

APPLICATION FOR OUTLINE PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/00965
APPLICATION TYPE:	Outline Planning Permission
SITE ADDRESS:	Home Farm, Shaw Hill, Shaw, Melksham, SN12 8EW
DEVELOPMENT DESCRIPTION:	Outline planning application for the erection of 2No. dwellings with all matters reserved apart from access and layout
RECOMMENDATION:	Outline Consent be GRANTED

PROPOSAL

The application seeks outline planning permission for the change of use (CoU) of land to residential (C3) and the erection of 2 dwellings. All matters are proposed to be reserved apart from access and layout.

Although there is no indication that development would be for the conversion of existing buildings, provided existing and proposed site plans indicate that the layout for plots 1 and 2 will be oriented around existing brick-built buildings at the site. The provided planning statement suggests that this is to *ensure that the built form has a similar appearance to the current usage*.

Annotations on the proposed plan indicates that the dwellings will be detached and will benefit from amenity area to include off-street parking provision and an area for bin storage. The plan also indicates that access will be via an existing single-track lane which is connected (at the north-east) to classified A365 'Shaw Hill'.

The following further summarised information has been provided within the application form and planning statement:

- The current use of the site is as non-residential storage or distribution (B8)
- Both dwellings are proposed to be 4+ bed market housing
- Surface water will be disposed by soakaway and foul sewage by mains sewer
- No trees and or hedges will be impacted by the proposed development
- Biodiversity Net Gain (BNG) is believed to be applicable to the scheme

During the course of this application, revisions/additional detail responding to significant concerns raised has been provided including changes to the red line and application form. These revisions/additional details resulted in an acceptable scheme and were added to the file. Necessary further consultation has been carried out accordingly.

SITE DESCRIPTION

The application site comprises buildings (and land within the curtilage of the buildings) with a current planning use of B8. The site is in Shaw which, for planning purposes together with Whitley, is defined as a large village in the Melksham community area; the site is outside of, but directly adjacent to, the framework boundary for Shaw and is within the wider area which benefits from being part of the Joint Melksham Neighbourhood Development Plan (NDP).



Figure 1: partial extract of location plan showing full site



Figure 2: Aerial view (2024) of area to be developed (red)

Directly south of the site is further B8 land which is within the same ownership and is not proposed for CoU. To the north and north-east of the site are dwellings which include 'The Pottager', '30 Shaw Hill' and '31 Shaw Hill'.

Notwithstanding that detail within the application form indicates information to the contrary, there are trees in areas within the application site; however, plans provided appear to indicate that these trees will be retained. Land within the same ownership (to the south) and land south-east of the site (not within the same ownership) are more heavily planted and the trees in these areas allow for a degree of visual separation between the existing built form and agricultural land further south. Land east of the application site is similarly agricultural but is not visually separated in the same manner.

A public right of way (PRoW) 'MELW80' runs through the agricultural parcel to the west but does not enter the application site at any point. The site is visible from this PRoW but, whilst it benefits from existing access via a private lane connected to Classified A-road 'Shaw Hill' (A365), there is limited visibility of the site from the A365.

The site does not sit within an internationally, nationally, or locally recognised wildlife site and there are no identified irreplaceable habitats on, or adjacent to, the site. There are no known contaminated land issues at the site and the site is not located within a conservation area, or national landscape and there are no listed buildings in close proximity.

The site is in Flood Zone 1, at the lowest risk of flooding from rivers and sea, and has not been identified as being in an area with a high risk of surface or ground water flooding.

PLANNING HISTORY

Relevant planning history related to the full site:

17/08957/FUL approved the *conversion of former agricultural buildings to 3 units of holiday accommodation* on 28.11.2017

W/97/00097/FUL renewed a permission for the *use of land for storage of touring caravans* on 10.03.1997

W/91/00321/FUL approved the *conversion of dairy and agricultural building to a dwelling* on 04.06.1991

Relevant planning history related to part of the site:

W/00/00996/FUL approved the *change of use from disused farm buildings to storage area for building equipment and materials* on 25.08.2000

Relevant planning history near the site:

26 Shaw Hill:

- PL/2023/06990 for the *proposed erection of three bedroom dwelling with associated works [...] was permitted* on 04.10.2023

30 Shaw Hill:

- W/03/01640/FUL for the *conversion of garage for dependant relative* was approved subject to conditions including the restriction for the building to be occupied as part of the main dwelling on 07.11.2003

