

# CASE OFFICER'S REPORT

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| <b>Application Reference:</b> | PL/2025/09697            |
| <b>Application Type:</b>      | Full planning permission |
| <b>Consultation Ends:</b>     | 04/05/26                 |
| <b>Case Officer:</b>          | Joe Richardson           |

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| <b>Site Address:</b> | Birdbush Park, Ludwell, SP7 9HH |
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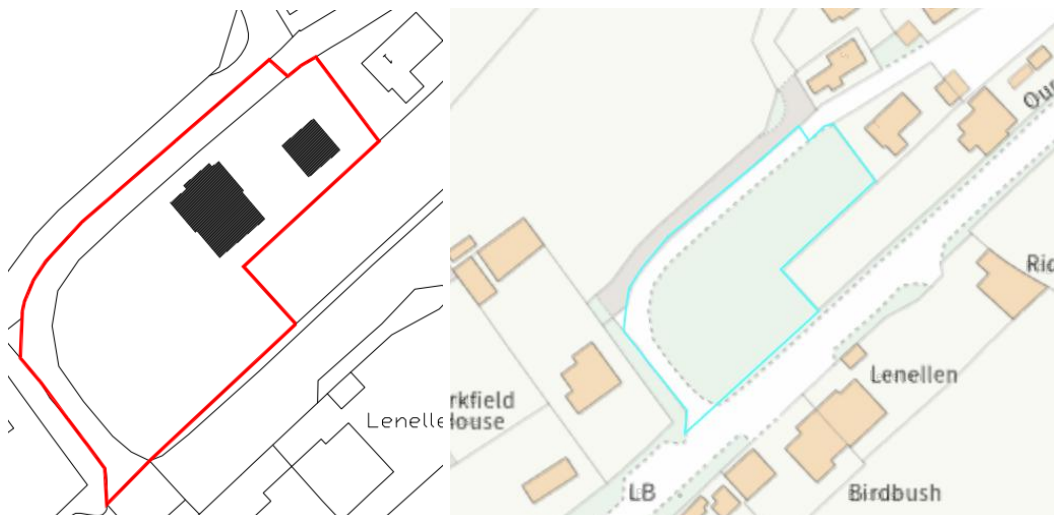
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| <b>Proposal:</b> | Erection of a dwelling and associated works |
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| <b>Recommendation:</b> | That Planning Permission be Granted subject to conditions |
|------------------------|-----------------------------------------------------------|

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## Site Description/Proposal:

The application site constitutes a parcel of land approximately 0.16 hectares in size located within a cluster of dwellinghouses to the west of the village of Ludwell. The site is accessed via an private access road serving Birdbush Park from the A30 public highway. The private access road serves a mobile home park serving six dwellings.



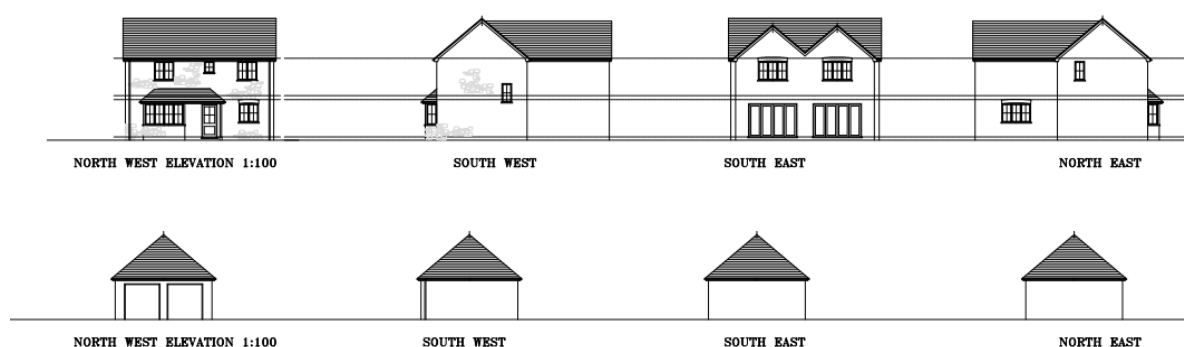
Whilst there are existing residential dwellinghouses in close proximity to the site, the parcel of land in planning policy terms is considered to be in the open countryside. The application site is located within the Cranborne Chase National Landscape, the River Avon SAC and is also located within Flood Zone 1 (i.e. at the lowest risk of flooding from rivers and the sea).





