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10 June 2026

Dear Sir/Madam,

Your Reference: 6008204
Our Reference: PL/2025/09713
Site Address: The Byers 1 to 3, 84 Westbrook, Bromham, Chippenham, SN15 2EE
Proposal Description: *Change of use from holiday cottages into three one bedroom cottages (residential use)*

Please accept this letter and the attached draft delegated report (**Appendix 1**) as the formal Appeal Statement of Wiltshire Council, the Local Planning Authority (hereinafter referred to as 'the LPA'), in response to the appeal lodged by Westbrook Farm Chippenham Ltd (hereinafter referred to as 'the Appellant') against the LPA's failure to determine a full planning application for the change of use from three holiday cottages to three one-bedroom dwellings at 1-3 The Byers, 84 Westbrook, Bromham.

The LPA case relies on the assessment and conclusion set out in the draft delegated report and as is summarised in the statement below.

The appeal has been submitted on the grounds of non-determination by the LPA. The LPA provided its reasons for refusal to the Planning Inspectorate as part of the questionnaire on 12 May 2026. The attached Delegated Report (see appendix 1) confirms that had the Council been in position to determine the application, planning permission would have been refused for the three following reasons:

Reasons for Refusal

1. The proposed residential development, by reason of the location of the site, would be contrary to the settlement, delivery and community area strategies of the Wiltshire Core Strategy. The development would be in a rural location outside any recognised development limits, resulting in the creation of new dwellings in the open countryside. This is contrary to the National Planning Policy Framework, and Policies CP1, CP2 & CP10 of the Wiltshire Core Strategy, which set a presumption against development outside of the towns and villages in rural areas except in a number of exceptional circumstances, none of which apply in this instance. The LPA does not consider that the proposal falls to be considered as the conversion and reuse of a rural building for the purposes of exception policy CP48 (Supporting Rural Life) and in any event it is

not demonstrated that the preferential uses for redundant rural buildings are not practical propositions.

2. The development proposed would result in the creation of a dwelling in a location that is remote from any settlement, services, facilities and access to public transport. The site is not suitably located to allow residents to walk or cycle to reach any services and employment opportunities. As such future occupants would be entirely dependent on use of the private car use for day-to-day needs. The dwelling would be situated in an unsustainable location contrary to the aims of National Planning Policy Framework and Wiltshire Core Strategy Core Policy 60 (i)(ii).
3. By reason of the inadequate internal floor space and the insufficient size of, and lack of privacy within, the associated private outdoor amenity areas, the development would result in substandard living conditions for future occupiers. Furthermore, the close proximity of the proposed dwellings to the shared gravelled parking area would give rise to unacceptable levels of noise and light disturbance. The proposal is therefore contrary to Core Policy 57 (iii) and (vii), Section 9.2 of the Wiltshire Design Guide and paragraph 135 of the National Planning Policy Framework.

The application was received on **11 December 2025** and validated on **18 December 2025**, at which point the statutory determination period commenced.

There has been some delay in the assessment of the application due to the interrelationship with a separate application for a Certificate of Lawfulness under the LPA's reference, PL/2025/07127, and work on this appeal application could not be progressed without resolution of this aforementioned application. The LPA sought an extension of time to allow for proper consideration of the issues arising, but this was not accepted by the appellant. The appeal on grounds of non-determination was submitted before the Council was able to conclude its assessment.

The application for a Certificate of Lawfulness was determined on 4 February 2026 and the delegated report and decision notice are attached (**Appendix 2**). The Council had expressed its position to refuse the appeal application to the Appellant on 27 March 2026. Notice of an intention to lodge an appeal was received 31 March 2026. Notification of the appeal was received 6 May 2026.

1 Reason for Refusal 1: Conflict with Spatial Strategy

- 1.1 Reason for refusal 1 relates to the unacceptable principle of development due to the proposal's conflict with the spatial strategic policies and exceptional policy within the Wiltshire Core Strategy and paragraph 84 of the NPPF.
- 1.2 The LPA confirms that Wiltshire Council still cannot demonstrate a Five Year Housing Land Supply, and its position is detailed in the officer's report. The Appellant contends that this lack of supply should be afforded weight, and the LPA does not dispute this.
- 1.3 The Appellant has used examples of appeals decisions of all major housing applications in order to support this argument. The examples of Land at Stones Farm for 140 dwellings; Land off Sherston Road for 55 dwellings, Old Sarum Airfield for 315 dwellings, raised by the Appellant are appeals that have been allowed with its significant housing contribution being afforded a significant contribution to the substantial shortfall. However, this proposal is merely for three dwellings, which is not comparable.