Land east of orchard house:

- W/09/01964/FUL refused *development land for affordable housing* on 04.11.2009

Land at Norrington Lane:

- PL/2025/01259 for the *erection of an equestrian stabling barn the Erection of an Outdoor Riding Arena (Manège), the Siting of a Muck Heap Trailer, the Installation of an Access Track, and the Change of Use of the Land to Equestrian for Private Use* 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
- CP15: Spatial Strategy for Melksham Community Area
- CP45: Meeting Wiltshire's Housing Needs
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP52: Green Infrastructure
- CP57: Ensuring High Quality Design and Place Shaping
- CP60: Sustainable Transport
- CP61: Transport and Development
- CP62: Development Impacts on the Transport Network
- CP64: Demand Management
- CP67: Flood Risk

Saved Policies of the West Wiltshire Local Plan (WWLP)

- C40: Tree Planting
- U1a: Foul Water Disposal

Joint Melksham Neighbourhood Plan (NDP) – Made 2025

- Policy 1: Sustainable Design and Construction
- Policy 6: Housing in Defined Settlements
- Policy 13: Biodiversity
- Policy 16: Trees and Hedgerows
- Policy 18: Locally Distinctive, High Quality Design

Wiltshire Local Transport Plan (LTP4)

- Parking Standards (LTP3)

Wiltshire Housing Site Allocations Plan 2020

Waste storage and collection: guidance for developers –SPD published 2011

Wiltshire's Community Infrastructure Levy – SPD published October 2016

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

Wiltshire Design Guide (WDG)

Melksham Design Guidelines and Codes (MDG)

National Design Guide (NDG)

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.*

ISSUES

The main issues in the consideration of this application are:

- Principle / Sustainable Development
- Layout and Impacts on Neighbour Amenity
- Access and Highways Impacts
- Biodiversity / Geodiversity
- Flood Risk / Drainage

CONSULTATION

Melksham Without Parish Council: No objection

06.03.2025

Members discussed that this application was technically outside the Shaw & Whitley Settlement Boundary but in the setting of an old farmyard. Whilst there was still some farm activity on the site, there had also been more recent uses as a builders yard and for caravan storage, and therefore, it was a brownfield site.

18.12.2025

Melksham Without Parish Council noted that the development is outside the settlement boundary for Shaw and is not an allocated site in the Melksham Neighbourhood Plan. However, members had previously (in March 2025) commented no objection to the development as it made use of previously developed land. It was also noted that the housing numbers for Shaw and Whitely in the Neighbourhood Plan assume that these properties are built

Councils Ecology Team:

14.02.2025 Comment

18.08.2025 Objection

17.11.2025 No Objection Subject to Conditions

27.01.2026 Objection

04.04.2026 No Objection Subject to Conditions

[...]

Matters Considered:

Protected species and habitats

Bats

Ecology surveys as listed above, identified no actual or potential roosting features in the trees within or immediately adjacent the site. However, evidence of bats (droppings and discarded insect wings) was observed inside both buildings during the preliminary roost assessment (on 22/08/2024; Arbetch), thus, three emergence surveys were undertaken in May-June 2025 (BatCraft). No bats were recorded emerging from the buildings during these surveys. Droppings were still present in the buildings during the latter surveys, but it is not clear whether these were considered old or new. DNA analysis on the droppings from the preliminary roost assessment provided a result of Brown Long-eared Bats, as well as an inconclusive result.

The Emergence Survey report states that the evidence indicates use of the building/s as a feeding perch, and/or summer roost. It also states “The roost is of low conservation significance, important only at the site level, so no EPSL from Natural England is needed” and that “an ecological method statement must be implemented in order for the works to be legally undertaken”. However, it is not clear whether the applicant intends to seek an alternative mitigation licence, such as a Bat Mitigation Class Licence or Earned Licence.

The applicant is advised that under the Conservation of Habitats and Species Regulations 2017 it is an offence to damage or destroy bat resting places (including when bats are not present), and a mitigation licence will be required as the proposed works will result in the destruction of at least two bat roosts.

No compensation measures (e.g., replacement roosts) have been shown within the planning documents nor suggested within the ecology reports. The applicant needs to provide plans showing compensation and enhancement for bats prior to determination of the application. At present, without this information, the council cannot determine whether the development can accommodate the necessary mitigation required for the replacement of bat roosts. It should be noted that for Brown Long-eared bats, mitigation might involve a void-type roost replacement and the applicant should consult with their ecologist for specific advice.