Core Policies CP1 (Settlement Strategy) and CP2 (Delivery Strategy) form the settlement strategy for the Wiltshire Core Strategy (WCS). It is evident that the site subject to this planning application is outside of the defined settlement boundary of Ludwell and therefore, for the purposes of the local plan, is within the open countryside.

Planning permission is sought for the erection of a dwellinghouse, a detached garage and associated works. The design and layout of the dwellinghouse with detached garage is shown below.



## POLICIES

### National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

### Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 27 Spatial Strategy: Tisbury Community Area

Core Policy 50 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 52 Green Infrastructure

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 60 Sustainable Transport

Core Policy 61 Transport and Development

Core Policy 64 Demand Management

Core Policy 69 Protection of River Avon SAC

Supplementary Planning Documents:

Wiltshire Local Transport Plan 2015-2026: Car Parking and Cycling Strategy

Creating Places Design Guide SPD (April 2006)

National Design Guide 2021

Wiltshire Design Guide 2024

Wiltshire Housing Site Allocations Plan adopted Feb 2020

AONB Management Plan 2025-2030

## **PLANNING HISTORY**

N/A

## **ISSUES**

- Principle of development;
- Housing Land Supply position;
- Character and Design including CCNL;
- Amenity impacts;
- Highway safety/parking;
- Ecological Impact including the River Avon SAC and BNG;
- Other matters

## **CONSULTATIONS/REPRESENTATIONS**

**Donhead St Mary Parish Council** – No objection

**WC Highways** – Objection with summary of comments received stating:

The site is located outside of the settlement boundary for Ludwell where there are no pedestrian facilities to provide safe access for pedestrians to the local facilities, and as such there should be a sustainability objection.

The proposed means of access and parking provision has not yet been demonstrated to be appropriate for the proposed development, however, amendments could be made to address this.

With regard to the detail of the access and parking, I recommend a holding objection and request that the applicant provides amended information to satisfy the requirements for car and cycle parking to accord with the current standards. I would also advise the applicant to consider the widening of the access road to enable two cars to pass at the point where the access road meets the highway.

## **UPDATE:**

No objection subject to conditions with summary of comments received stating:

The site is located outside of the settlement boundary for Ludwell where there are no pedestrian facilities to provide safe access for pedestrians to the local facilities, and as such there should be a sustainability objection, however given the built-up nature of the area surrounding the site, this may be accepted in planning terms. The proposed amendment to the access drive to increase the width to 4.5m will allow for two cars to pass and provides an

acceptable access arrangement to serve the additional proposed dwelling. On the basis that the Planning Case Officer is minded to set aside any sustainability issues, I would recommend no highway objection subject to the following conditions being attached to any permission granted.

Conditions to be imposed:

Visibility splays;

Cycle storage details

**WC Ecology** – No objection subject to conditions. Please see full comments within the Ecological Impact section of this report.

Conditions to be imposed:

Compliance with submitted plans;

Enhancements for Biodiversity;

Water Usage;

River Avon SAC mitigation

**WC Tree Officer** – No objection subject to conditions with comments received stating:

No objection subject to trees being protected in accordance with the Arb Report.

**Third party representations** –

**1 x letter of objection** with comments received stating:

I object to this application due to the following:

- Affects my level of daylight and privacy due to the height of the building from my eyeline from my property boundary. Also how close the proposed site is to my boundary.
- Conservation of tree and open land (possible tree protection order for the trees that are currently there and will need removing in the proposed site area)
- When I moved to the site over 30 years ago. The green out the front was written in the bi-laws as communal use area for the site residences to use for amenities.
- Not within keeping of the current houses in Ludwell and Birdbush as they are all close to the road, facing the main road.
- Cranborne Chase area is an Area Of Outstanding Natural Beauty (AONB site So I feel it won't safeguard the countryside. I believe it's against the planning policy of this area)

## **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**

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities, but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

