

APPLICATION FOR FULL-PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/00956
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	River Mead House, Lockeridge, Marlborough, SN8 4EL
DEVELOPMENT DESCRIPTION:	Change of use from agricultural land for the construction of a hard permeable surfaced tennis court with surrounding fencing to be used ancillary to Rivermead House.
RECOMMENDATION:	That Planning Permission is GRANTED subject to conditions

SITE DESCRIPTION/CONTEXT

The application site comprises a parcel of land within an agricultural field associated with the residential dwelling known as River Mead House. The application site lies to the northwest of River Mead House, and is served by an access to the west of the dwelling, which has its own access to the southeast. The site is accessed from a C-classified road to the south. There is a private track approximately 46 metres to the east of the site.

The site is over washed by the North Wessex Downs National Landscape (formerly Area of Outstanding Natural Beauty [AONB]).

The site lies within Flood Zone 1 in relation to fluvial flooding. It is at negligible risk of pluvial flooding. However, it is identified to be at risk of groundwater flooding to subsurface assets.

The site lies within the area of the Kennett Valley Parish, which is not designated nor does it have a 'made' Neighbourhood Plan.

PROPOSAL

This is a full planning application for the change of use from agricultural land to ancillary domestic use, including the construction of a hard permeable surfaced tennis court with surround fencing to be used ancillary to River Mead House. The proposed tennis court would consist of a hard permeable surfaced area measuring approximately 36m x 17m.

Following concerns raised officers, one set of amended plans has been submitted providing clarity of the existing and proposed land uses.

For the avoidance of doubt, the change of use from agricultural to residential use ancillary to River Mead House is limited to the area highlighted within the hatched tennis court area in the submitted Land Use Plan. No other land within the application site is included to be part of the change of use. The assessment within this report has been undertaken on this basis.

PLANNING HISTORY

Proposal / Summary
PL/2025/08719 - Full planning permission Decision - Withdrawn by Applicant Date: 21/1/2026 – Change of use from agricultural land for the construction of a hard permeable surfaced tennis court with surround fencing to be used ancillary to River Mead House.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 14 Spatial Strategy Marlborough Community Area;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;

Draft Wiltshire Local Plan Policies

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 shall be made by the Council in May (2026).

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- North Wessex Downs National Landscape Management Plan 2025 –2030 (adopted November 2025)

ISSUES

The main issues that need to be addressed in this case include:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)

Wiltshire Council Constitution –

PART3 SECTION D3SCHEME OF DELEGATION SPECIFIC TO PLANNING

2.3 If private applications are made by:

- a) a Member or their close relations;*
- b) The Chief Executive, a Corporate Director, or a Director of the Council or their close relations; or*
- c) a planning officer*

and objections are received raising material planning considerations the application will be determined by a committee.

This is a private application made by a Member, however no objections have been received therefore it is appropriate to determine the application under officer delegated powers.

CONSULTATION RESPONSES

WC Ecology: No comment

Kennet Valley Parish Council: No objection

Cllr Jane Davies: Called into Committee subject to refusal

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

No comments have been received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of Development

Policy Context

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in:

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises:

- Sustainable patterns of growth, reducing the need to travel and supporting local services.
- Development should be plan-led, aligning with the settlement strategy and supported by infrastructure.
- Windfall development (not allocated in plans) must still comply with the principles of sustainable development.
- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Core Policy 14: Spatial Strategy Marlborough Community Area further expects that development will be delivered at a modest and sustainable level within the overall objective of conserving the designated landscape.

Together, CP1, CP2 and CP14 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

Assessment

This application includes the construction of a hard permeable surfaced tennis court and surround fencing with associated change of use of the land from agricultural to residential use as a private tennis court to serve River Mead House.

The site is situated outside any defined settlement boundary and therefore located in the open countryside, where development is strictly controlled unless it falls within the specified exception policies outlined in paragraph 4.25 of the WCS.

In this case, the proposal would introduce a domestic use in conjunction with the existing property which has an established residential (C3) use. While the siting is approximately 50 metres from the existing dwelling, the proposed use would remain ancillary to the dwelling at River Mead House. The proposal does not introduce a new use or planning unit, nor significantly increase the intensity of use in an unsustainable location in the countryside. Therefore, as an ancillary built form and use to an existing unit, this is a form of development that is capable of support in principle, provided that any site specific harms identified can be sufficiently mitigated in compliance with other policies within the development plan.

Conclusion

The principle of development is acceptable and the scheme could be supported subject to any identified harms being sufficiently mitigated in compliance with other policies within the development plan.

Design and Impact on the Character and Appearance of the Area

Policy Context

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Section 12 of the NPPF emphasises design that is:

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

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

Building for a Healthy Life Framework promotes healthy, inclusive, and sustainable places. The document encourages:

- Walkability.
- Access to green space.
- Active design principles for well-being.

Assessment

The proposed tennis court is of a standard design, with dark green hard permeable surface and dark green metal fencing to a height of 2.8 metres. Based on the submitted plans, it is

proposed that the site levels are to be altered to create an earth bund, and it is proposed that the creation of the earth bund would limit the visual impacts.