Thank you for the revised site plan which shows biodiversity enhancements (drawing 320/102, revision B) The revised plan shows the locations of three bat tubes which are known to be suitable for use by Brown Long-eared bats, providing sufficient opportunities for the type of roost that may be lost (low number of individuals in a day roost) in line with the Bat Mitigation Guidelines (v1.2, CIEEM).

A bat method statement has also been provided. This sets out suitable mitigation including a pre commencement check, supervised roof stripping and appropriate work timings.

Compliance with all documents detailing bat mitigation and compensatory roosts should be secured via a condition.

The habitat within and surrounding the site is suitable for roosting, foraging, and commuting bats, as demonstrated in the Emergence Survey report. Artificial light at night can have a substantial adverse effect on biodiversity. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. New lighting should therefore be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, ‘Guidance for the Reduction of Obtrusive Light’ (ILP, 2021), and Guidance note GN08-23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals. **An appropriate lighting plan should be secured via a condition.**

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 from March to August inclusive. The Preliminary Ecological Appraisal noted the presence of several old bird nests within the buildings' interiors. **The applicant is advised to check the buildings prior to demolition, as well as vegetation prior to removal.**

Other species and habitats

There are some habitats on site suitable for use by reptiles, amphibians and badgers, including native hedgerows, ruderal vegetation and a tall sward. The surrounding land also provides suitable refuge and habitat for these species to disperse into. **The precautionary methods outlined in the Preliminary Ecological Appraisal – including a pre-commencement inspection and site clearance guidance – will minimise any risk posed to these species, and compliance to this mitigation should be secured via a condition.**

Two hedgerows on site are to be removed. The site is well-connected to grassland to the east and west, with scattered trees, hedgerow and woodland areas further beyond, and a County Wildlife Site (Norrington Common) approximately 500m south. Note that 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 network Habitats created as Biodiversity Net Gain (BNG) within the site should seek to improve primary connectivity within the site and into other habitat areas, with particular focus on retaining and improving functionality of the habitats within the site for wildlife species within the local area.

At present, the only greenspace indicated on the proposed plans appears to comprise enclosed private gardens, and the plans do not detail any habitat enhancements that will help to maintain connectivity within and beyond the site. The Reserved Matters application for this site should demonstrate how the site will remain permeable to wildlife (e.g., through the addition of hedgerow rather than fencing) and continue to provide functional habitat for nesting birds, foraging bats and other wildlife, in conjunction with the improvements that will be achieved via BNG.

Biodiversity Net Gain

[...]

A completed statutory metric calculation (Statutory Biodiversity Metric, K. Whitfield, 12/11/2024), map and habitat condition assessments (Biodiversity Net Gain Assessment, Arbtech, 12/11/2024) confirming the baseline and predicted post-development biodiversity units of the site have been submitted.

It is understood that the metric calculation has since been revised to remove a boundary hedgerow (ornamental) which falls outside of the applicant's ownership (Statutory Biodiversity Metric, Katie Whitfield, 12/11/2024, updated (no date); Biodiversity Net Gain Assessment, Arbtech, 12/11/2024, updated 04/08/2025).

The site's redline boundary has been amended to include the previously proposed areas of off site BNG. As such, the baseline habitat calculations will need to be updated. Please

can the applicant provide updated BNG documents, as appropriate? Thank you for providing the updated BNG documents in line with the current site plan/redline boundary (Proposed Site Plan, Poulson Architectural Design and Planning Services, Revision D, May 2024; Statutory Biodiversity Metric, Katie Whitfield, 20/02/2026; Biodiversity Net Gain Assessment, Arbtech, 20/02/2026). The proposed BNG is shown within the redline boundary and thus considered "on-site". [...]

Confirmation of how the development will achieve BNG is a post-determination matter, though consideration should be given to how any proposed BNG will be secured. [...]

Councils Highways Team:

25.02.2025 Comment

11.03.2025 No Objection subject to conditions

16.12.2025 No Objection subject to conditions

31.03.2026 No Objection subject to conditions

I refer to the revised plans for the above application.

I adhere to my previous comments and raise no highway objection providing [...] conditions are imposed

Councils Public Protection Team:

03.04.2025 No Objection Subject to Conditions

We recommend [...] two conditions be applied to a planning decision. CEMP due to proximity of residential properties to the development site, and the contaminated land condition due to unknown site use, but we are aware that multiple vehicles have been stored on the soft landscaping areas of the site historically. [...]