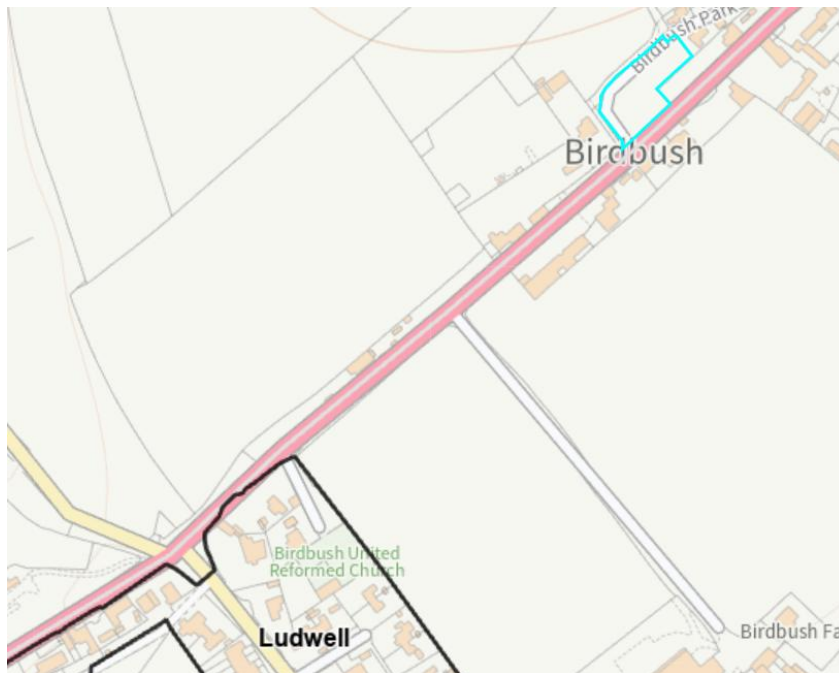
This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 27 confirms that development in the Tisbury Community Area (which includes Ludwell) should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Tisbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries within which residential development will be accepted. Ludwell is defined as a large village.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

The proposed site for the new dwelling is located outside of the settlement boundary of the village of Ludwell as shown in the extract taken from Council mapping below. The settlement boundary of Ludwell is denoted by the black line and the application site is denoted by the blue line.



All of Wiltshire's settlement boundaries were reviewed and updated as part of the preparation of the Wiltshire Housing Site Allocations Plan (WHSAP), which was adopted in February 2020 and is therefore fairly up to date. The settlement boundary review was subject to extensive public consultation through the preparation of the WHSAP, during which time members of the public and stakeholders were able to feed back on the proposals for the settlement boundary amendments. There are no current plans to carry out a further settlement boundary review in the near future, as the last update was undertaken relatively recently.

The application site lies outside the defined settlement boundary for Ludwell, which is identified as a Large Village within the development plan. Development plan policies seek to strictly control new residential development beyond settlement boundaries in order to safeguard the countryside and maintain a sustainable settlement pattern. In this respect, the proposal is not compliant with the spatial strategy and would represent a departure from the adopted settlement boundary policy.

However, notwithstanding the above, the site's physical context/location is a material consideration in the determination of this planning application. Although outside the settlement boundary, the site is closely surrounded by existing residential development and therefore, is visually considered to form part of the existing built form rather than as open countryside. The erection of the dwellinghouse and detached garage would in officer opinion, not result in an isolated or intrusive form of development, or encroachment into the open countryside but would utilise an existing open parcel of land set within the existing built form and surrounding pattern of residential development.

Furthermore, officers note 'infill' policy as defined at paragraph 4.29 of the Wiltshire Core Strategy that states:

Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement

Infill is not just limited to Small Villages and can in some cases, apply to Large Villages as well including Ludwell, a Large Village as defined by the Wiltshire Core Strategy. Although the site lies outside the defined settlement boundary for Ludwell and is within an area called Birdbush, this area (Birdbush) not being referred to within the Core Strategy, the provision of 'infill' can still apply to this application site. As such, officers consider the site is closely contained by existing residential development and therefore can be considered as part of a built-up area rather than open countryside. Furthermore it is evident that this area is not just made up of residential dwellinghouses with existing business such as the 'Freedom Mobility' business in close proximity, as well as the existing dwellings along with a bus stop located slightly further down the A30 towards Ludwell providing alternative methods of transport.

The proposal would 'infill' a small, well-defined gap within the existing pattern of development and would not result in ribbon development or an outward extension into the open countryside. As such, the scheme is considered to accord with the underlying objectives and criteria of the infill policy, and any conflict with its strict wording is limited and therefore would attract reduced weight given the Council's housing land supply position and the engagement of 'tilted balance'.

