

CASE OFFICER'S REPORT

Application Reference: PL/2026/01056
Application Type: Permission in Principle
Consultation ends: 23 March 2026
Case officer: Steven Sims

Site Address: Hillview Farm Byre, 2C Bradford Road, Winsley, Bradford on Avon, BA15 2HL
Proposal: Permission in Principle for the erection of one self-build dwelling
Recommendation: Refuse

PROPOSAL AND SITE DESCRIPTION

Site Description

The application site forms a parcel of land measuring 0.11 ha located outside in the open countryside (and outside any settlement).

Open fields are located to the east, south and west of the site.

There are some sporadic residential properties located to the north fronting Bradford Road.

The site consists of part of the access driveway to no. 2c Bradford Road, an area of manicured grass and vegetable garden. A couple of trees are located on site.

The western boundary of the site consists of hedging separating the site from open land to the rear of properties fronting Bradford Road.

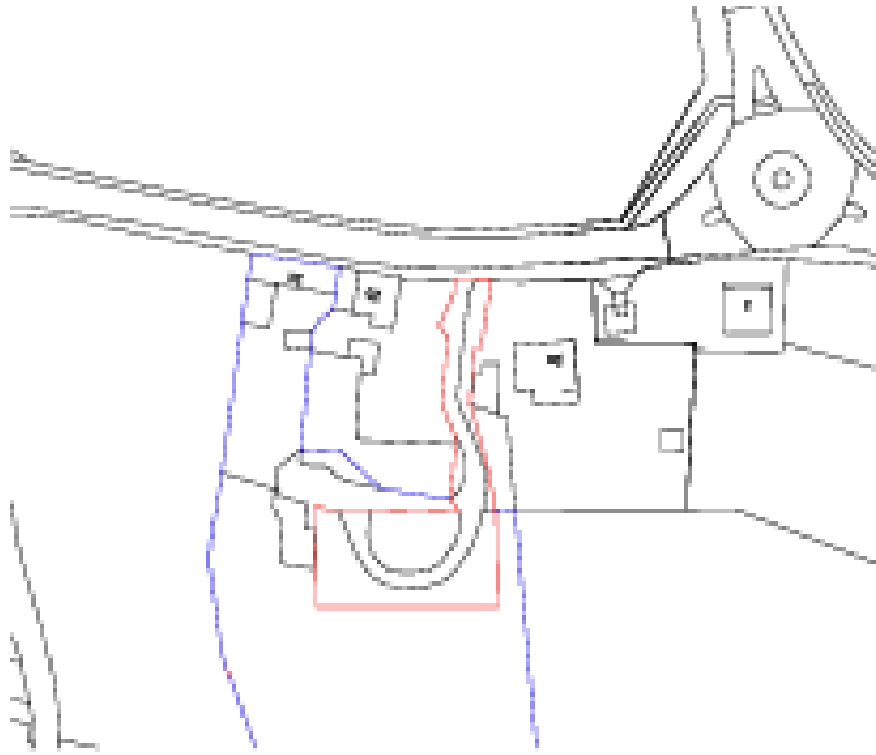
The eastern boundary consists of a post and rail fence. No boundary borders the site to the field south of the site.

The village of Winsley is located approx. 100m to the west.