04.03.2026 Comment

No additional comments, please refer to initial Public Protection response regarding contaminated land and CEMP requirements.

REPRESENTATIONS

At the time of writing no public representations have been received.

ASSESSMENT

Principle / Sustainable Development

Context

Policies CP1 and CP2 of the WCS relate to the spatial strategy for Wiltshire, setting the policy foundations for the promotion of sustainable development within the county. CP15 expresses that

development in the Melksham Community Area should be in accordance with the Settlement Strategy Set out in CP1 and identifies Shaw, together with Whitley, as a large village.

Criteria (i) of Policy 6 of the NDP requires proposals for sustainable housing development, within the settlements of the neighbourhood area, to accord with the settlement boundary provisions of CP2 of the WCS. The site outside of, but adjacent to the defined framework boundary for the village. Broadly, other than set exceptional circumstances, development in this area is objectionable.

Notwithstanding the above, 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, as the NDP was made in July 2025 and contains housing allocations policies, conflict with the NDP would ordinarily attract enhanced weight in decision making by virtue of Paragraph 14; however, the policies and allocations within the NDP relate to housing requirements derived from the emerging WDP which, following the recent Inspectors letter raising concerns and recommending withdrawal, is unlikely to be adopted and consequently attracts very limited weight in decision-making.

In these circumstances, taking fully into account the HLS for Wiltshire, whilst the NDP policies remain a material consideration, the 'likelihood' of conflict with the NDP significantly and demonstrably outweighing the benefits of the proposal is reduced.

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. Whilst the existing buildings were assessed as having high roosting habitat value for bats, the site is not located within (or in close proximity to) a SSSI, SAC, Ramsar, SPA, or CWS and is not designated as green belt or local green space.

Furthermore, the site is not within a National Landscape or Conservation Area, is not part of a National Park area, or defined as Heritage Coast, irreplaceable habitat, or a designated heritage asset.

Paragraph 11d(ii)

The scheme is not for major development and would not result in the creation of isolated homes in the countryside.

The site, being adjacent to the framework boundary has a close spatial relationship to the built form associated with the village of Shaw. The Parish Council have raised no objection to the scheme and there have been no public comments received (either in support or objection) which would otherwise identify any significant local interest or provide relevant local knowledge. Consultation with the Councils Highways Team raised no concerns regarding the sustainability of the location for 2no new dwellings.

The scheme proposes the utilisation of existing access via a private lane connected to Classified A-road 'Shaw Hill' (A365). Initially the Councils Highways Team raised concern around the suitability of this access; however, revisions have resulted in this concern being overcome and indication that the access would be suitable subject to conditions.

Detailed design consideration can be carried out at reserved matters stage; however, it is clear from broad assessment of the site and wider context that 2no dwellings (including parking and amenity area) can be comfortably accommodated in the proposed locations without resulting in a cramped or overdeveloped site. The proposed layout of the scheme has been designed with consideration for the existing built form at the site and as such, whilst not proposing a conversion, there is a degree to which the prevailing character of the site will be retained following the development. The buildings proposed to be replaced are modern additions with no historic or architectural value and as such there is no policy objection to their removal. Further comment on the layout of the scheme will be made later in this report.

Summary

The scheme proposes 2no dwellings which would bring about some modest benefit to the HLS for Wiltshire. The scheme will also result in positive extension of an existing passing point along the private lane and will provision BNG.

No further benefits have been indicated within the application submission; it is nonetheless acknowledged that some limited localised economic benefit would be likely to arise during the

construction phase of the development, and it is anticipated that there would be some ongoing economic benefit when the dwellings are occupied by virtue of receipt of council tax etc. Overall, however, given the scale of the development, the benefits associated with the construction of 2no dwellings are likely to be modest.

No clear or overriding harm has been identified in relation to the principle for development of 2no dwellings in this location; however, further detailed assessment against relevant development plan policies and material considerations, taking into account site-specific circumstances remains necessary.

Layout and Impacts on Neighbour Amenity

Context

Policy CP57 of the WCS requires high quality design and place shaping for all new development and includes the expectation that proposals should make a positive contribution to the character of Wiltshire.