In this context, and having regard for the objectives of Core Policies CP1 and CP2 of the Wiltshire Core Strategy, the proposal is considered to align with the underlying purpose of infill policy notwithstanding the location of the application site beyond the formal settlement boundary of the Large Village of Ludwell.

### **Housing Land Supply position**

The Local Planning Authority (LPA) can currently demonstrate a 2.42 years housing land supply which is a significant shortfall. The presumption in favour of sustainable development ('tilted balance') as set out in paragraph 11 (d) of the NPPF therefore applies to the determination of applications in Wiltshire at this current time.

Notwithstanding, it is acknowledged that currently the Council cannot demonstrate a 5 year housing land supply and therefore, the additional dwelling proposed by way of this scheme is a consideration within the planning balance for the determination of this application.

In this case, the proposed development would provide one new dwelling, which in housing supply terms, would make a limited contribution towards addressing the shortfall. This benefit is considered in more detail within the Planning Balance section of this report.

### **Character and Design including CCNL**

At a local level, WCS policy CP57 (Ensuring High Quality Design & Place Shaping), further requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness; retaining and enhancing existing important landscaping and natural features; being sympathetic to and conserving historic buildings and landscapes in terms of layouts, massing, building heights and plot sizes; and making efficient use of land whilst taking into account the local context and surrounding uses.

The revised NPPF puts greater emphasis on the need for good design. Paragraph 135 sets out that developments should function well and add to the overall quality of the area; demonstrate good architecture, layout and appropriate and effective landscaping; be sympathetic to local character; and establish a sense of place. It states at Paragraph 139 that development that is not well designed should be refused.

Also of relevance is WCS policy CP51 (Landscaping) that states: *Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.*

Paragraph 189 of the NPPF states *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

The proposed dwellinghouse adopts a simple built form with traditional proportions, incorporating pitched roofs and gable projections that are characteristic of/in-keeping with nearby properties that assists in breaking down of the overall mass of the building and thus sits comfortably on the parcel of land (following the removal of the tree) within the surrounding built form/environment. The elevations show a suitable arrangement of fenestration at ground and first floor level. The design of the dwellinghouse is considered not to be overly prominent nor incongruous when viewed in the context of surrounding development. The proposed detached garage by way of its reduced scale and lower ridge height in comparison to the dwellinghouse does not raise any issues of concern.

Subject to the imposition of a planning condition securing precise external material details for both the proposed dwellinghouse and detached garage, the development proposal is considered to adhere to the requirements of Core Policy CP57 of the WCS.

In line with Core Policy CP51 of the WCS, the approach to dark skies seeks to conserve and enhance intrinsically dark landscapes, particularly within and affecting the Cranborne Chase National Landscape (CCNL) of which this application site is located within, which is also designated as an International Dark Sky Reserve. Whilst it is noted that no rooflights are proposed to be inserted into the development proposal, thus reducing the potential for light pollution, the applicant is advised that any new external lighting associated with the development proposal should be kept to a minimum and be appropriately sited and designed in order to adhere to the objectives of the Dark Skies CCNL objectives. A condition to this extent can be imposed onto any consent.

To clarify further on the Dark Skies, a table of the advice for the environmental zones is shown below where a condition can be imposed onto consent to preserve this. In terms of the nature of the site, any lighting would need to adhere to the E0 or E1 specification as shown.

*Table 2: Environmental zones*

| Zone | Surrounding | Lighting environment                    | Examples                                                                                                       |
|------|-------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| E0   | Protected   | Dark (SQM 20.5+)                        | Astronomical Observable dark skies, UNESCO starlight reserves, IDA dark sky places                             |
| E1   | Natural     | Dark (SQM 20 to 20.5)                   | Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc. |
| E2   | Rural       | Low district brightness (SQM ~15 to 20) | Sparsely inhabited rural areas, village or relatively dark outer suburban locations                            |
| E3   | Suburban    | Medium district brightness              | Well inhabited rural and urban settlements, small town centres of suburban locations                           |
| E4   | Urban       | High district brightness                | Town / City centres with high levels of night-time activity                                                    |

In landscape terms, the proposal would not give rise to significant harm. Although the site lies outside the defined settlement boundary, it is closely related to surrounding existing residential development and given the location of the development proposal, would not project prominently into open countryside. The scale and siting of the dwellinghouse and garage, when considered against the existing built form, would not appear visually intrusive within the wider landscape character.