- 1.4 The Appellant also uses the example at Land South of Ballingers, where the appeal has been allowed for 21 dwellings, and albeit less than the others, it would still provide 21 dwellings, of which there would be affordable and self builds within, providing additional benefits, all of which is not provided in this appeal proposal.
- 1.5 Therefore, none of these appeal decisions are comparable with this appeal proposal and therefore should be disregarded. In any event, each case should be determined based on its own merits.
- 1.6 As set out in the Delegated report, the LPA has engaged tilted balance under paragraph 11(d) of the NPPF, which concludes that the identified harms of the proposal with regards to conflict with the development plan, unsustainable location and provision of substandard living conditions to future occupiers would significantly and demonstrably outweigh the benefit of providing three market dwellings in this case.
- 1.7 The Appellant contends that the site constitutes 'Previously Developed Land' (PDL), implying that this should weigh in favour of the proposal. The definition of PDL within the NPPF are as follows:

Wiltshire Core Strategy, Glossary & Acronyms, page 323;

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The NPPF's definition is similar to the one of the Wiltshire Core Strategy;

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation ground and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape on the process of time.

- 1.8 The appeal proposal does not represent the redevelopment of PDL in the intended purposes envisaged by national or local policy, but a conversion of an existing building into permanent residential use. Accordingly, the LPA considers that limited weight should be afforded to the Appellant's assertion that the site is PDL.

- 1.9 As concluded in the Delegated Report, the Appellant has failed to demonstrate that the appeal building is no longer capable of operating viably as holiday accommodation, with no supporting marketing or viability analysis submitted. Furthermore, it has been established that the use of the building as holiday accommodation has been ongoing for a considerable period, as confirmed in the officer's assessment of the associated Lawful Development Certificate.
- 1.10 The Appellant asserts that there has been a rise in alternative forms of tourist accommodation, such as short-term lets (e.g. AirBnB); however, no substantive evidence has been provided to demonstrate the level of supply or demand for tourist accommodation within the local area, nor how this would justify the loss of the established holiday let use.
- 1.11 In the absence of any evidence analysis of the local tourism market, or other commercial, cultural or community options, the Local Planning Authority maintains that the appellant has failed to demonstrate that the existing use is no longer required for its existing use or that there are no reasonable prospects of its continued use or re-use for tourism or other preferred uses. As such, the LPA maintains the view that Core Policy 48 of the WCS does not apply in this case, and even if it were to apply, it has not been adequately justified that there is no reasonable alternative to the proposed change of use to three residential dwellings.
- 1.12 The Appellant further argues that the appeal proposal benefits from permitted development rights under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter referred to as 'the GPDO') and that this assertion underpins the 'fallback' position in support of the proposal.
- 1.13 With reference to the case law, *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, there must be a realistic prospect of a fallback position being implemented for it to attract weight.
- 1.14 Class Q, Part 3, Schedule 2 of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses), subject to a prior approval process and specific limitations and conditions.
- 1.15 In this instance, the appeal building is in an established non-agricultural use as holiday accommodation, and therefore does not meet the definition of an agricultural building for the purposes of Part 3, Class Q. The provisions of Class Q apply only to buildings that were in lawful agricultural use within the relevant qualifying period and do not extend to buildings already in a tourism-related use.
- 1.16 Furthermore, there is no planning history evidence to indicate that any prior approval application under Class Q has been submitted or implemented in respect of this appeal site. As such, there is no basis upon which it can be reasonably concluded that a fallback position exists which would deliver a comparable form of residential development.
- 1.17 Accordingly, the Appellant's reliance on a Class Q 'fallback' position is misplaced and should be afforded no weight. The LPA therefore respectfully requests the Inspector to disregard this consideration of a 'fallback' position.

