

ATLAS

PLANNING GROUP

STATEMENT OF CASE

Land at Elms Farm, Elms Cross, BA15 2AL

May 2026

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INTRODUCTION

- 1.1 This Statement of Case has been produced by Atlas Planning Group on behalf of the Appellant, Ms Bea Schofield, to accompany an appeal following Wiltshire Council's refusal of full planning application PL/2025/08747 on 19th February 2026.

THE SITE

- 1.2 The application site measures approximately 0.15 hectares and is located in Elms Cross to the east of Westwood and south of Bradford on Avon. It is agricultural land currently occupied by an agricultural barn and associated fields.
- 1.3 The site is bounded by Westwood Road to the south, agricultural fields to the west and north, and a dog daycare facility to the east (WestWoofs) which is operated by the applicant. The boundaries of the site to the south and west are formed of mature trees and hedgerows.
- 1.4 Access is provided to the site from Elms Cross which leads to Westwood Road in the south and the B3109 to the north.

PLANNING HISTORY

- 1.5 The agricultural barn at the site was approved through application W/11/02028/FUL which was a retrospective planning application for an agricultural building to store animal fodder and farm machinery.
- 1.6 This application, approved in January 2012, confirmed that the building was first in use at the site in October 2010.
- 1.7 In September 2022 an application to vary Condition 1 of this consent was approved (Ref: PL/2021/09419). This change sought to allow animals to be stored at the barn.
- 1.8 In September 2024 prior approval was granted for the change of use of the agricultural barn to a Use Class C3 dwelling under Class Q permitted development, together with the building operations necessary to convert the building (Ref: PL/2024/02742).
- 1.9 Adjacent to the site there is also a relevant and similar application which was approved in November 2022 (Ref: PL/2022/04384). This application sought erection of a replacement dwelling in lieu of a barn conversion following a Class Q approval (Ref: PL/2021/10880).

THE PROPOSAL

2.1 The application sought planning permission for the erection of a detached family dwelling, with associated parking, access and landscaping. The proposal was designed taking into consideration the context of the site and surrounding nearby character, as well as the fallback position for the creation of a dwelling on the site.

2.2 The description of the development was as follows:

Erection of a self-build dwelling with hard and soft landscaping, parking and associated works following demolition of the existing agricultural barn.

2.3 The application was refused under delegated powers, with the Decision Notice stating 3 reasons for refusal:

1. The proposed development would result in the creation of a new dwelling in the open countryside outside any defined settlement boundary. Although part of the site benefits from an extant Class Q prior approval for converting the existing agricultural building, this proposal is materially different to the Class Q fallback position, as it seeks to extend the site area and introduce a larger new dwelling with a larger curtilage, altered siting, footprint, scale and built form. This would result in a significantly greater visual impact on the site and surrounding landscape than the approved fallback. The development therefore conflicts with Core Policies 1 and 2 of the adopted Wiltshire Core Strategy (WCS), which direct new housing to sustainable, plan-led locations, and it does not fall within any of the exception categories in paragraph 4.25 of the WCS that would justify a dwelling in this location. As the proposal is not justified by the reuse of an existing building, does not occupy previously developed land, and offers no betterment over the approved Class Q conversion scheme, it is contrary to the overarching aims of sustainability embodied in the National Planning Policy Framework.

2. The proposed demolition of the existing agricultural building and construction of a new two-storey dwelling constitutes inappropriate development in the Green Belt by reason of the increased site area, altered siting, and proposed bulk, mass and height of the proposed dwelling and the resulting domestication of the site. Such development would result in demonstrable harm to and the diminution of the openness of the Green Belt, to a significantly greater extent compared to that which would result from the implementation of the approved Class Q scheme for the conversion of the existing building.

In the absence of any very special circumstances, this proposal is not considered to represent appropriate development in the Green Belt and is therefore contrary to paragraphs 142, 153, 154 and 187 of the National Planning Policy Framework, as well as CP51 and CP57 of the adopted Wiltshire Core

Strategy through the increased visual impact the proposed dwelling would have when compared to the Class Q fallback.

Furthermore, in accordance with National Planning Policy Framework paragraph 11(d)(i), the identified Green Belt harm provides a clear reason for refusal and the tilted balance does not apply. The benefits arising from the new dwelling carry little weight, as these could be achieved through the extant Class Q prior approval to convert the existing building.