### **Amenity impacts including Trees**

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 135f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The location of the application site is within a cluster of dwellinghouses that include No's 1 and 5 Birdbush Park, Birdbush, Larkfield House, Lenellen and Birdbush Cottage. Properties in closest proximity to the application site are No's 1 and 5 Birdbush Park and Birdbush. The proposed development is sited within an area that includes existing residential properties on surrounding plots as outlined.

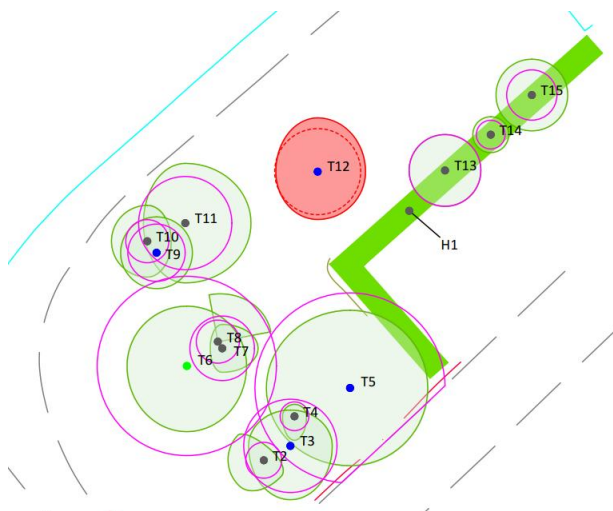
Officers note the comments received from No 1 Birdbush Park in relation to loss of privacy and light. As shown in the extract taken below from the submitted block plan accompanying this planning application, the location of the proposed detached garage is approximately 8.9 metres from the facing façade of 1 Birdbush Park and approximately 24 metres from the north eastern facing elevation of the proposed dwellinghouse. The separation distances as outlined would in officer opinion, not create an unacceptable sense of enclosure or have an overbearing impact on this neighbouring dwelling.



Whilst a ground floor window is proposed within this elevation of the dwellinghouse, any views obtained would be cancelled out by the proposed garage. A first floor window is proposed to serve the bathroom but a condition can be imposed onto any consent requiring this window to be obscure glazed. Comments received regarding the loss of a view are not a material consideration of this planning application.

Whilst it is acknowledged there would inevitably be some change in the levels of light and privacy afforded to 1 Birdbush, given the relationship between this dwelling and the application site and the proposed residential use as set out above, a refusal of planning permission on this basis would be difficult to justify.

The application is accompanied by Arbroicultural Impact Assessment (AIA) undertaken by NB Tree Management. The erection of the dwellinghouse as outlined would see the removal of one tree to facilitate these works as shown in the extract below. The tree to be removed is considered to have less than 10 years life expectancy and is shown in red. To compensate for the loss of this tree, four new trees are proposed to be planted within the site.



The Council's Tree Officer has assessed this scheme and has raised no objection to the works proposed subject to the imposition of a planning condition requiring that the tree removal works and protection to the remaining trees during any construction works are undertaken in accordance with the submitted AIA undertaken by NB Tree Management.

### **Highway safety/parking**

The site benefits from an existing access/egress obtained from the A30 public highway that is to be widened as part of this development proposal. The private track that forms from this access/egress serves properties within Birdbush Park.

The Council's Highways Officer has assessed this proposal and following the clarification and provision of additional information in relation to the widening of the existing access/egress and creation of the passing place has no objection to this scheme by way of the parking proposed in relation to the adopted parking strategy of Wiltshire Council subject to the imposition of planning conditions onto any consent regarding visibility splays and cycle storage details.

Comments received regarding the location of the site being outside of any development boundary and duly noted. Officers consider that the location of the site is not in an isolated location and has reasonable access to local services given the presence of a bus stop on the A30, a convenience store and a public house all in reasonably close proximity to the site.

### **Ecological Impact including the River Avon SAC and BNG**

CP50 and CP52 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. It will therefore be necessary to assess the site for its potential to support habitats and species of importance to nature conservation.