2 Reason for Refusal 2: Unsustainable Location

- 2.1 Reason for Refusal 2 relates to the creation of residential development in an unsustainable countryside location with poor access to services and sustainable transport, resulting in reliance on private car use and an unsustainable pattern of development contrary to policies 60 and 61 of the Wiltshire Core Strategy and the objectives of the National Planning Policy Framework.
- 2.2 In the Appellant's Statement, it is asserted that education, shopping, employment and other services are accessible within a short distance by car, cycle or public transport. The LPA is unable to agree with this assertion.
- 2.3 Whilst access by private car is possible, with the site being directly accessed from the A-road to the northwest, this would not equate to a sustainable location, particularly in policy terms. The Appellant's suggestion that the appeal site is accessible by cycle or public transport is not supported by the evidence submitted. The nearest bus stop referred to in their statement is located approximately 0.6 miles from the site, and is not served by any safe pedestrian route, requiring travel along an unlit, national high speed road with no footway or dedicated cycle lane provision. Similarly, there are no continuous pedestrian or cycle routes linking the site to nearby settlements or key services.
- 2.4 The absence of suitable infrastructure means that the services and facilities identified by the Appellant are not reasonably accessible other than by private car. As such, the Appellant has failed to demonstrate that these alternative modes of transport are realistic, safe or practical options for day-to-day journeys.
- 2.5 The Appellant further refers to delivery services as a means of reducing reliance on travel. The LPA does not consider that this would address the fundamental sustainability concerns. Such services remain dependent on motorised transport and do not materially reduce overall vehicle movements associated with the proposed permanent residential use.
- 2.6 Moreover, an over-reliance on delivery services for day-to-day needs would not represent a realistic or desirable pattern of day-to-day living and could contribute towards a degree of isolation for future occupiers. This is of particular concern given the remote location, constrained nature of the site and the identified deficiencies in the quality of the living environment, including issues of overlooking and lack of satisfactory amenity provision. As such, the Appellant's argument does not overcome the identified harm.
- 2.7 The appellant also contends that the existing holiday use already generates vehicle movements. However, this comparison is not directly analogous. The existing holiday accommodation use represents a transient, short-term occupation within a limited number of days per year, whereas the proposed development would introduce permanent residential occupation, giving rise to a materially different and typically more frequent pattern of travel demand associated with daily living.
- 2.8 It is also evident from the Appellant's submissions that insufficient regard has been given to the underlying purpose and objectives of Core Policies 60 and 61 of the WCS, and the NPPF, which collectively seek to secure sustainable patterns of development by

reducing reliance on the private car and promoting genuine choice of transport modes. The Appellant's reasoning appears to place undue weight on the ability to access services by car, without recognising that such reliance is precisely what these policies seek to avoid. In failing to properly engage with these policy objectives, the Appellant does not identify the inherent harm arising from locating new residential development in a position where future occupiers would be heavily dependent on private vehicle use for day-to-day needs.

- 2.9 It is acknowledged that the Highway Authority has raised no objection in respect of highway safety, including access, parking and turning arrangements. However, this does not override the policy concern relating to sustainability. The Highway Authority also noted that the proposal would result in an increase in vehicular movements and identified that the site is not served by sustainable transport options. The absence of a technical objection relating to the site layout should therefore not be taken as an indication that the proposal accords with the sustainability objectives of the development plan or national policy.
- 2.10 Accordingly, the Local Planning Authority maintains that the proposal would give rise to an unsustainable pattern of development, characterised by a high reliance on private car use, and that the level of harm justifies Reason for Refusal 2.