The overall design of the proposed tennis court is considered acceptable, given that it is typical of domestic tennis courts. It is noted that similar structures exist in the immediate vicinity. The submitted documents refer to the proposed materials; however, insufficient detail has been provided to show the exact design, material and colour finishes of fencing and surfacing. Given the rural location of the site, it is considered both necessary and reasonable to impose a condition requiring the submission and approval of detailed specifications for these elements. This will ensure that the development is appropriately designed, visually sympathetic to its surroundings and capable of effective enforcement.

Due to the prominent rural location, it is pertinent to assess its impacts on the character and appearance of the site and its surrounding areas. Officers have undertaken a site visit to better understand the existing topography of the site and existing surrounding landscape.

The site slopes downwards towards the north, and there is existing hedging along the northern area of the site, with some mature trees along the eastern boundary.

The siting of the proposed tennis court is somewhat detached and isolated from the existing dwelling and the proposed fencing and ground reprofiling would appear visually intrusive and out of character in this otherwise undisturbed landform. Whilst the vegetated boundaries to the north and east provide suitable screening the site is notably exposed along the western side. In order to mitigate the visual effects of this permanent change in the rural character of the existing agricultural fields, the applicant has agreed to implement a scheme of additional planting along the western boundary. It is therefore considered reasonable and necessary to secure a detailed planting scheme via condition in the interest of protecting the rural setting.

Conclusion

Subject to the recommended condition, the proposal is not in conflict with Core Policy 57 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

Amenity

Policy Context

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

Overlooking / loss of privacy

Given the proposed tennis court would be sited adjacent to an existing playing field, with the closest residential dwelling being within the applicant's ownership and is proposed to be positioned on a lower elevation of the topography, it is not considered to result in overlooking impacts that would adversely impact on residential amenity.

Loss of light / overshadowing

The proposal would include fencing, with no roof structure proposed, it is therefore not considered to result in unacceptable overshadowing effects.

Overbearing Impact / Overall sense of enclosure

The proposed tennis court would only include fencing with no roof structure proposed, with it being proposed to be positioned on a lower elevation, and given its distance from neighbouring residential amenities, it is not considered to result in unacceptable overbearing impacts.

Noise

A degree of noise associated with the sports activities is anticipated to increase as a result of this development. However, given it is proposed only for domestic use, and that it is positioned adjacent to an existing playing field, without being in close proximity to third party residential amenities, its noise impacts are considered limited.

The proposal therefore accords with Core Policy 57 point vii in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

Ecology and Biodiversity

Policy Context

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

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

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

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

The Green & Blue Infrastructure Strategy (2022–2030) promotes nature recovery, ecosystem services, and habitat connectivity through development.

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

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

Assessment

The proposal is not considered to fall within the exemptions from mandatory BNG requirements, as such, the proposal is required to be supported by the necessary information

to establish the baseline habitat and demonstration of how 10% BNG can be achieved prior to determination. and for 10% BNG to be secured by way of a mandatory BNG condition.

The application is supported by details establishing the above, demonstrating that the proposal would be capable of delivering beyond 10% BNG on site. As such, the LPA is satisfied that the proposal is capable of meeting the mandatory BNG requirements and an informative would be attached to a planning permission to ensure that 10% BNG can be secured.

Further to the above, the site is not within any ecological designated sites and no priority habitats or species are identified at this location to be impacted by the proposed development. In addition, and its nature and scale are not considered to result in unacceptable impacts to the local biodiversity.

Conclusion

The proposal is subject to mandatory BNG requirements and is in accordance with Core Policy 50 of the Wiltshire Core Strategy.

Landscape and Visual Impact

Policy Context

Core Policy 51 of the Wiltshire Core Strategy requires development to:

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

The Wiltshire Design Guide SPD (2024) promotes a context-led approach, encouraging integration with natural features and settlement patterns while avoiding visual intrusion.

The Green & Blue Infrastructure Strategy (2022–2030) supports landscape protection through green infrastructure, habitat connectivity, and nature-based solutions.

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

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

Chapter 8 of the North Wessex Downs Nation Landscape Management Plan identifies key issues with the potential to have a significant influence on the North Wessex Downs Valued Qualities include change of use of agricultural land which has potential to harm landscape character, impact on dark skies from external lighting (including domestic), new noise creating activities. In accordance with the Management Plan, all development proposals should be landscape-led and development based on identified need to sustain the vitality of local communities in ways that conserve and enhance the natural beauty of the North Wessex Downs.

Landscape impact must be considered alongside biodiversity, heritage, and green infrastructure objectives, with mitigation measures encouraged where harm cannot be avoided.

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

Under Section 245 of the Levelling-up and Regeneration Act 2023, LPAs and other relevant authorities must now “seek to further” the statutory purposes of National Landscapes (formerly Areas of Outstanding Natural Beauty), replacing the previous duty to merely “have regard to” them.

This is an active duty, requiring authorities to take reasonable and proportionate steps to support the conservation and enhancement of the natural beauty, special qualities, and key characteristics of these designated areas when exercising any function that affects them.