3. The application site is located within an area identified on the Council's Strategic Flood Risk Assessment as being at high risk of groundwater flooding. No site-specific Flood Risk Assessment has been submitted to demonstrate that the development would be safe over its lifetime, and would not increase flood risk elsewhere, and would incorporate suitable mitigation measures. The proposal therefore conflicts with Core Policy 67 of the Wiltshire Core Strategy and the requirements of the National Planning Policy Framework.

2.4 This Statement of Case details the Appellant's response to these reasons for refusal.

GROUNDS OF THE APPEAL

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:
- “if regard is to be had to the development plan for the purpose 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”
- 3.2 Therefore, the starting point for the determination must be the policies of the adopted development plan, which consists of Wiltshire Council’s Core Strategy, adopted in 2015, and the Housing Site Allocations Plan, adopted in 2020.
- 3.3 In addition, an important material consideration for the Appeal is the extant Class Q prior approval for the conversion of the existing agricultural barn at the site to a residential dwelling (Ref: PL/2024/02742). As such, there is a realistic fallback position of a dwelling occupying the site in this countryside location, along with the associated travel movements and residential paraphernalia.
- 3.4 A Court of Appeal judgement (Ref: Michael Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314) clarifies that, in considering proposals for new development, decision-makers should have regard to the fallback position of lawful development which has a real prospect of taking place in the alternative. Appeals and planning decisions both in Wiltshire and other Local Planning Authority areas also confirm the existence of a realistic fallback position is an extremely important material consideration that should carry significant weight within the decision-making process and is capable of outweighing conflict with the development plan. Further information of relevant appeals was included within the Planning Statement to support the application submission.
- 3.5 This position is particularly relevant to the Appeal proposal as the Class Q consent provides no details of landscaping or ecological enhancements, which can be secured through the full planning proposal.

REASONS FOR REFUSAL

- 3.6 The elements of the reason for refusal can be summarised as follows:
- **Location of a new dwelling in the countryside;**
 - **Visual Impact of the proposal;**
 - **Development in the Green Belt;**
 - **Flood Risk**

LOCATION OF THE SITE

- 3.1 The Council's first Reason for Refusal (RfR) places significant emphasis on the site's location within the countryside, outside of a defined settlement boundary, and the perceived departure from the extant Class Q fallback position.
- 3.2 The Planning Statement supporting the proposal has set out the key considerations as to the principle of development at the site, most specifically in Paragraphs 5.5-5.30. These matters will not be repeated here.
- 3.3 The fallback position at the site is a material consideration, as it establishes a residential use at the site. The Appeal proposal therefore does not introduce a new isolated form of development in the countryside, but instead seeks to provide a higher quality development compared with the consented barn conversion.

Connectivity

- 3.4 The site is well connected to the nearby facilities of Westwood, to the west of the site, and Bradford-on-Avon to the north east of the site.
- 3.5 Since submission of the application in 2025, the Government has launched its Connectivity Tool. This is a publicly accessible map, detailing the Department for Transport's national connectivity metric. Ultimately it shows how well places are connected to everyday destinations by walking, cycling and public transport.
- 3.6 There are two scores that can be provided by the Tool. Firstly, there is a connectivity score which measures a person's ability to get from a site to a series of locations, for example leisure, services and employment, which are weighted by value. This score is taken from a national dataset, meaning the highest scoring areas are only going to be found within the biggest settlements (e.g. London, Manchester, Birmingham). Therefore, whilst this tool is helpful, it does not take into account the usual connectivity for area.
- 3.7 The second score provided by the Tool is based on the local authority, and is displayed as a Band from J (the lowest connected areas) to A (the highest connected areas).
- 3.8 The Appeal site is located within an area of Band A (within the range A-J) for Wiltshire:

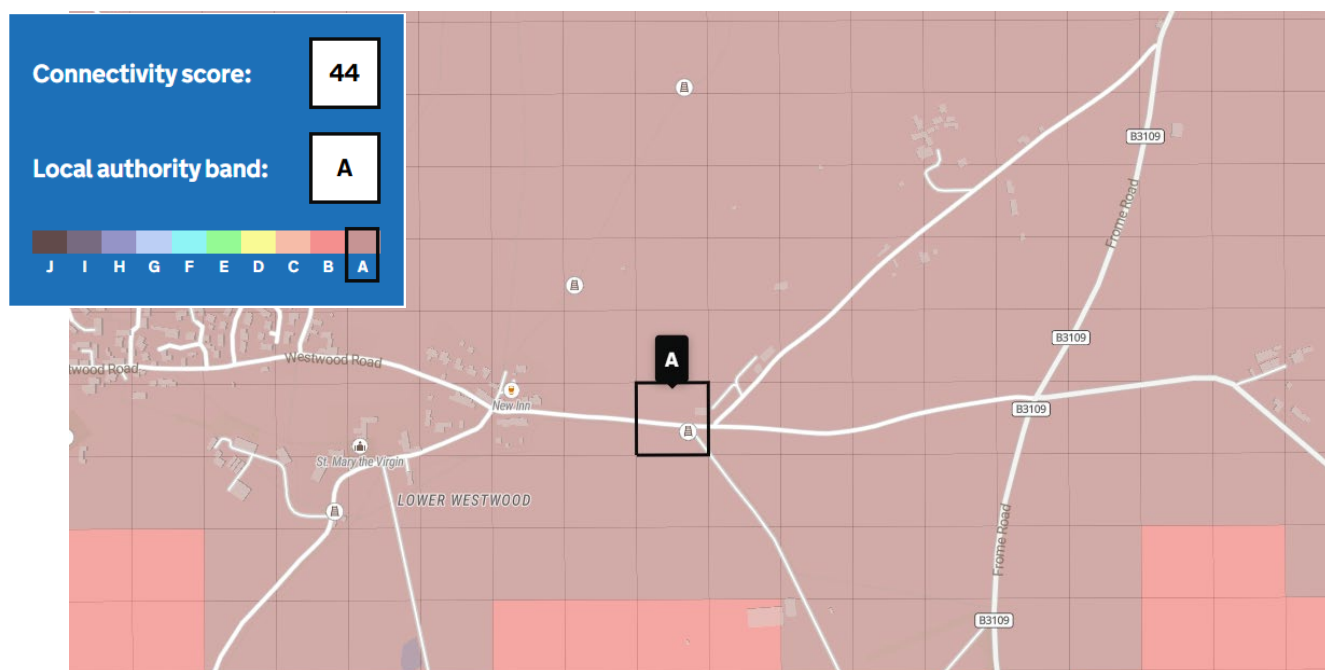


FIGURE 1: CONNECTIVITY TOOL LITE RESULT FOR APPEAL SITE

3.9 Therefore, this is the highest level of connectivity for Wiltshire.

Housing Land Supply

3.10 The latest Housing Land Supply Report published by Wiltshire Council in June 2025, had a base date of April 2024 and stated a supply of only **2.42 years against local housing need**.

3.11 As the Council is only able to demonstrate 2.42 years of housing land supply the tilted balance of the NPPF is engaged, which states: *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”* (Paragraph 11 d).

3.12 As the housing policies are out of date in accordance with Paragraph 11 of the NPPF, the tilted balance is engaged, setting a presumption in favour of sustainable development in determining the proposed development.

3.13 As set out above, the NPPF notes that this should not be applied where the policies that protect areas or assets of particular importance provide a strong reason for refusing the development proposed.

Footnote 7 of the NPPF clarifies that this includes areas within the Green Belt. It is therefore necessary to establish whether Green Belt policies would provide a “**strong reason**” for refusing this planning application.

- 3.14 Whilst development in the Green Belt will be discussed in greater detail later within this Statement, the land supply position is still relevant to the acceptability of a residential dwelling within the countryside.
- 3.15 As stated, not only is there a fallback position which establishes a residential use at the site, but the site is also highly connected to nearby services and facilities, meaning the appeal site is not unsustainable and the proposal will not result in an isolated dwelling in the countryside. Therefore, noting that the Council has a significant deficit against its housing target, the provision of a new dwelling even outside of a settlement boundary should be afforded significant weight.
- 3.16 Accordingly, the appeal proposal does not conflict with Core Policies 1 and 2 when considered in the context of the connectivity/sustainability of the site, the extant fallback position and the presumption in favour of sustainable development.