Whilst design specific assessment is a reserved matter, the layout will be assessed against the following parts of the set criteria for CP57 at this outline stage:

- (i) the enhancement of local distinctiveness [...] relating positively to landscape setting and the existing pattern of development and responding to local topography [...]
- (ii) the retention and enhancement of existing important landscaping and natural features (e.g. trees, hedges, banks and watercourses), to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.
- (iii) responding positively to the existing townscape and landscape features in terms of building layouts, built form, [...], building line, plot size [...] to effectively integrate the building into its setting.
- (vi) making efficient use of land whilst taking into account the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.
- (v) having regard to the compatibility of adjoining building uses [...]
- (xi) taking account of the needs of potential occupants [...]

Section 4 of the WDG sets expectations and guidance on *considering identity and character, understanding the existing landscape, thinking about movement and open space* etc

Section 9.2 of the WDG sets expectations around private amenity space, providing the following minimum standards (subject to site specific constraints) for gardens, applicable to houses:

Type of private amenity space	1 storey houses	2 storey houses	3 storey houses
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Minimum rear garden area	Equal footprint of dwelling	Equal footprint of dwelling	Equal footprint of dwelling
Minimum length of garden	9m if north facing, 5m otherwise	12m if north facing, 10m otherwise	15m if north facing, 10m otherwise

The MDG provides design guidance for the Melksham area and includes analysis of the neighbourhood plan area, indicating that application site is outside of a general character area but is likely closely related to the '20th century residential' area. The MDG does, however, indicate that *the more rural parts of the [plan area...] have their own unique identity and have distinct development forms which should influence future development.*

The councils SPD on 'waste storage and collection' provides guidance for developers and includes the following summarised points relating to the external storage of waste:

- (5.4.1) Waste storage areas should be appropriate located [...] within the boundary of the property [...] These storage facilities should not obstruct sight lines for pedestrians, drivers and cyclists and should not interfere with pedestrian or vehicular access to buildings.
- (5.4.2) External storage spaces must be on hard standings, and they should be away from windows [...]
- (5.4.3) Rear-garden storage is preferable where possible provided that there is a suitable route to the collection point [...]

Assessment

The scheme proposes 2no 4+ bedroom market dwellings. The proposed layout shows that the development footprint would broadly follow the existing built form. The plan further shows a split between plot 1 and plot 2 which would allow for sufficient private amenity space provision and appropriate waste storage areas which can be located in positions consistent with SPDs.

The adjacent (south) yard is, at the time of writing, within the applicant's ownership and land to the edge of this area has been included within the red line of the site to allow for planting which will offer a natural buffer between the open countryside to the south and the development of the site. The yard, and building therein, were granted planning permission for storage (b8) use in 2000 subject to 6no. conditions which include the following summarised conditions which were applied in the interest of safeguarding the amenity of the residential area:

- *No burning shall take place on the site [...] commercial vehicles shall only be started up, manoeuvred, operated, loaded or unloaded between the hours of 0700 and 1800 Monday to Saturday and at no time on Sundays or bank holidays [...]*
- *There shall be no general storage outside of the building other than the storage of oil in a suitable bunded compound [...]*

Furthermore, condition 5 of the historic planning permission indicates that the 2000 permission runs with the person and not with the land, restricting the B8 use to the named applicant only while they retain the relevant interest and operate it themselves; there is no successors in title expressed within the condition.

Consultation with the council's public protection team has been carried out which resulted in no objection subject to conditions. The recommended 2no conditions relate to the requirement for a CEMP and further detail on land contamination to be submitted and approved in writing prior to commencement of development; these conditions are necessary and should be included should outline permission be granted.

Taking into account that previous conditions applied to the 2000 permission for the yard show that the planning system has already limited the permanence of the commercial use and has also already limited some B8 activities, the adjacent site-specific circumstances does not indicate that residential use at the application site would be fundamentally incompatible. Furthermore, broadly, the representation from the public protection team indicates that the site is not considered to be unacceptable in principle for housing on matters associated with residential amenity for future occupants of the dwellings, or for neighbouring occupants



Figure 3: partial extract of proposed layout

Acceptable living conditions will be possible to achieve at the development site through mitigation measures which can be incorporated into the design and landscaping, to be assessed at reserved-matters stage. A carefully worded condition can be applied to any outline permission granted directing how any chosen mitigation measures will need to be evidenced as appropriate and proportionate and will need to demonstrate how the mitigation will secure acceptable living conditions for occupants. In the interest of occupant amenity, a condition removing permitted development rights for windows etc should be included if outline permission is granted.