Following the provision of additional information, the Council's Ecology Team have assessed this application and have provided the following comments:

- *Preliminary Ecological Appraisal Report, Collington Winter Environmental, June 2025*
- *Natural England Nutrient Neutrality budget calculator for the River Avon SAC, superseded with document uploaded 23/03/2026, and then 13/04/2026*
- *Proposed elevations, block plan and location plan, 2671/3B*
- *Planning, Design and Access Statement, Lone Wolf Planning Ltd, undated*
- *Biodiversity Net Gain Statement, Lone Wolf Planning Ltd, undated*
- *Biodiversity Net Gain Report, Going Group, June 2025*
- *Statutory Biodiversity Metric, Somerled Mcdonald, January 2026*
- *Existing and proposed habitats maps, Arbtech, January 2026*
- *Condition assessment sheets*

*The site comprises a plot of grassland with an entrance driveway as well as individual trees where it is proposed to construct one dwelling. The site is neighboured by residential properties to the northeast, southeast and southwest, with further grassland to the northwest.*

### **COMMENTS:**

#### **River Avon Special Area of Conservation (SAC) Hampshire Catchment**

*This development falls within the Hampshire catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through*

*discharge of phosphorus in wastewater. Appropriate Assessment (AA) must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects, and the suitability of any measures proposed to avoid or mitigate those effects.*

*Thank you for submitting a revised budget, confirming connection to mains. Following further discussion regarding the inputted values/land use types, the finalised nutrient calculation estimates a total phosphorus budget of 0.11 kg TP/year pre 2030 and 0.02 kg TP/year post 2030. The budget has been approved by Wiltshire Council.*

*A Council-led scheme of phosphorus credits will be available for development which meets certain criteria at a fixed cost per kilogram of phosphorus, provided supply of mitigation is available. A completed Hampshire Avon Credit Screening Approval Certificate is required to apply for this scheme. The ecology section of this certificate has been completed by the Council's ecology team for this application. This certificate can only be issued by the case officer if the application meets the two deliverability tests. Further details of the Council-led scheme, including eligibility criteria, current cost to purchase credits, and details of how to apply, is available on our website, phosphorous and nitrogen mitigation*

|                                 |                                                                                                                       |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>Ecology officer approval</b> | Document reviewed – Natural England Nutrient Neutrality budget calculator for the River Avon SAC, uploaded 13/04/2026 |
| Approval of Nutrient Budget     | Pre 2030 budget - 0.11 kg TP/year<br>Budget approved - Yes                                                            |

|  |                   |
|--|-------------------|
|  | Date - 08/05/2026 |
|--|-------------------|

*Council-issued phosphorus credits are expected to be available; however, to ensure that adequate mitigation is secured and deliverable for this development, the necessary credits must be secured as part of the permission.*

*Where Council mitigation is secured with the permission, a strategic Appropriate Assessment (AA) has been prepared for qualifying planning applications for residential and non-residential development, within sewered and non-sewered areas of the River Avon SAC catchment. The AA reached a conclusion of no adverse effects on the integrity of the SAC or its qualifying features and has been endorsed by Natural England (NE) provided that the council's mitigation strategy continues to be implemented.*

*In the absence of a legal agreement the mitigation fee and administration charge for the scheme can be paid by a section 111. The administration fee must be paid on the granting of permission, the mitigation fee is payable prior to commencement of development.*

***The cost of phosphorus credits from the Council's strategic scheme to mitigate the burden would be £4,675 (£42,500 per 1 kg/TP) plus legal fees. Where an applicant chooses to progress without securing mitigation at permission stage, nutrient neutrality must be secured, before any development can lawfully commence, via a planning obligation (Grampian condition or legal agreement).***

Officers consider that the imposing of a Grampian style condition to secure the required mitigation contribution for the River Avon SAC would be appropriate and in line with the requirements of Core Policy CP69 of the WCS.