VISUAL IMPACT OF THE PROPOSAL

- 4.1 The first reason for refusal states that the proposal would “*result in a significantly greater visual impact on the site and surrounding landscape than the approved fallback*”.
- 4.2 While the proposed dwelling differs in siting, scale and form, these changes have been carefully considered to deliver a better proposal, with higher-quality materials and design, more energy efficiency measures included, and greater residential amenity than the approved conversion which would be constrained by the existing structure. It is considered that the proposal would not result in unacceptable harm to the character or appearance of the surrounding landscaping.
- 4.3 The site is already occupied by a large agricultural building which is positioned almost directly adjacent to the highway, separated only by the boundary of the site which is formed of vegetation. It is approximately 4.5m in height, with a footprint of around 180 sqm.
- 4.4 The site is also additionally located close to a number of other dwellings and uses. Westwoofs dog daycare is located immediately to the east of the site, including a number of different buildings surrounded by hard standing:



FIGURE 2: ADJACENT DOG DAY CARE OPERATION

- 4.5 Beyond this, there are residential dwellings at Westwood (approved through full planning application PL/2022/04384), and Elms Cross. To the west the site lies approximately 200m from the dwellings in Westwood.
- 4.6 Therefore, whilst there is some degree of separation between the site and other dwellings, it is not an area of solely undeveloped open countryside. There is an existing character within the area of residential and commercial uses, including the associated paraphernalia and buildings, interspersed by countryside views.