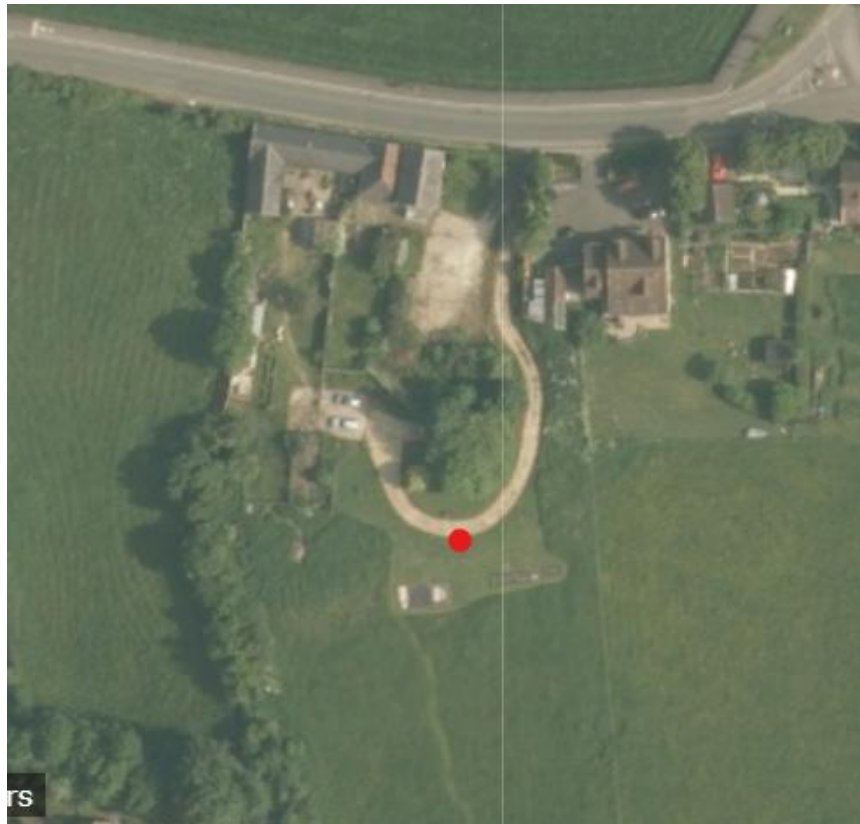
Bradford on Avon is located approx. 0.9km to the east.

The site is located within a special landscape area the southern fringes of The Cotswolds, Cotswolds Countryside Character Area, Cotswold National Landscape and West Wiltshire Green Belt and the Bath and Bradford on Avon Bat Special Area of Conservation (SAC).

The site is located in flood zone 1 (lowest flood risk) and is not at risk of significant levels of groundwater or surface water flooding.



Site location plan



Aerial photograph of site



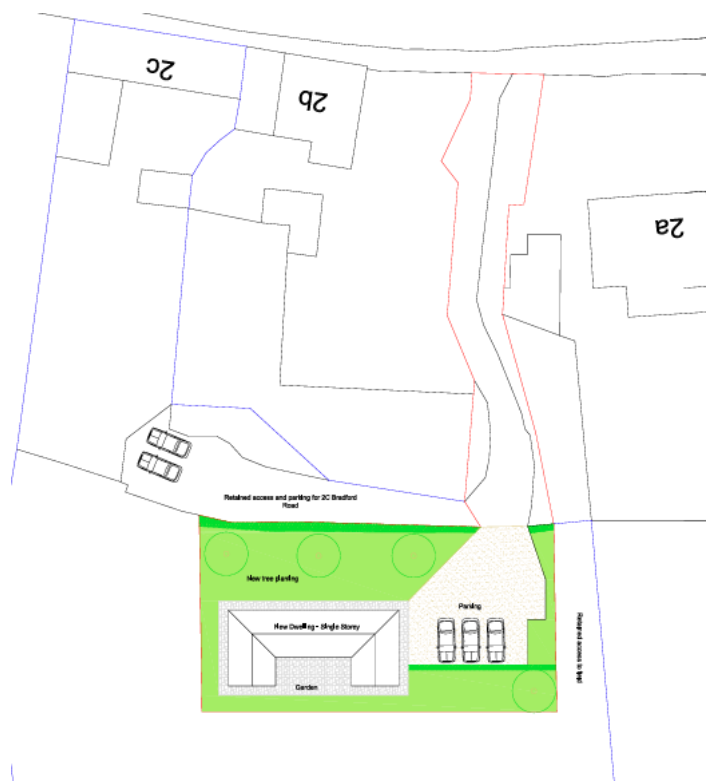
Application site (looking west)



Application site (looking north)

The Application

This stage 1 "permission in principle" (PiP) application seeks to establish whether the erection of one self-build dwelling is acceptable in principle as detailed on the indicative block plan below.