## Protected species and habitats

*The site contains heavily managed grassland with a mix of native and non-native ornamental trees. None of the trees were found to have features potentially suitable for use by roosting bats. However, the site may support some foraging/commuting bats, with a hedgerow at the boundary (outside of the site ownership) and some trees within the plot. It is noted that there is currently no street lighting on the adjacent road, though the site may already be subject to a low level of urban light spill from the surrounding properties. Any new lighting must be wildlife-sensitive and avoid illuminating boundary features. The trees may be used by 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 (such as vegetation clearance or building demolition) from March to August inclusive. 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. There are no waterbodies within 250m of the site, and the short sward grassland is unlikely to offer any significant opportunities for amphibians or reptiles. No signs of badgers were observed, though it is noted that there is a historical badger record <30m from the red line boundary, and the habitats in the wider area are suitable for use by badgers (arable). The ecology report details a number of precautionary measures for badgers that must be adhered to. As recommended in the ecology report, biodiversity enhancements, such as bird and bat boxes, should be incorporated into the development, in line with the NPPF and CP50. This should be secured via a condition. Any new plantings should be designed to be wildlife-friendly and comprise of native species, and the site should continue to remain permeable to wildlife such as hedgehogs.*

Officers concur with the findings above as outlined by the Council's Ecologist. A condition can be imposed onto any consent requiring the biodiversity enhancements to be provided thus adhering with the requirements of Core Policy CP50 of the WCS.

## Biodiversity Net Gain

*Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming.*

*A completed statutory metric calculation and statements (Biodiversity Net Gain Statement, Lone Wolf Planning Ltd, undated; Biodiversity Net Gain Report, Going Group, June 2025; Statutory Biodiversity Metric, Somerled McDonald, January 2026) have been submitted. It is noted that the BNG statement by Lone Wolf Planning Ltd refers to the site as being 'very small', and refers to the submission of a 'simplified' metric. However, the full statutory biodiversity metric calculation tool has been submitted rather than a small sites metric, and as such, is reviewed as follows:*

*The pre-development (baseline) values are summarised below.*

|                                                               |                        |
|---------------------------------------------------------------|------------------------|
| On-site pre-development (baseline) biodiversity value         | 1.93 Habitat units     |
|                                                               | 0.00 Hedgerow units    |
|                                                               | 0.00 Watercourse units |
| Are there any <a href="#">irreplaceable</a> habitats on-site? | No                     |
| Has any habitat <a href="#">degradation</a> of occurred?      | No                     |

*Thank you for providing the above documents, which align with the submitted metric and provide sufficient supporting information for the baseline calculations. I am satisfied that the above concern has been addressed. Confirmation of how the development will achieve BNG is a post-determination matter, however, consideration should be given to how any proposed BNG will be secured. Further to some onsite BNG, the submitted metric indicates 0.25 biodiversity units or less will be required to meet the 10% BNG requirement. In these circumstances, statutory credits may be bought without providing evidence that insufficient off-site options are available in England. For further information please refer to guidance on Statutory Biodiversity Credits on the GOV.UK website*

*(<https://www.gov.uk/guidance/statutory-biodiversity-credits>) under 'How to prove statutory credits are needed'.*

An informative requiring the submission of a biodiversity gain plan can be imposed onto any consent, thus complying with 10% BNG requirement.

### **Other matters**

Comments received from a member of the public regarding bi-laws for the open space adjacent to Birdbush Park are duly noted but are not a material consideration of this planning application and would be a civil issue between respective landowners.

### **Planning Balance/Conclusion**

The comments received from the member of the public for this planning application are duly noted and have been carefully considered. The scheme seeks planning permission for the erection of one dwellinghouse and a detached garage.

In determining this application, the Local Planning Authority is fully aware that if development accords with an up-to-date Local Plan it should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is considered that the overall strategy of the Core Strategy to direct development to the most sustainable settlements remains desirable and accords with the objectives of the NPPF.

Paragraph 11 (d) and footnote 8 of the NPPF state that where a housing land supply cannot be demonstrated then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

At the time of determination, the Council is unable to demonstrate a five-year supply of deliverable housing sites. In accordance with Paragraph 11(d) of the National Planning Policy Framework, policies most important for determining the application, including those relating to the supply and location of housing, are therefore out of date. As a result, the presumption in favour of sustainable development applies, and the tilted balance must be engaged.

Significant weight is given to the fact that the site is considered as infill development when assessed in its immediate setting. Although located outside the defined settlement boundary of Ludwell, a Large Village under Core Policy CP1 of the Wiltshire Core Strategy, the site forms part of an established cluster of residential dwellings at Birdbush and is visually seen

as part of that grouping rather than the surrounding open countryside. The proposal would infill a small, contained gap, that would respect the existing character and form of area; would not elongate the village of Ludwell and would not result in sporadic development encroaching into the open countryside. On balance, in the absence of a five-year housing land supply, and with the tilted balance engaged under Paragraph 11(d) of the Framework, this infill proposal further reduces the weight attributed to any policy conflict and reinforces the conclusion that the adverse impacts do not significantly and demonstrably outweigh the benefits of the proposal.