4.7 The Council's Public Rights of Way map confirms the nearest PRoWs to the site:

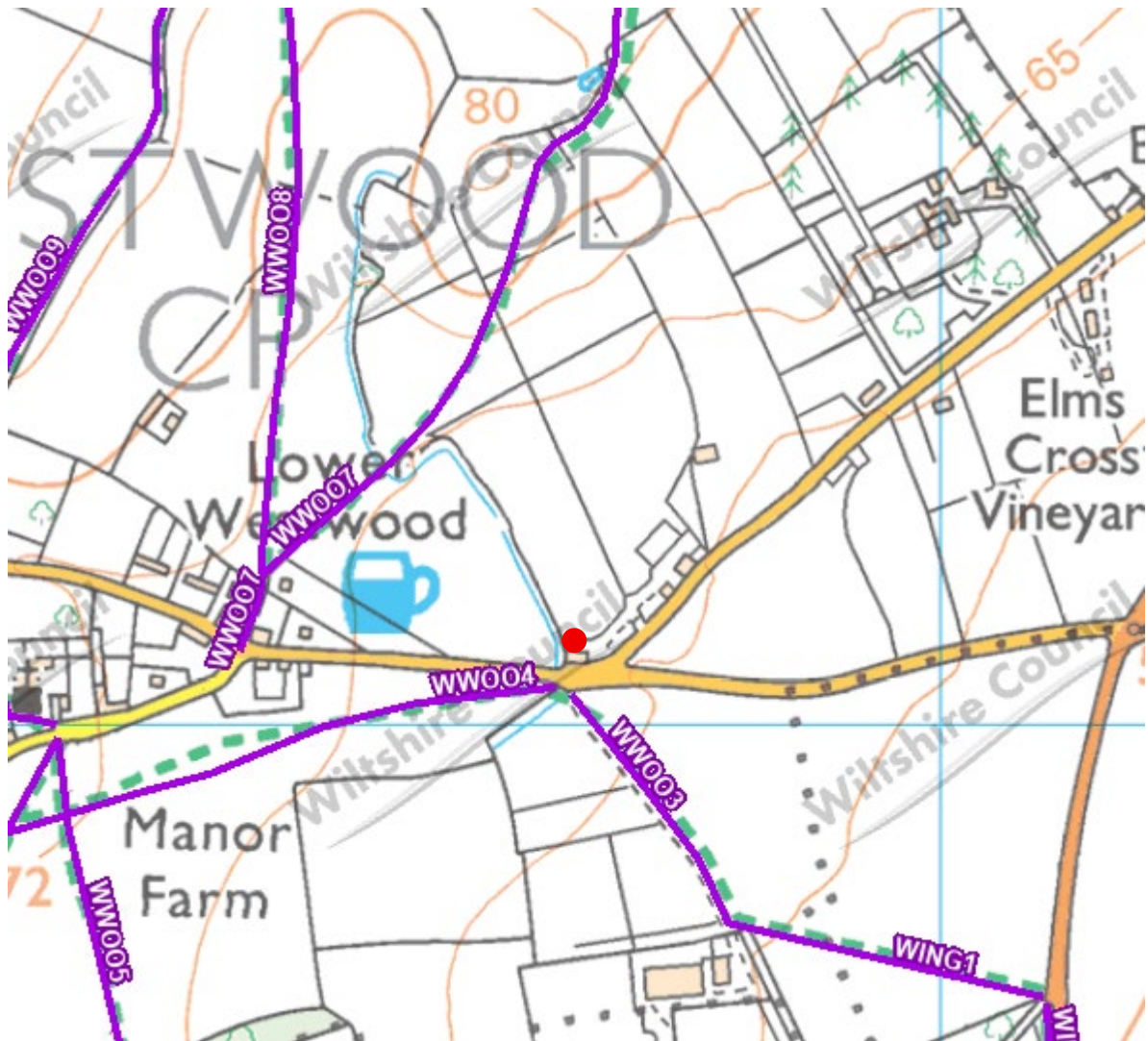


FIGURE 3: PUBLIC RIGHTS OF WAY NEAR TO THE SITE

- 4.8 Views of the site from the two PRoW to the south (WWO04 and WWO03) would currently be glimpse views of the existing barn at the site through the boundary vegetation. Any views from the north would be from WWO07, some 240m from the site, across multiple field boundaries and in the context of the nearby commercial use at the Dog Daycare and the residential dwelling to the east.
- 4.9 Therefore, overall, views of the site from the public realm are already limited.
- 4.10 The appeal proposal includes the retention of all boundary vegetation, apart from one poor quality tree which must be removed for safety reasons, as well as the provision of new boundary planting to the north and east of the site.

- 4.11 The building has been designed to take the form of a rural dwelling, with an L-shaped design meaning that no singular elevation is overly dominant at the site. Furthermore, reduced roof heights and changing materials across the dwelling further break up the massing of the house, giving the appearance of a traditional dwelling which has been altered and added to over time, similar to other dwellings within the vicinity of the appeal site.
- 4.12 The footprint of the existing barn is around 180 sqm, and the footprint of the proposed dwelling is around 196 sqm. There is therefore not a significantly larger amount of built space sought through the appeal proposal compared with the fallback position. In addition, the new planting to the north and east of the dwelling and its careful design considerations will ensure that any views of the site from the PRow some 240m to the north of the site will not be harmed.
- 4.13 Overall, whilst the proposed dwelling would differ from the extant Class Q conversion, it would not appear incongruous or visually intrusive within the wider landscape. Any additional visual presence compared with the fallback position would be limited and localised, and these would diminish over time as the proposed and retained landscaping matures. The proposal has therefore been designed to conserve and enhance the character of the area, and will not result in significant adverse landscape or visual impacts.
- 4.14 Accordingly, the appeal proposal complies with Core Policy 57 of the Wiltshire Core Strategy, and the design and landscape objectives of the National Planning Policy Framework (NPPF)(2024).

DEVELOPMENT IN THE GREEN BELT

- 5.1 The second Reason for Refusal (RfR) given by the Council relates to the location of the proposed development within the Green Belt.
- 5.2 National policies, contained within the NPPF and the accompanying Planning Practice Guidance (PPG) set out strong protections for the openness of the Green Belt. However, as set out within the application Planning Statement, the site does not serve the purposes of the Green Belt, and the overriding benefits of the proposal provide very special circumstances for development within the Green Belt (see Planning Statement Sections 5 Planning Considerations and 6 Planning Balance & Conclusions).
- 5.3 The fallback position is again relevant in the consideration of the appeal proposal within the Green Belt. The Class Q scheme would result in a permanent residential dwelling and associated curtilage, representing a clear change in character of the site. The appeal proposal will not materially alter this established residential use, but instead replaces a conversion with a high-quality new dwelling.
- 5.4 The proposed dwelling has been designed to sit comfortably within the site, with careful consideration given to its scale, massing and visual impact. The proposal therefore represents an opportunity to deliver a more coherent and visually appropriate form of development at the site, enhancing the character of the area and removing a large existing building of no architectural merit.
- 5.5 Furthermore, the appeal proposal allows for the extent of the residential use to be better controlled through landscaping and design measures. For example, the residential garden of the appeal scheme is located south of the dwelling, adjacent to the existing mature boundaries all of which will be retained. Whereas, the Class Q scheme proposed a residential garden to the north.