3 Reason for Refusal 3: Substandard Living Conditions and Unacceptable Impact on Residential Amenity

- 3.1 Reason for Refusal 3 relates to the failure of the proposal to secure an acceptable standard of living environment for future occupiers and impacts on residential amenity, contrary to Core Policy 57 (point viii), the Wiltshire Design Guide, and paragraph 135 of the NPPF.
- 3.2 The Appellant asserts that the proposed dwellings comply with the National Described Space Standards (NDSS). The LPA does not agree with this assertion applies on all the units proposed.
- 3.3 As set out in the delegated report (Appendix 1), one of the proposed units (Byre 3) fails to meet the minimum requirements, with the bedroom falling below the prescribed standard set out in the NDSS. No further information has been submitted by the Appellant to demonstrate compliance or to overcome this identified deficiency. The proposal therefore results in substandard internal living accommodation on Byre 3.
- 3.4 The Appellant further contends that shared garden arrangements are common and therefore acceptable. Whilst such arrangements may be appropriate in certain contexts, this assertion fails to have regard to the specific circumstances of the site. The appeal site is located in the open countryside and does not benefit from access to nearby public open space that could reasonably mitigate any shortfall in private provision.
- 3.5 In this instance, the proposed shared outdoor amenity space would be limited in functionality and would not provide an adequate degree of privacy, particularly having regard to the relationship between the units and the constrained layout. This is compounded by the close proximity of the dwellings, which would give rise to unacceptable levels of overlooking and mutual disturbance between occupiers.

- 3.6 In addition, the proposal introduces a formalised parking arrangement which was not previously associated with the existing holiday accommodation. In the context of permanent residential occupation, the proximity of proposed parking areas to the principal elevations of the dwellings which includes bedroom and living room windows within this existing 'L' shape would result in increased noise, disturbance and activity, which would harm the living conditions of future occupiers to an unacceptable level.
- 3.7 Taken together, these factors demonstrate that the proposal would fail to provide a satisfactory standard of accommodation, and the harm identified fully justifies Reason for Refusal 3. The Local Planning Authority has had regard to all submitted documentation during the application stage, as well as the matters raised within the Appellant's Statement of Case. However, no additional information or substantive justification has been provided that would overcome the identified deficiencies or alter the Authority's assessment. Accordingly, the Local Planning Authority maintains that this reason for refusal remains robust and should be afforded moderate weight.

4 Other Matters

- 4.1 The Appellant notes the absence of objections from members of the public and the support of the Parish Council. These representations are acknowledged. However, such considerations do not outweigh identified policy conflicts and material harms arising from the proposal, particularly where the harm extends beyond spatial policy conflict alone and gives rise to tangible adverse impacts, including the increase in unsustainable journeys by private car and unacceptable living conditions for future occupiers.

5 Conclusion

- 5.1 The fundamental issues relate to the proposal's introduction of residential use within an unsustainable location and its provision of substandard living conditions for future occupiers. The LPA contends that Core Policy 48 of the NPPF does not apply on the proposal's conversion from a holiday let use to residential use, and even if it were to apply, it does not meet the requirements set out within. It would also fail to meet the criteria set out under paragraph 84 of the NPPF. Therefore, the proposal would be in conflict with both the development plan and policy objectives of the NPPF.
- 5.2 Considering the 5-year housing land supply position, paragraph 11(d) of the NPPF indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.3 The planning balance is set out in the Delegated Report (Appendix 1). This concludes that the identified harms, including the conflict with the development plan and the NPPF, provision of substandard living conditions and adverse impacts on residential amenity, and highways and traffic impact arising from the site's unsustainable location, as well as the unjustified loss of holiday accommodation in this case would significantly and demonstrably outweigh the benefit of the proposal delivering three dwellings, making a limited contribution to the housing supply with limited economic benefit.

- 5.4 The Appellant has submitted no additional information that would address the fundamental harms identified above.
- 5.5 In consideration of the above, the LPA therefore maintains that the original reasons for refusal remain fully justified. As such, Wiltshire Council respectfully request that the appeal is dismissed. If, however, the Inspector is minded to allow the appeal, conditions are suggested at **Appendix 3**, without prejudice.

Yours sincerely,

Audrey Lo

Senior Planning Officer
Development Management (North)
Wiltshire Council
01249 706774

Appendix 1

APPLICATION FOR FULL-PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09713
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	The Byers 1 to 3, 84 Westbrook, Bromham, Chippenham, SN15 2EE
DEVELOPMENT DESCRIPTION:	Change of use from holiday cottages into three one bedroom cottages (residential use)
RECOMMENDATION:	Refuse

SITE DESCRIPTION/CONTEXT

The application site relates to the three holiday cottages at the former Westbrook Farm, known as no. 1, 2 and 3 The Byers / The Byres, lying to the south of Westbrook Road / A3102. The three holiday cottages are attached and form an 'L-shape' floor plan.