The proposed dwellinghouse and detached garage are of an appropriate scale, form and design, and respond positively to the character of the surrounding area. The development accords with the aims of Core Policy CP57 by achieving high-quality design, respecting local character, and integrating satisfactorily with the settlement edge. In respect of Core Policy CP51 of the WCS, no unacceptable harm has been identified in terms of landscape/tree impact, residential amenity, highways safety, or ecological impact.

When assessed through the tilted balance, the harm arising from development outside the settlement boundary, principally the policy conflict, this is considered to be limited. It is also noted that the concerns around Highway and Ecological issues have been addressed through the course of this planning application. Consequently, for the reasons as outlined within this report, it is therefore recommended that planning permission be granted.

## **RECOMMENDATION**

That planning permission be granted subject to the following 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:

DWG No: 2671/3B Site Location Plan, Proposed Block Plan and Elevations Date Received 17.04.26

DWG No: 2671/2B Proposed Block Plan and Floor Plans Date Received 17.04.26

Preliminary Ecological Assessment undertaken by Collington Winter Environmental Dated November 2025 Date Received 10.12.25

Existing and Proposed Baseline Maps undertaken by Arbtech Date Received 24.03.26

Nutrient Calculator for the River Avon SAC Date Received 13.04.26

REASON: For the avoidance of doubt, in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

3. No development above slab level shall commence on site under details of the type of brick, roof tile, rainwater goods, windows and doors, for the new dwellinghouse and

details of the garage to include the type of brick, roof tile, rainwater goods and roller doors has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed in writing with the Local Planning Authority in order to ensure that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the wider area/NLCC.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions or alterations to the roofslopes to the approved dwellinghouse or the insertion of first floor windows or rooflights other than as approved as part of a formal planning application by the Local Planning Authority.

REASON: In the interests of the amenity of the area/NLCC.

5. The window serving the first floor bathroom as shown on approved drawing: DWG No: 2671/2B shall be glazed with obscure glass only (to an obscurity level of no less than level 5) prior to the first occupation of the development hereby permitted and shall be maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. The dwellinghouse hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and shall not be first occupied until a water efficiency assessment has been undertaken to confirm compliance with the Building Regulations Optional requirement of a maximum water use.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

7. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of ecological enhancements i.e. bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before occupation of the dwellinghouse and shall remain in situ for the lifetime of the development.

REASON: To provide mitigation/enhancement for biodiversity.

8. The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69.

9. The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2m parallel thereto over the entire site

frontage has been provided without obstruction to visibility at and above a height of 600mm above the nearside carriageway level, and maintained as such thereafter.

REASON: In the interests of highway safety.

10. Notwithstanding approved plan DWG No: 2671/2B, the dwellinghouse hereby approved shall not be occupied until three covered and secure cycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To promote sustainable transport choices and to accord with the Local Transport Plan Cycling Strategy.

11. Any external lighting that is installed across the site shall be designed and implemented to minimise sky glow, glare and light trespass. It shall be designed in a downward facing position at all times and shall meet the criteria for Environmental Zone E0 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2021. Any external lighting installed at the site shall be retained and maintained as such thereafter for the lifetime of the development.

REASON: To ensure appropriate levels of amenity are achieved and in order to protect the Dark Skies.

12. The development hereby approved shall be carried out in strict accordance with the submitted Arboriculture Impact and Mitigation Assessment and Tree Protection Plan dated November 2025 undertaken by NB Tree Management.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of important trees, within the vicinity of the site are adequately protected during the period of construction.

13. 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, the details of which shall include:

- (i) location and current canopy spread of all existing trees and hedgerows on the land;
- (ii) full details of any to be retained, together with measures for their protection in the course of development;
- (iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- (iv) means of enclosure to include details of fencing and gates;
- (v) all hard and soft surfacing materials.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling 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, hedgerow 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 occupation of any part 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.

## **INFORMATIVE TO APPLICANTS**

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)
2. 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 the 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.

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.

3. The application involves an extension to the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.
4. In relation to condition 8, evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial contribution to the scheme. An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.