Indicative block plan

POLICIES

Wiltshire Core Strategy (WCS) Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 7 Bradford on Avon Community Area; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; 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 67: Flood Risk

West Wiltshire District Local Plan (1st Alteration) saved Plan and Policies (now contained in the WCS) C3 Special Landscape Areas and U1a Foul Water Disposal

National Planning Policy Framework (the Framework) and Planning Guidance

Other Considerations

Wiltshire Local Transport Plan 2011 – 2026 (in particular policy PS6: Residential parking standards)

Wiltshire Local Transport Plan 2011 – 2026: Cycling Strategy

Wiltshire Local Transport Plan 2025 – 2038 (endorsed at full council on 11 March 2025)

Wiltshire Design Guide SPD 2024

The Conservation of Habitats and Species Regulations 2017

Winsley Neighbourhood Plan (are designated 2013)

Cotswolds National Landscape Management Plan 2025-2030 (CNLMP)

Wiltshire Council's Emerging Local Plan (WLP) 2020-2038 – 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 will be made by the Council later in May (and after this application has been determined).

CONSULTATION RESPONSES

Winsley Parish Council: Objects to 'the proposed building of a new house in Green Belt; the benefits are not seen to outweigh the harm that would be caused.'

Highways Team: No objection

Ecology Officer: Objects

REPRESENTATIONS

One representation has been received providing the following comments –

- Site lies outside defined settlement limits
- Conflict with spatial strategy of local plan
- Represents back land development
- Site not grey belt/ no evidence has been provided to demonstrate a clear unmet need for the type of development proposed
- Would extend built form into a rural landscape and erode the character of the surrounding countryside
- Harmful impact on National Landscape

RELEVANT PLANNING HISTORY

None

ASSESSMENT

Principle of Development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of the application must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Policy CP2 of the adopted WCS is clear that other than in "*circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans*". This proposal therefore does not satisfy any of the 'exception policies' listed in paragraph 4.25.

Core Policy 2 is clear that only in certain circumstances would development be permitted in the open countryside (where an exception listed in paragraph 4.25 applies or other such policy exceptions exist), otherwise new housing should not be permitted outside settlement boundaries as a matter of principle.

Core Policies 60 and 61 of the WCS seek to promote sustainable development through the reduction on the reliance on private car use and encouraging the sustainable and safe movement of people within Wiltshire. The site is located within relatively close proximity to the village of Winsley where there is an array of services available. A footpath on the opposite side of the road allows relatively easy pedestrian access to the village.

The development is located outside the limits of development and in the open countryside and as such is contrary to policies CP1, CP2 and CP7 of the WCS. The proposed scheme also needs to be assessed against the relevant policies of the local plan as detailed below.

Permission in Principle Stage (PiP)

Paragraph: 001 Reference ID: 58-001-20180615 of the Planning Practice Guidance (PPG) states the *"permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development."*

The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed".

Therefore, as a stage 1 submission, it is only the principle of the development that can be assessed at this stage.

In addition to the above, Paragraph: 012 Reference ID: 58-012-20180615 of the PPG is clear that the *"scope of permission in principle is limited to the **location, land use and amount of development.** Issues relevant to these 'in principle' matters should be considered at the permission in principle stage"*, (note: emphasis added by officers).

In terms of assessing this PiP proposal against the adopted WCS and the spatial strategies, namely: CP1, CP2 and CP7 (the spatial strategy for Bradford on Avon community area which includes the village of Winsley). The site subject to this PiP application is located outside the defined settlement limit for Winsley and is in the open countryside.

Based on the above, this PiP proposal is considered to conflict with policies CP1, CP2 and CP7 of the adopted Wiltshire Core Strategy which seek to prevent development in the open countryside and direct new housing to sustainable locations and through a plan-led approach.

5 Year Housing Land Supply

This recent update to the NPPF in December 2024 confirms that the Council needs to provide a five-year Housing Land Supply (HLS). As a result of changes to the way housing need is calculated, by government in late 2024, the Council is unable to demonstrate a five-year supply of deliverable housing sites. Currently the Council can demonstrate 2.42 year supply.

As a result of this housing land supply shortfall, NPPF paragraph 11 is engaged and local plan policies which seek to restrict the supply of housing whilst there is a supply deficit should be considered 'out-of-date' and full weight cannot be afforded to these policies.

However, as set out within the NPPF the presumption in favour of sustainable development (the 'tilted balance') set out in paragraph 11d) ii. is engaged whereby permission should be granted for new housing **unless** any adverse impacts of doing so would "*significantly and demonstrably outweigh the benefits*" or the 'protection policies' detailed in Footnote 7 of the Framework apply.