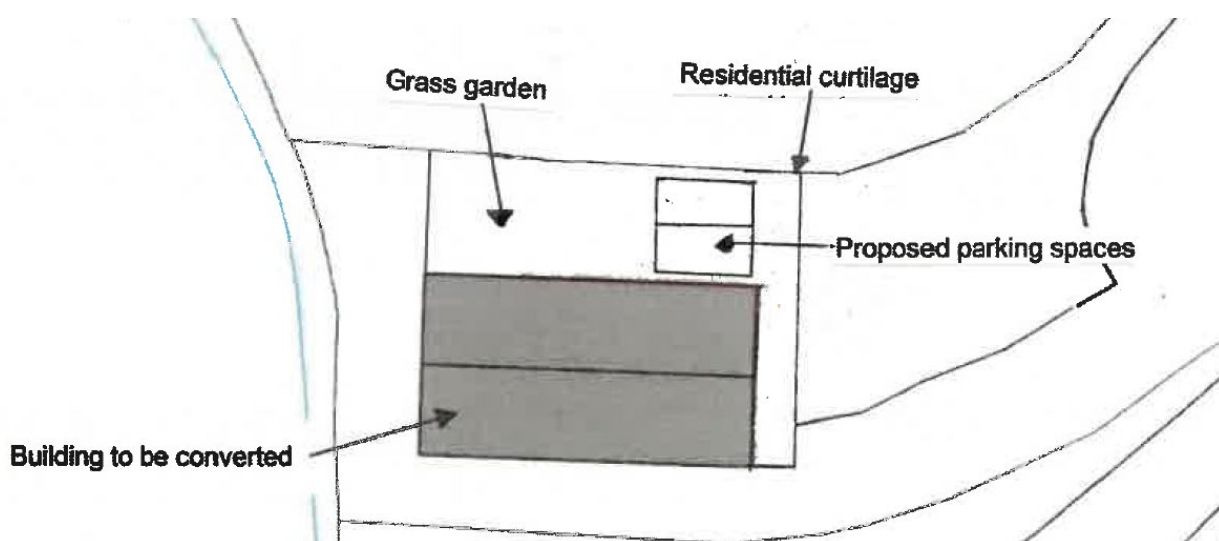


FIGURE 4: CLASS Q PROPOSED BLOCK PLAN (REF: PLO/2024/02742)

- 5.6 No additional landscaping or boundary features were proposed to the north of the garden, meaning there would be no additional screening provided and also no physical barrier to prevent future sprawl of the residential use into the open field to the north. The appeal proposal therefore provides certainty that the residential use of the site will not only be screened but also contained.
- 5.7 The proposal represents very special circumstances for development in the Green Belt through the consideration of the extant Class Q fallback position, the delivery of much needed self-build dwellings to the Council's significant housing deficit, the provision of greater sustainability measures within the dwelling itself, the increased control against residential sprawl, and the delivery of a better designed, high-quality home at the site. Therefore, the appeal proposal is not in conflict with the protections afforded to the Green Belt in the NPPF and PPG.

FLOOD RISK

- 6.1 The Appeal is supported by a site specific Flood Risk Assessment which confirms that the site is not at risk of flooding from any sources. While the site is within an area where groundwater levels are anticipated to be within 0.025m and 0.5m below the surface, the accompanying document confirms that the dwelling will not be at risk from flooding for its lifetime. Therefore, it is considered that the third Reason for Refusal has been overcome.

CONDITIONS

- 7.1 It is anticipated that the Council will suggest conditions throughout the course of the Appeal process, however one that the Appellant wishes to ensure is included is a condition to secure the dwelling as a self-build property. There is no Reason For Refusal attached to the decision notice which relates to this matter, however the self-build nature of the property is integral to the benefits of the scheme, and therefore should be secured within the consent.

CONCLUSION

- 8.1 This Statement of Case has been prepared by Atlas Planning Group on behalf of the Appellant, Ms Bea Schofield, to accompany an appeal submission following Wiltshire Council's refusal of application PL/2025/ 8747 on 19th February 2026.
- 8.2 The Statement has set out the reasons the Appellant considers the reasons for refusal have been overcome, particularly in relation to the location of the site within the countryside and the Green Belt, and the design of the appeal scheme.
- 8.3 As a result, it is respectfully requested that the Appeal is allowed and the development is approved.