

Millen Homes Limited
Lyon Road, Harrow, London HA1 2EN

26 April 2026

Steven Sims

Planning Officer, Wiltshire Council

By email

Dear Mr Sims

Application Ref: PL/2026/00531 — Land East of Yarnbrook Road, West Ashton

Outline application for 9 self-build dwellings (access and layout only)

Thank you for your email. The applicant does not intend to withdraw. The matters raised are capable of full resolution through the Unilateral Undertaking proposed below, through information already on the file, or through conditions in the standard form. We request that determination is held in abeyance and we are content to agree a reasonable extension of time.

1. Bath & Bradford-on-Avon Bats SAC, TWBMS, and the tilted balance

Footnote 7 to NPPF paragraph 11(d) is engaged only where the competent authority is unable, after Appropriate Assessment under Regulation 63 of the Habitats Regulations 2017, to conclude no adverse effect on integrity. It is not engaged by location within a consultation or impact zone. Where AA is concluded positively, the tilted balance is restored.

The applicant wishes to proceed immediately with the Section 106 Unilateral Undertaking process to secure the TWBMS tariff contribution and any pro rata Salisbury Plain SPA contribution. Please provide draft heads of terms and template UU wording at your earliest convenience so the UU can be engrossed and submitted before any decision.

It is common ground that the Council cannot demonstrate a five-year housing land supply. Once the AA is concluded positively and footnote 7 falls away, paragraph 11(d) is engaged in the applicant's favour. The proposal is also self-build under the Self-Build and Custom Housebuilding Act 2015, which carries significant weight in its own right where Part 1 register demand has not been met.

2. Ecology and the PEA

The submitted PEA (Arborweald, November 2025) is sufficient. It assesses the entirety of the 0.47 ha site, concludes habitats are of low ecological value, that no Phase 2 surveys are required, and that risks are addressed by standard precautionary mitigation. None of those conclusions is sensitive to

dwelling positions within the developable footprint. The receptors and impacts are unchanged by the layout.

The proposal is statutorily exempt from the Biodiversity Metric Assessment under paragraph 17 of Schedule 7A TCPA 1990 (9 dwellings, 0.47 ha, exclusively self-build), as acknowledged at PEA paragraph 1.18.

The SAC, TWBMS yellow/grey zones and Salisbury Plain SPA recreational impact zone are matters for the Council's Appropriate Assessment, informed by the UU at section 1 — not by a re-issued PEA.

3. Highways

The recommendation of refusal is not made out.

Visibility splays. DMRB is not the applicable standard. The correct standard at a residential access at the edge of an established settlement is Manual for Streets / MfS2. The A350 is subject to a 40mph speed limit at this location and the splays shown on the submitted Highway Visibility Plan are designed accordingly. The submitted plan demonstrates that compliant splays are achievable within land controlled by the applicant and the public highway.

Core Policy 62. CP62 concerns the creation of new accesses. The proposal uses an existing lawful access on the edge of West Ashton, with such improvements as are required. CP62 does not preclude this. PL/2025/08586 is recent evidence that the LHA has accepted residential occupancy served by this access on essentially the same geometry.

NPPF paragraph 115. Refusal on highway safety grounds requires evidence of a specific, unacceptable highway safety problem, not generic concerns about speed, HGVs or footway gaps. The Local Highway Authority has produced no PIA data and no road safety evidence specific to this access. The evidential threshold has not been met.

Pedestrian/sustainability. West Ashton has services within walking distance and bus links to Trowbridge. Footway extension or crossing improvements can be secured by Grampian condition or Section 278 agreement.

4. Drainage

This is an outline self-build application. No dwellings have been designed: footprints, FFLs, roof areas, hardstanding extents and surface materials are reserved for the self-build occupier and the reserved matters / building control stage. BRE 365 soakage tests, drainage layout plans, attenuation sizing, exceedance routing and FFL evidence cannot be produced before dwellings are designed. To require them at outline is to require the impossible.

The site is in Flood Zone 1 and below 1 ha. No FRA is required and the Lead Local Flood Authority (“LLFA”) does not request one. The LLFA issues a holding objection seeking detailed design information — the consultation response states this on its face. The LLFA's response itself sets out the form of standard pre-commencement drainage condition expected. We accept that condition wording, with detailed design at reserved matters / pre-commencement stage.

5. Archaeology

Pre-determination geophysics and trial trenching is disproportionate. NPPF paragraphs 200–212 and the PPG on the historic environment require conditions to be used where the impact can be addressed by them. The site is not within or adjacent to any designated heritage asset, and WCAS identifies no specific known feature — only generic potential. The standard graduated condition regime is:

- **Stage 1:** geophysical survey to a WSI approved in writing prior to commencement;
- **Stage 2:** trial trench evaluation informed by the geophysics, secured by condition;
- **Stage 3:** mitigation by excavation, recording and post-excavation analysis where required, secured by condition.

We accept conditions in this form. Pre-determination trenching imposes a disproportionate cost on a 9-unit self-build outline scheme and is contrary to NPPF paragraph 56.

6. Way forward

We invite the Council to:

- **issue draft UU heads of terms** for the TWBMS and Salisbury Plain SPA contributions at the earliest opportunity;
- **agree an extension of time** of 6–8 weeks to permit the UU process to complete;
- **confirm acceptance of the LLFA drainage condition** with detailed design at reserved matters / pre-commencement;
- **agree the graduated archaeology condition regime;**
- **convene a case officer meeting** with yourself and the highway, ecology and archaeology officers.

We do not consider the case for refusal as currently framed is made out and we look forward to your response.

Yours sincerely,

Ben Millen

Director, Millen Homes Limited