Whilst it is acknowledged that the development is for demolition and rebuild, rather than a conversion, that the layout reflects the general footprint of existing buildings is positive and will

allow the development to respond positively to the established character of the setting. To enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements which would alter that established character, in the interest of ensuring that appropriate levels of amenity are achievable and to safeguard the character and appearance of the area, a condition removing permitted development rights for such development is also necessary.

Highways Impacts

Context

Policy CP64 of the WCS relates to demand management measures which includes car parking management and residential parking standards. CP64 refers to Policy PS6 of the LTP3 which contains parking standards for new development.

The LTP3 indicates that 3 parking spaces should be provided for a dwelling with 4+ bedrooms and includes guidance that garages count towards any necessary allocated parking provision where the internal dimensions exceed 6m X 3m.

Appendix D of the WDG expresses the need for a minimum distance of 6m between the front of a garage and the adjoining footway, cycleway or road.

Assessment

The 2no dwellings will be accessed via an existing private lane connected to classified A365. Consultation with the Councils highways team has been carried out; their initial representation raised concerns that the lane, without passing place, when used by a further 2no dwellings would increase the potential for cars reversing up to 100m in order to allow vehicles coming the other direction to pass. Their representation indicates that a passing place along the access track would need to be provisioned in order for the proposed access to be considered suitable for the proposed dwellings.

The proposed layout indicates that sufficient off-street parking can be provided to adequately serve the new dwellings; furthermore, plot 1 includes the provision of a garage which will be positioned in an area that meets the requirements of the WDG and the proposed layout indicates that *'single bike Secure by Design shed storage will be provided to all properties.*

Following receipt of significant revisions to the application which included amended red line, receipt of necessary new completed ownership certificate B (indicating signed confirmation that notice was served on landowners on 08.03.2025) and confirmation of landowner agreement, the scheme appropriately demonstrates that a passing place can be achieved and conditioned. Revised representation from the Highways team, therefore, consequently resulted in the removal of any objection to the access subject to conditions.

Biodiversity / Geodiversity

Context

Biodiversity net gain (BNG) is a way of creating and improving natural habitats and ensures that development has a measurably positive impact on biodiversity, compared to what was there before development.

Schedule 14 of the Environment Act (2021) expresses that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a biodiversity gain plan (BGP) be submitted to, and approved by, the planning authority.

Paragraph 185 of the NPPF outlines how plans should protect and enhance biodiversity and geodiversity.

Policy CP50 of the WCS identifies the need to protect Wiltshire's natural environment, including features that provide an ecological function for wildlife and requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. CP50 further includes the requirement for all development to seek opportunities to enhance biodiversity, expressing that enhancement measures will contribute to the objectives and targets of the BAP.

Assessment

The application submission includes a Preliminary Ecological Appraisal and Roost Assessment, Bat emergence Surveys, and BNG detail. Consultation with the Councils Ecology team has been carried out and guidance provided throughout the course of the application which resulted in revisions being sent which allowed for the scheme to be favourably determined. The significant changes resulted in the Ecology team lifting any objection and confirming on 04.04.2026 that they have no objection subject to conditions.

Following assessment of the revised scheme, their representation confirmed agreement to the notified baseline habitat value of the site and an informative can be applied directing the applicant to their responsibilities regarding BNG.

Detail provided indicates recorded evidence of bat use in the existing buildings, with DNA analysis confirming Brown-Long-eared bats; whilst no bats were observed during survey work, the representation confirms the ecology teams agreement to the statement that the buildings support low-significant roosts which would be lost as part of the development of the site. Appropriate mitigation and compensation have been submitted; the representation indicates that these are acceptable and can be secured by condition. An informative is also recommended to advice the applicant that works affecting bat roosts will require a licence under the Conservation of Habitats and Species regulations.

The proposed layout and red-line of the site is such that it has been demonstrated that existing trees and landscape features can be retained and further planting can be positively integrated into the scheme at reserved matters stage. As the site contains habitats with potential to support

nesting birds, reptiles, amphibians and badgers, precautionary measures are necessary to avoid harm and can be secured by condition.

Flood Risk / Drainage

Context

Paragraph 165 of the NPPF is explicit that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk [...]. Paragraph 173 of the NPPF expresses that applications should be supported by a site-specific flood-risk assessment where appropriate, with the following footnote (59) provided:

A site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

Policy CP67 of the WCS relates to flood risks and outlines the expectation that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make those measures unsuitable.

