiP regime, permission cannot be lawfully granted; however, even if the scheme had not already been assessed as exempt from the PiP regime, the lack of information provided as part of this application means that the paragraph 11d(i) assessment relating to impacts on the SAC can also not be carried out.

For the avoidance of doubt, based on the information available, if the scheme had not already been assessed as exempt from the PiP regime, there would be a strong reason for refusing the application.

CONCLUSION

The site supports habitat or features functionally linked to and suitable for the qualifying features of the SAC and these features could be impacted by the development. Conditions to ensure no adverse impacts on these features, and therefore the Habitats Site, cannot be deferred to the TDC stage. In the absence of mitigation potential for adverse effects, adverse effects cannot be ruled out, and the LPA is unable to conclude the AA favourably.

As likely significant effects on the SAC have not been screened out, and an AA is required but cannot be carried out due to insufficient information being submitted, the proposal constitutes habitats development and as such is excluded from PiP under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017. Permission in Principle cannot lawfully be granted.

For the avoidance of doubt, even if the scheme was not development exempt from the permission in principle regime, there are in principle matters which would not likely allow for a favourable recommendation to have been made. An informative will be included as part of the decision notice, reiterating this point.

RECOMMENDATION:

That planning permission be REFUSED for the following reason:

1. The application site is within a consultation zone for Lesser Horseshoe bats associated with the Bath and Bradford on Avon Special Area of Conservation (SAC) and the site supports habitats or features functionally linked to and suitable for the qualifying features of the SAC; the proposed development therefore has potential to result in significant adverse impacts on the special features of that site. In the absence of ecological surveys and sufficient information regarding bat use of the site, potential habitat loss, disturbance and mitigation measures, the Local Planning Authority is unable to rule out likely significant effects on the SAC.

In the absence of sufficient detail accompanying this application the Local Planning Authority has been unable to undertake an Appropriate Assessment, as required under Regulation 63 of the Conservation and Habitats and Species Regulations 2017 (as amended). As an Appropriate Assessment has not been screened out and has not been possible to favourably conclude, the scheme is habitats development insofar as Article 5B of The Town and Country Planning (Permission in Principle) Order 2017 applies. Habitats development falls outside of the Permission in Principle regime and, consequently, the Local Planning Authority cannot lawfully approve the application.

INFORMATIVES TO THE APPLICANT:

- For the avoidance of doubt, plans and documents considered were:
Application Form; signed and dated 26.02.2026
Planning Statement; Willis & Co, dated 04.03.2026
Location Plan; H-JH-01
Site Plan; H-JH-02
- On its website Wiltshire Council has made available statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance. The Council also offer a full suite of pre-application advice services which would allow for guidance to include what information would need to be included in an application to take into account the site location and type of development etc; however, on this occasion, the application was unfortunately submitted without any meaningful pre-application discussions. The applicant was, on 08.04.2026, made aware of the issues with the submission and was offered the opportunity to withdraw the application; however, the applicant confirmed that their preference to the application being determined.
- For the avoidance of doubt, even if the scheme was not development exempt from the permission in principle regime, there are in principle matters which would not likely allow for a favourable recommendation to have been made.