In this particular case, multiple protections are engaged, namely habitat sites, the national landscape and green belt.

The implications of the current housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications for new housing. The weight to be attributed to such policies is a matter of judgment for the decision-maker and it is considered that weight should still be afforded to the spatial strategy policies of the development plan as detailed in the section 'Planning Balance' below.

Impact on the openness of the Green Belt

There are no relevant WCS development plan policies relating to the Green Belt, therefore the NPPF provides the policy direction. The revised NPPF sets out within paragraph 142 that "*The Government attaches **great importance** to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*". Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

Paragraph 143 the NPPF sets out five key purposes of the Green Belt including to check the unrestricted sprawl of large built-up areas and to prevent neighbouring towns merging into one another.

Paragraph 153 the NPPF states '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*'

Paragraph 154 sets out the categories of development which may be regarded as being 'inappropriate' in the Green Belt unless one of the listed exceptions applies. These include, amongst others, limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.

Paragraph 155 of the NPPF states – '*The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply: The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*'.

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt and includes National Landscape and Special Areas of Conservation) would provide a strong reason for refusing or restricting development.

As detailed above, open fields are located to the east, south and west of the site and residential development is located to the north fronting Bradford Road.

The site consists of part of the access driveway to no. 2C Bradford Road, and an area of manicured grass. The western boundary of the site consists of hedging separating the site from open land to the rear of properties fronting Bradford Road.

The eastern boundary consists of a post and rail fence. No boundary borders the site to the field south of the site



View north from application site



View east from application site

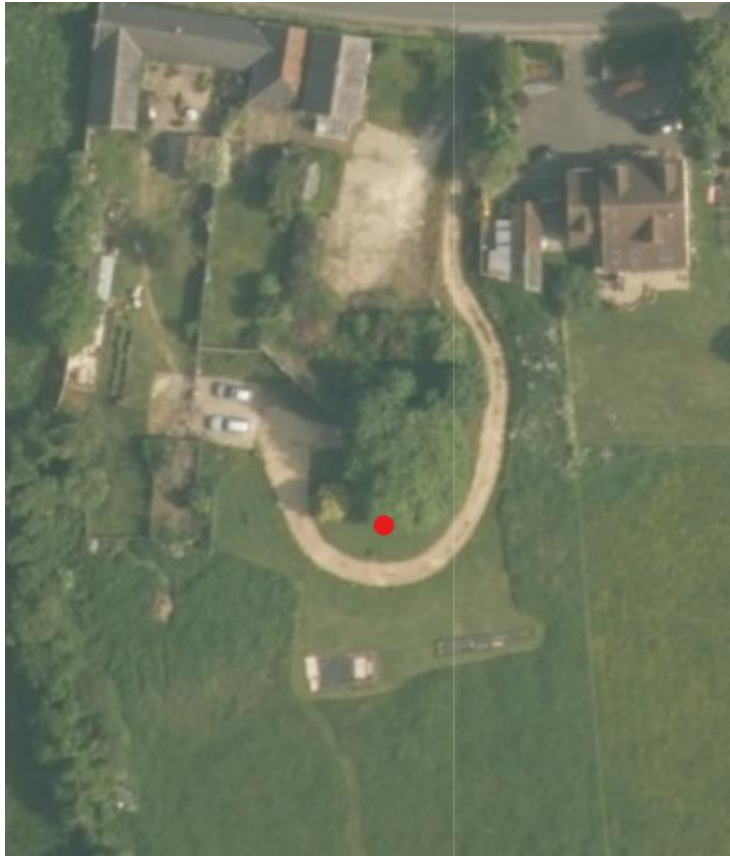
The applicants in their planning statement (para 2.4), assert that the site was used to graze horses and is therefore in equestrian use.

Para 6.20 of the applicant's statement also advises the site is previously developed land (PDL). Paragraph 6.26 goes on to state that the site is grey belt.