The former Westbrook Farm comprises a number of buildings including an existing dwelling known as Westbrook Farmhouse to the south with a property on the ground floor of the farmhouse known as The Flat, another dwelling known as Mead View, and two other holiday cottages to the north of The Byers holiday cottages. The Flat and Mead View have recently been the subject of two successful certificate of lawfulness applications.

Based on the latest national flood mapping data updated by the Environmental Agency in 2025, the site lies within Flood Zone 1 from fluvial flooding, and is identified to be at negligible risk of surface water flooding. According to the Council's Strategic Flood Risk Assessment in 2024, the site is identified to be at negligible risk of groundwater flooding.

PROPOSAL

The application seeks planning permission for the change of use from holiday accommodation to provide three one-bedroom dwellings.



Based on the submitted plans, each proposed dwelling would be provided with at least one car parking space. Two of the dwellings would be provided with a shared garden, and the third would be provided with its own private garden.

Permission was originally granted under reference K/86/0690 for the conversion the former agricultural building (the building subject to the current application) into four holiday let units. However, the application building accommodates three holiday lets at the time of writing.

The applicant submitted an application for a Lawful Development Certificate under reference PL/2025/07127, on the basis that the aforementioned planning permission was not implemented and that the existing holiday let use is only lawful through the passage of time. However, the LPA concluded that the application failed to provide sufficient evidence to demonstrate that the permission was not implemented at the time such that the development was not bound by the relevant conditions and legal agreement.

In any event the LPA is satisfied that the lawful use of the site is to provide tourist accommodation. Assessment of the proposal in question has therefore been undertaken on that basis.

PLANNING HISTORY

Proposal / Summary
K/86/0690 - Full planning permission Decision - Approve with Conditions Date: 6/2/1987 – Conversion of redundant farm building into four no. holiday cottages
PL/2024/10608 - Removal/variation of conditions Decision - Withdrawn by Applicant Date: 20/5/2025 – Variation of Condition 1 of K/86/0690
PL/2025/07127 - Lawful development: Existing use – Refused Date: – Self contained holiday cottages x 3

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 12 Spatial Strategy Devizes Community Area;
- Core Policy 48 Supporting Rural Life;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 64 Demand Management

Draft Wiltshire Local Plan Policies

At Full Council on 19 May, the elected members of Wiltshire Council agreed to withdraw the emerging Wiltshire Local Plan. It will now be subject to a legal process to finalise its withdrawal - which is likely to happen in July or August (2026). The said Plan has no material weight for the purposes of the application.

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)

ISSUES

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

- Whether the development is acceptable in principle (CP 1, 2 and 48)
- 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 the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)

CONSULTATION RESPONSES

WC Highways: No objection

Bromham Parish Council: Support

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 from the public consultation at the time of writing.

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).

Together, CP1 & CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities. CP12 is the spatial strategy for the Devizes Community Area and further supports the policies above.

Core Policy 48 allows the conversion of rural buildings into employment, tourism, cultural and community uses subject to criteria set out as follows:

- i) *The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*
- ii) *The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*
- iii) *The building can be served by adequate access and infrastructure.*
- iv) *The site has reasonable access to local services.*
- v) *The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*

The policy then states, *"Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria."*

Under the WCS Glossary definitions, 'Redundant Buildings (for CP48)' are defined as, *'Rural buildings that are unused because they are no longer needed or suitable for the use they were originally intended or were last used for and not viable for alternative commercial use.'*

Assessment

The site is situated in a detached rural location approximately 0.5 miles to the west, and outside, the defined settlement boundary of Bromham, which is identified as a Large Village under Core Policy 12 of the WCS. It is therefore clear that site is located within the open countryside. The building is isolated from the nearest settlement and is considered to be 'isolated' under NPPF terms.

Subject to compliance to the requirements of relevant policies within the development plan, national and local policies are generally supportive of the re-use of existing redundant and disused buildings in the countryside. It is therefore necessary to establish whether this application building constitutes a disused and redundant building for the purposes of Core Policy 48 and the NPPF.