A Level 1 strategic FRA for Wiltshire Council was carried out in May 2019. The following observations contained within the FRA are relevant to applying the Sequential Test for development in Wiltshire:

For development to be considered at low risk of flooding, it meets the following conditions, determined by the Council:

- Site is within Flood Zone 1
- Site is not within Flood Zone 3 plus climate change
- Less than 10% of the site is at risk from surface water flooding in the 1 in 1,000 year event
- Less than 10% of the site is within highest risk category
- Site is not within an area highlighted on the historic flood map
- Site is not at risk of reservoir flooding
- Site does not contain a main river.

Assessment

The site is in flood zone 1 and not at high risk of flooding from groundwater or surface water sources; consequently, the site is appropriately located – in flood risk terms – for residential development and a site-specific flood risk assessment is not required on this occasion.

There remains a requirement for further assessment of surface water and foul drainage arrangements; however, these points can be addressed at reserved matters stage. Conditions will be included to ensure that details provided as part of any reserved matters application accords with sustainable drainage principles and will ensure that surface water runoff is appropriately managed so as to not increase flood risk elsewhere.

SUMMARY, PLANNING BALANCE AND CONCLUSION

The scheme proposes the erection of 2no dwellings at a site outside of, but directly adjacent to, the defined settlement framework boundary for Shaw. Residential development in this location is broadly contrary to the aims of CP1, CP2, and CP15 of the WCS; however, at the time of writing, given the current HLS position, the tilted balance applies.

The site is not subject to any national or local designations which would provide a strong reason for refusal; furthermore, following revisions to the scheme and subject to conditions and matters reserved for subsequent approval, no clear overriding harm has been identified in relation to flood risk, highway safety, ecology, residential amenity or character. The scheme would deliver a modest contribution to the HLS, provide BNG benefits and minor highways improvement.

Agreement to necessary pre-commencement conditions being applied was received on 14.04.2026. With the inclusion of conditions, the adverse impacts of the proposed development in the proposed location would not significantly and demonstrably outweigh the benefits; accordingly, the outline application with all matters reserved save for access and layout is recommended for approval.

RECOMMENDATION:

That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. An application for the approval of all the reserved matters specified in condition (3) shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. a) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by the Local Planning Authority:
- i) The scale of the development
 - ii) The external appearance of the development
 - iii) The landscaping of the site
- b) The development shall be carried out in accordance with the approved details

REASON: The application was made for outline planning permission and is granted to comply with the provisions of section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

4. The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to access and layout only:

Site Location Plan, 320/101 Rev A; received 04.03.2026
Proposed Site Plan, 320/102 Rev D, received 16.03.2026

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

5. The development shall be carried out in strict accordance with the following documents:

Ecological Method Statement, BatCraft, 13/09/2025
Ecological enhancements and mitigation shown on the Proposed Site Plan, 320/102 Rev D, Poulson, May 2024
Precautionary mitigation detailed for birds, badgers, reptiles, amphibians and 'other' in the Preliminary Ecological Appraisal and Roost Assessment, Arbtech, 22/08/2024
Biodiversity Net Gain Assessment, Arbtech, 20/02/2026

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

6. a) As part of the submission of the reserved matters specified in condition (3)(a), a site-specific amenity assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify potential impacts on future residential occupants arising from the adjacent use and shall demonstrate, by reference to the submitted plans and drawings, how the proposed design and landscape incorporate appropriate and proportionate mitigation measures to secure acceptable living conditions.
- b) no dwelling shall be occupied until the approved amenity mitigation measures have been fully implemented in accordance with the approved reserved matters details.
- c) The approved mitigation measures shall thereafter be retained for the lifetime of the development.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