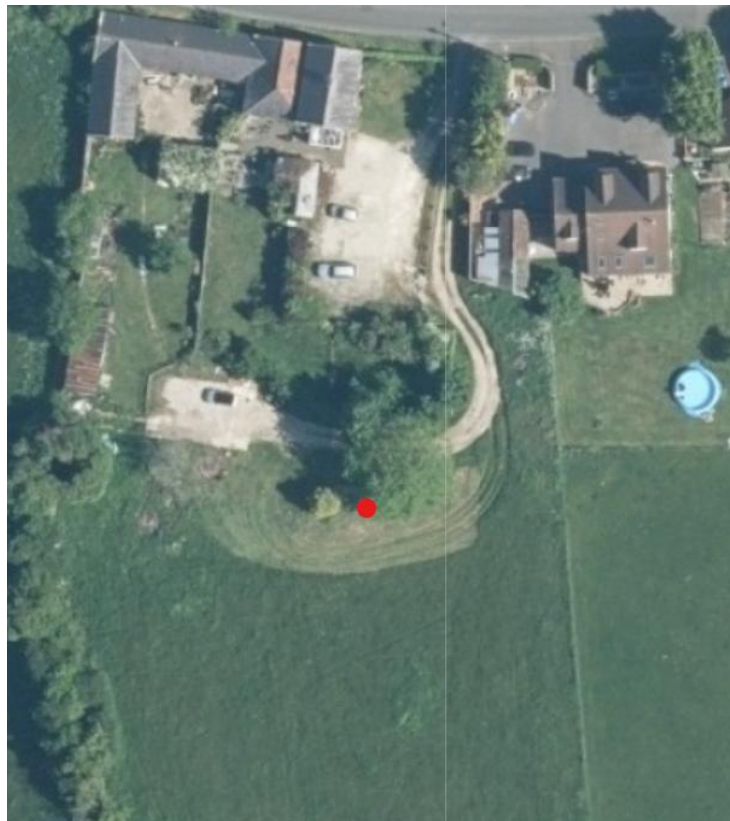
The Council has no record of any change of use of the land in question to equestrian use or residential use.

The Council does not consider the land to be previously developed land (PDL) for the reason given below.

Aerial photography going back to 2014 is detailed below.



Aerial photograph 2025



Aerial photograph 2021



Aerial photograph 2017



Aerial photograph 2014

As evidenced in the previous aerial photos, the driveway seems to have been extended into the field to the south of the main dwelling over time with the land also being changed from a rural agricultural field to a more manicured garden/ area of amenity land and access driveway serving the main dwelling – without the benefit of planning permission.

The location of the proposed PIP dwelling would be on former agricultural land and partly within the field to the south of the main dwelling. No planning permission has been obtained for change of use of land and the aforesaid changes affecting the site are considered unauthorised and the land is not considered to be previously developed land.

The proposed development does not fall within the listed categories of development which may be regarded as being appropriate in the Green Belt as detailed in paragraph 154 of the NPPF.

The development would result in harm to the rural character of the area and National Landscape (see section below) by virtue of the site location within the open rural countryside.

In addition, due to lack of information regarding the bat SAC, the Council cannot complete the necessary HRA Appropriate Assessment (see comments below).

As such the adverse impacts of the development relating to the areas or assets included within footnote 7 of the NPPF, provide strong reasons for refusing the PIP proposal.

The site is located in an open countryside location, although the site is not visible from the highway the site is visible across fields from the east and south. Any dwelling erected on the application site will therefore harm openness. The site does not represent previously developed land, and the council considers this site to positively contribute towards the purpose of Green Belt designations, as set out in paragraph 143 of the NPPF.

The proposal would have an urbanising impact through the introduction of a new dwelling in addition to the required on-site car parking provision, bin storage and associated domestic/garden paraphernalia that is commonplace with residential use, resulting in the diminution of the openness of the Green Belt.

The council does not consider that 'very special circumstances' exist and whilst the council acknowledges its current housing land supply shortfall and recognises the need to consider speculative proposals to address this, the NPPF is clear that the tilted balance under paragraph 11(d) does not apply where Green Belt policy provides a clear reason for refusal. In assessing this application, the Council concludes that the construction of a new dwelling in open countryside does not outweigh the harm posed to the Green Belt by the development.

Therefore, the proposal constitutes inappropriate development in the Green Belt, contrary to policy in the NPPF.