Assessment

The application site is washed over by the North Wessex Downs National Landscape.

The proposal for the change of use, would result in the domestication of existing agricultural land that lies within the National Landscape. The proposal’s impacts on the character and appearance of the site and its immediate surrounding areas. Therefore, this section of the report will focus on the proposal’s impacts specifically on the wider National Landscape, including longer distance views of the site from public vantage points.

As aforementioned, officers having undertaken a site visit to better understand the existing topography and surrounding landscape. Views standing on several public vantage points, from the public highway immediately to the south, the adjacent play field, and longer distance views from the Public Rights of Way footpath KENV9 approximately 619 metres to the north.

When viewing from the public highway, there are available views across the site of the natural landscape in the wider fields to the north. However, a significant portion of these views are obscured by intervening buildings and vegetation. The site is also set back by approximately 77.6 metres from the public highway, which limits the visual harm from this viewpoint.

Views from the KENV9 are considered to be long distance views. When standing there, there is a patch of mature woodlands in between which obscures views of the site. Whilst the site is exposed to views when driving along the A4, these would be quite temporary views, and the green coloured base is considered to help blend into the greenery in the countryside.

Aside from a two-rail and post fencing, the site is entirely exposed to views from the adjacent playing field, which is accessible by members of the public. The existing site is agricultural and given its scale, its rural character is considered to provide a positive contribution to the beauty of the National Landscape. Whilst it is clear that the proposed tennis court would be slightly lower in elevation with the proposed change in levels, much of the fencing and new bund would still be seen, within a relatively prominent location.

The greatest visual impact on wider views within the National Landscape would arise from the fencing and any external lighting, particularly as these would be positioned away from the existing domestic property. The submitted Design and Access Statement clearly states that no floodlighting is proposed. Should floodlighting or any artificial lighting be installed, this would bring upon an unacceptable impact on the dark skies that are noted to be preserved as part of the National Landscape Management Plan. To mitigate these potential visual effects, it is considered reasonable and necessary to secure details of the fencing, along with a comprehensive planting scheme along the western boundary and restrictions on external lighting.

Conclusion

Subject to the recommended conditions, the proposal would not be in conflict with Core Policy 51 of the Wiltshire Core Strategy, the North Wessex Downs National Landscape Management Plan SPD, and the relevant provisions of the NPPF.

Loss of Best and Most Versatile Agricultural Land (BMV)

Policy Context

BMV land includes Grades 1, 2, and 3a under the Agricultural Land Classification system. It is considered the most productive and sustainable for food production.

Paragraph 187(b) of the NPPF emphasizes the need to protect BMV land from unnecessary development and recognises the economic and environmental value of BMV land.

Natural England Guidance recommends consultation for developments involving 20 hectares or more of agricultural land but that smaller developments still require assessment if BMV land is involved.

Assessment

The site is identified to be within Best and Most Versatile Agricultural Land at Grade 2 of the Agricultural Land Classification system. This is very good quality and the second highest grade of agricultural land. No information has been submitted to demonstrate otherwise.

The proposed hard-surfaced area would measure approximately 612sqm. At the time of the officer's site visit, the site comprised managed grassland. Whilst the proposal would result in the loss of best and most versatile agricultural land, the land is currently used as a paddock and is isolated from wider agricultural parcels. As a result, the development would not undermine the productivity of adjoining land, and the loss of BMV land in this instance is not considered significant enough to warrant refusal of the application.

Conclusion

The proposal would not be contrary to paragraph 187(b) of the NPPF.

Pre-commencement Condition Agreement

This recommendation includes pre-commencement planning condition(s) relating to finished materials and landscaping. In accordance with Section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority formally notified the applicant/agent of the

proposed condition(s) and sought their agreement. Written confirmation of agreement was received from the applicant's agent on 6 May 2026.

PLANNING BALANCE AND CONCLUSION

The principle of domestic development in association with an existing property is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy and the emerging Local Plan.

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

No material considerations have been identified that would indicate that permission should be refused, having regard to the assessment above.

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

RECOMMENDATION:

That Planning Permission be GRANTED, subject to conditions.

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application form & Certificate; received 11 February 2026
Location Plan; received 11 February 2026
Site and Levels Plan; 25-028; received 11 February 2026
Site Plan; received 11 February 2026
Proposed Sections 1; 25-026; received 11 February 2026
Proposed Sections 2; 25-027; received 11 February 2026
Land Use Plan; received 8 April 2026

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

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the

course of development;

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure & gates;
- all hard and soft surfacing materials.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of the National Landscape

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the development or the completion of the development whichever is the sooner;

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the first use of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of the National Landscape.

5. The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as River Mead House, Lockeridge, Marlborough, SN8 4EL, and it shall remain within the same planning unit as the main dwelling.

REASON: The proposed development is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a new residential use or planning unit.

6. No external lighting shall be installed or operated anywhere on the site.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to ensure preservation of the dark skies within the National Landscape.

INFORMATIVE NOTES:

Building Regulations

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

Biodiversity Net Gain

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.

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. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Irreplaceable habitat

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.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Party Wall Act

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.