7. a) As part of the submission of the reserved matters specified in condition (3)(a), a detailed Surface Water Drainage Strategy (SuDS) and Management and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the management and maintenance for the lifetime of the development, and the strategy shall be based on sustainable drainage principles. The detail shall include, but not necessarily be limited to, the following:
- i) Evidence that the surface water disposal hierarchy has been applied to the strategy
 - ii) Evidence that the strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features
 - iii) Soakaway testing in accordance with BRE365, and groundwater level monitoring which takes into account seasonal variations.
 - iv) Pre and post development runoff rates for the site, in accordance with Wiltshire Council's betterment policy update
 - v) Where applicable, calculations that demonstrate the sizing of any attenuation / SuDS features and cross section drawings of these features
 - vi) Pre and post development exceedance routing that demonstrates flood risk is not increased elsewhere
 - vii) Evidence that the finished floor levels are either:
 - Above the maximum predicted 100-year flood level; or, if no flooding is predicted
 - At a sufficient level above the SW drainage cover levels
 - viii) Consent for any outfalls from the proposed drainage systems to a public sewer or other drainage system not owned by the applicant
 - ix) Detail of how the proposed and existing drainage features of the site will be maintained and managed after the completion
- b) The SuDS shall be installed and made fully operational in accordance with the approved details prior to the first occupation of the dwelling.
- c) The SuDS shall be managed and maintained in accordance with the approved detail for the lifetime of the development.

REASON: To ensure that surface-water drainage is appropriately designed and integrated into the detailed layout and landscaping of the dwelling, in the interest of ensuring that the site can be adequately drained, and to secure a sustainable and maintainable drainage system for the lifetime of the development in the interests of flood prevention and long-term sustainability.

8. a) As part of the submission of the reserved matters specified in condition (3)(a), a detailed foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include, but not necessarily be limited to, the following:
- i) Full details of the proposed foul drainage system, including the point of connection
 - ii) Consent from the relevant sewerage undertaker that capacity that:
 - Capacity exists within the receiving system to accept foul flows from the development; or
 - Any necessary upgrades to provide adequate capacity have been agreed

- iii) Where foul drainage infrastructure is required: plans and sections showing gradients and cover levels
- iv) A foul drainage management and maintenance plan

b) The development shall be carried out in accordance with the approved strategy, and the dwelling shall not be occupied until the approved system has been installed and made fully operational.

REASON: To ensure that foul drainage is appropriately design and integrated into the detailed layout and landscaping of the dwelling, in the interest of preventing pollution and to safeguard the environment and public health.

9. No external light fixture or fitting shall 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 submitted details shall demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans shall 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: To avoid illumination of habitat used by bats.

10. No part of the development hereby permitted shall be occupied until the access, turning area, parking spaces, and secure cycle storage have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

11. No part of the development shall be occupied until the passing/waiting bay shown on the plans hereby approved has been formed in accordance with the approved details. The passing/waiting bay shall always thereafter be kept clear of obstructions and available for passing of vehicles.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

12. a) The development hereby approved shall not 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) An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii) A description of management responsibilities;
 - iii) A description of the construction programme;

- iv) Site working hours and a named person for residents to contact;
- v) Detailed Site logistics arrangements;
- vi) Details regarding parking, deliveries, and storage;
- vii) Details regarding dust and noise mitigation;
- viii) Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix) Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

b) The approved CEMP shall be implemented in full throughout the construction phase of the development

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

13. No materials, waste or vegetation arising from the demolition or construction of the development hereby approved shall be burnt on site at any time.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

14. a) No construction or demolition works shall take place outside the following hours:
- i) 0800 to 1800 hrs Monday to Friday
 - ii) 0800 to 1300 hrs Saturday
- b) No work shall take place on Sundays or Bank Holidays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

15. a) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:
- i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.
 - ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "LCRM" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
 - iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are

required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme.

b) On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: Core policy 56, To reduce the risks associated with land contamination

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements in the interest of ensuring that appropriate levels of amenity are achievable and to safeguard the character and appearance of the area.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order no window, dormer window or rooflight shall be inserted in the roof slope(s) of the development at any time, unless such details are submitted to and approved by the Local Planning Authority as part of, or subsequent to, the reserved matters specified in condition (3)(a).

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted, in the interest of ensuring that appropriate levels of amenity are achievable and to safeguard the character and appearance of the area.

INFORMATIVES TO THE APPLICANT:

- There is evidence that the site is used by roosting bats. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken that will damage or destroy roosts. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.
- All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the

breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

- 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.

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

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

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. Before commencing development, you should consider whether a Biodiversity Gain Plan needs to be submitted and approved. Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

For further information please refer to:

<https://www.gov.uk/government/collections/biodiversity-net-gain#developer-guidance>

- The applicant is advised that the drainage strategy, required to be submitted as part of condition (6), will be expected to demonstrate compliance with drainage strategies, including the drainage hierarchy.