Impact on the National Landscape

Core Policy 51 of the WCS outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement

measures. Core Policy 57 requires a high standard of design in all new developments and states that development should respond positively to the existing townscape and landscape.

Further to this, NPPF Paragraph 187 b) states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Paragraph 189 of the NPPF states **great weight** should be given to conserving and enhancing landscape and scenic beauty in, amongst others, National Landscapes, which have the highest status of protection. The paragraph continues *'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 Cotswolds National Landscape Management Plan (CNLMP) (Appendix 4) states that *'When seeking to further the purpose of conserving and enhancing natural beauty, relevant authorities should consider the information contained in a National Landscape's Management Plan.'*

The CNLMP states the national landscape has two statutory purposes: 1. To conserve and enhance the natural beauty of the Cotswolds National Landscape; and 2. To increase the understanding and enjoyment of the special qualities of the Cotswolds National Landscape. The CNLMP also identifies the following three key issues that it considers may have a significant effect on this plan's outcomes – 1. The climate emergency; 2. Nature's decline and the ecological crisis and 3. Health and societal changes.

Special features of the Cotswolds National Landscape (CNL) are set out within its Management Plan and comprise, amongst others; open elevated predominantly farmland with open sky long distance views, flower rich grasslands, a tranquil area and dark skies.

In addition, under Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling-up and Regeneration Act 2023, the local planning authority (LPA) has a statutory duty to seek to further the purpose of conserving and enhancing natural beauty when exercising any function affecting land within a National Landscape.

The proposal would be visible across the open fields that would lead to harm to landscape setting. The proposed development would have an urbanising impact through the introduction of a new dwelling into this rural location, in addition to the required on-site car parking provision, bin storage and associated domestic/garden paraphernalia that is commonplace with residential use, which would result in the diminution of the protected landscape.

The proposal would not conserve or enhance the natural beauty of the National Landscape and the development fails to comply with local and national policy and s85 of the Countryside and Rights of Way Act.

Ecology Issues

The site is located in a core roost buffer zone for Greater horseshoe bats associated with the Bath and Bradford-on-Avon SAC and as such, development in this area would require robust ecological surveys and a Habitats Regulations Assessment (HRA), which should set out the necessary mitigation measures to demonstrate no adverse effect on the integrity of the SAC.

Certain types of development are excluded from the grant of permission in principle. Habitat development is one such exclusion which is defined by Article 5B(5) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (hereafter referred to as the Order) as including development, which discounting mitigation measures, is likely to have a significant effect on a qualifying European site under the Conservation of Habitats and Species Regulations 2017 (as amended) (hereafter referred to as the Habitats Regulations).

As competent authority under the Habitats Regulations, an appropriate assessment (AA) should be undertaken by the Local Planning Authority (LPA) to establish whether the development would adversely affect the integrity of the protected site. If the outcome of the appropriate assessment is unfavourable, it would preclude the grant of permission in principle.

The proposed development would be located within the buffer zone of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). The SAC covers a wide area of the Bath and North-East Somerset and Wiltshire Authority areas. The Habitat site is recognised for its national and international importance for nature conservation. Its qualifying features are its protected priority habitats and species including important populations of Bechstein's Bats, Greater Horseshoe Bats, of which the SAC supports 15% of the UK population, and Lesser Horseshoe Bats. The application site is linked to grassland and woodland in the wider landscape, potentially providing important foraging and commuting habitats. There are a number of records of large numbers of Lesser Horseshoe bats roosting approximately 690m southeast of the site.

There is no overarching mitigation scheme for the effects of development on the SAC. Proposals should provide, with the application, site specific details of survey work which establishes the existing presence on and use of the application site by protected species, together with the species types and numbers. The information should establish the likely effect of the development on the protected species. Detailed mitigation measures should be submitted at the application stage, in accordance with the Bat Special Areas of Conservation (SAC) – Planning Guidance for Wiltshire document, produced by the Council in association with Natural England.

The proposal would introduce one new dwelling on site, leading to the introduction of new built form, and the potential for domestic paraphernalia, gardens and vehicular movements, together with increased light levels and disturbance, which could detrimentally affect the protected species. The proposal could also result in the loss of potential foraging habitat (grassland; condition and type unknown and trees) as well as disturbance of habitat at the peripheries during construction.