As a starting point, the drafting of the policy itself and the glossary assumes that CP48 does not apply to buildings which are already in residential use. There are a range of preferential uses mentioned in the policy before it makes provision for reusing buildings for residential purposes, means the policy cannot logically relate to buildings which are already in residential use. As the proposal related to the reuse of a building already in residential use, the proposal fails to fall within the scope of CP48 in this respect.

The WCS Glossary defines Redundant Buildings (for CP48) as rural buildings that are unused because they are no longer needed or suitable for the use they were originally intended or were last used for and not viable for alternative commercial use. It is the intention of the policy to support the sustainable reused of genuinely surplus buildings. In this case the application

building was originally erected for the former agricultural use, which has since ceased. The building has been converted into three to holiday lets and it is evident that there is no longer any agricultural use taking place at the site. The application provides no evidence to confirm whether the building is genuinely surplus with no useful ongoing use for tourist accommodation. The building seems entirely capable of continuing use as holiday lets despite the current owner's intentions. The buildings are not redundant or disused, and are not demonstrated to be unviable for alternative commercial uses. The proposal does not therefore relate to a building which is disused or redundant and fails to comply with CP48 in this respect.

In this case, no evidence or justification has been submitted to demonstrate that the existing holiday-let use is no longer viable, nor that there is no demand for such tourist accommodation. The proposal also fails to demonstrate evidence to justify that alternative preferred uses under Core Policy 48 are not practical propositions and further fails to comply on this point.

Notwithstanding the LPA conclusion that CP48 does not apply in this case, the criteria have been considered below.

In considering criterion (i), no structural survey has been submitted. However, the building has been used as holiday lets and as such it is reasonable to assume that the building is structurally sound. The proposal does not include any external alterations, and therefore it can be concluded that the conversion from holiday accommodation to residential use would not require any major rebuilding.

Criterion (ii) requires the proposed use to be compatible with the character and appearance of the landscape and to safeguard the amenities of resultant and nearby existing residential areas.

The impacts to the character and appearance of the surrounding landscape is assessed in detail further below in this report, which concludes the proposal to be acceptable in that regard. Albeit there is potential for urbanisation as a result of the change of use, impacts could be mitigated through the use of conditions to limit permitted development rights for further outbuildings and boundary treatments.

With regards to the impacts on residential amenities, the assessment set out within the 'Amenities' section below concludes that the proposal would fail to provide acceptable living conditions for future occupiers of the dwellings.

With respect to criterion (iii), the site is served by an existing access directly onto the public highway. This matter is further discussed under the 'Highways' section below within the report, which concludes that the existing access arrangements, parking provision, and impacts on highways safety are considered acceptable, with no objections raised by the Council's Highways Officer.

With regards to criterion (iv), the site is not well served by services and facilities as one would within one of Wiltshire's identified settlements. As discussed in the 'Highways' section of the report, the site is not considered to be in a sustainable location due to the lack of access to alternative transport modes. Consequently, with consideration to the proposed residential use

in this case, the application site is not considered to sufficiently meet what would constitute as having 'reasonable access' to local services and fails to satisfy criterion (iv).

It is noted that the proposal does not involve the conversion of a heritage asset and therefore criterion (v) is not relevant to this application.

When considering paragraph 84 of the NPPF relating to isolated homes in the countryside, none of the provisions are considered to apply in this case. The proposal is not advanced as accommodation for a rural worker, the building is not a heritage asset, there is no evidence that the buildings are redundant or disused, or that the changes (which are limited externally) would enhance the immediate setting. To the contrary, further domestication of the external areas could have an urbanising effect on the locality. The proposal does not relate to the subdivision of an existing residential building, the buildings are already in residential use and no further subdivision is intended. The proposal is not purported to be of exceptional design quality. The proposal is not supported by paragraph 84 of the NPPF.

Conclusion

The principle of the proposal is contrary to the settlement strategy policies of the Core Strategy and is not considered to fall under within the criteria of any exception policies, including Core Policy 48. Having regard to the above, the LPA does not consider that the development falls within the remit of Core Policy 48 or NPPF paragraph 84 as a redundant or disused building. In any event the proposal fails to satisfy the criteria set out under Core Policy 48 and the NPPF.

5 Year Housing Land Supply

The Wiltshire Housing Land Supply Statement (June 2025) provides the latest position on the Council's ability to demonstrate a five-year supply of deliverable housing land, which is a material consideration in the determination of planning applications.