The applicant has not submitted any supporting ecological surveys to demonstrate how bats use the site (or confirmed their species and recorded numbers) or confirmed the extent of the bat habitat that may be lost as a result of the proposals, or provided details of any mitigation measures that might be required to prevent harm to bat species.

As such it is considered the proposal has not demonstrated that it would not have, either alone, or in combination with other development, likely significant adverse effects on the SAC and its qualifying features.

PLANNING BALANCE

This proposal fails to comply with the strategic policies of the adopted WCS, which restrict new development outside the defined settlement boundaries in the open countryside, as detailed above.

The proposal would deliver a modest level of public benefit through the provision of one new dwelling, contributing to the acknowledged shortfall in housing supply. In addition, economic benefits would arise during the construction phase and through the subsequent occupation of the dwellings, including potential support for local services and businesses. The applicants advise the development would be self/ custom build development. Overall, these benefits can be given moderate weight in the planning balance.

The scheme would result in the urbanisation of the open countryside with the loss of rural character within the rural landscape and the proposed development would neither conserve or enhance the natural beauty of the National Landscape or protect the rural character of the area. This harm must be given significant weight in the planning balance.

The development would result in the urbanisation of the open countryside with the loss of rural character and diminution of the Green Belt through the construction of one new dwelling and the change of use of the land. In the absence of any 'very special circumstances' that would justify the harm to the Green Belt, the Council maintains that the construction of one new dwelling on this site would result in its unjustified encroachment, undermining the openness and permanence of the Green Belt.

In addition, it has not been demonstrated that the development would not have, either alone, or in combination with other development, likely significant adverse effects on the SAC and its qualifying features.

Whilst the Council recognises the need to address its housing land supply, this does not override the fundamental protections afforded to the Green Belt, or the need to demonstrate the development would not harm protected habitats sites, as defined in in Footnote 7 of the NPPF, and it is considered the tilted balance under paragraph 11(d) does not apply.

The scope of permission in principle applications is limited to the location, land use and amount of development. As such it is considered the location and land use of the scheme are not acceptable as detailed above. It is however recognised the site could accommodate one dwelling.

RECOMMENDATION: That planning permission is refused for the following reasons:

Refusal Reasons

1. The site lies outside the defined settlement boundary and is located within open countryside. It is not allocated for residential development in the development plan, and the proposal does not meet any of the exception criteria set out in Core Policy 2 of the Wiltshire Core Strategy. As such, the proposal represents an unjustified form of residential development in an unsustainable location, contrary to Core Policies CP1, CP2, and CP7 of the Wiltshire Core Strategy and Paragraphs 2, 8, 11, and 12 of the National Planning Policy Framework.

2. The proposed development would result in the urbanisation and erosion of the open countryside that would cause demonstrable harm to local rural character and landscape setting. The proposed development would neither conserve nor enhance the natural beauty of the National Landscape and is therefore contrary to Core Policies CP51 and CP57 of the Wiltshire Core Strategy and Paragraphs 135, 187 and 189 of the National Planning Policy Framework.

3. The National Planning Policy Framework sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify the proposal do not exist. Therefore, the development is contrary to the development plan and the Framework in particular paragraphs 142, 143, 153, 154 and 155 of the National Planning Policy Framework.

4. The site is located within the Bradford on Avon Bat Special Area of Conservation (SAC) and must, therefore, be considered under the Habitat Regulations. The SAC is recognised for its national and international importance for nature conservation. Its qualifying features are its protected priority habitats and species including important populations of Bechstein's Bats, Greater Horseshoe Bats. In this case, insufficient information has been submitted by the applicant to enable the Council to complete an Appropriate Assessment as required pursuant to the Bath & Bradford-on-Avon Bat SAC. In the absence of a favourable HRA, the application cannot be approved, since the Council cannot conclude that there would be no adverse effects on the integrity of the Bath & Bradford-on-Avon Bat SAC. The proposed development is therefore contrary to Core Policy CP50 of the Wiltshire Core Strategy and paragraphs 187, 193, 194 and 195 of the National Planning Policy Framework.