The National Planning Policy Framework was revised in December 2024. This has reintroduced the requirement to meet five years' worth of deliverable sites and a buffer to be applied to the five-year housing requirement in all circumstances, and has revised the Local Housing Need calculation to establish the five-year housing requirement. These factors have resulted in a substantial increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The resulting position shows that the Council can currently demonstrate a 2.8 years housing land supply of housing at a unitary authority level. This is considered to be a substantial shortfall.

The absence of a five-year housing land supply is a material consideration in the determination of this application. In accordance with Paragraphs 78 and 11(d) of the National Planning Policy Framework (NPPF), for applications involving the provision of housing, where there is a shortfall in the supply of deliverable housing sites, the most important policies for determining the application should be considered out of date, which includes CP1 & CP2 in this case. The current housing land supply shortfall is a factor that must be considered in the planning balance and in this case, as a five-year housing land supply cannot be demonstrated, the

weight that can be applied to the most important policies for determining this application should be assessed and altered in the light of the shortage in housing land supply. The proposal must be assessed against the national policy context of the need to boost housing supply and the benefits of delivering new homes whilst having particular regard to the key policies set out in paragraph 11(d)(ii) and Footnote 9 of the NPPF.

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 residential use would be permanent and likely to result in an increased level of activity once occupied. It may also result in an increase presence of typical domestic paraphernalia. However, the site is adjacent to other residential dwellings within the wider complex, and any development arising from permitted development rights within a residential curtilage could be appropriately controlled by condition. Furthermore, no external alterations to the building are proposed. Therefore, it is not considered that there would be any unacceptable impacts on the existing character and appearance of the site or its surrounding landscape.

Conclusion

The proposal is considered acceptable in its impacts to the character and appearance of the site and its surrounding areas.

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.

These policies guide the assessment of amenity impacts, which will be considered in detail under the below headings.

Overlooking / loss of privacy

In this instance, the existing holiday lets are located within a complex comprising other holiday accommodation and residential dwellings.

The principal elevation in this instance is the interior side of the 'L' shaped building (facing south). The proposed dwellings would be within an 'L' shaped building, with almost all habitable windows facing inward towards the courtyard where future occupiers would be walking in and driving in close proximity in order to access their properties. This would result in unacceptable overlooking impacts. It has been considered whether a high level of obscure glazing would be sufficient to address the harm, however, given there are limited number of windows on the property, and that rooms, particularly the bedrooms of BYRE 1 and BYRE 2 would only be served by the one window facing this inner area of the 'L' shape, it is then considered that obscure glazing would unacceptably impact natural lighting and provide a compromised outlook for these habitable rooms.

The space available from these windows on the principal elevation would offer a maximum distance of approximately 18.77 from the southwest elevation of BYRE2 to the application site boundary to the southwest and a mere 6m from the southeast elevation of BYRE1 to the car parking space allocated to BYRE 2. Future occupiers in BYRE 1 and BYRE 2 would have to walk through the car parking spaces, next to and along the entrance and windows of BYRE 3 in order to access the allocated garden space. This is considered to result in unacceptable harm in regards to compromised privacy.

The garden space for BYRE 1 and 2 is intended to be shared, and neither proposed dwellings would be provided with any external private amenity space. In the absence of any public open space accessible from the site, it is not considered that the future occupants would be served with sufficient private outdoor amenity space to be expected for a rural property. This is contrary to the guidance provided in the Wiltshire design guide, which states in paragraph 9.2.1. that all dwellings should be provided with private open space in the form of a garden, terrace balcony or winter garden. There would also be a clear view of the shared garden space from BYRE 3 and the existing neighbouring dwelling at Mead View.

Loss of light / overshadowing

Given no physical development is proposed, it is not considered that there would be any loss of light as a result of the proposal.

Overbearing Impact / Overall sense of enclosure

Given no physical development is proposed, it is not considered that there would be harm in overbearing impacts.

Noise and light

Given the close proximity of the car parking spaces to the 'L' shaped properties where all the entrances are on the interior, it is considered that there would be unacceptable noise, light from car headlights, and disturbance on the future occupiers of the dwelling, the access into the property at Mead View to the south is also from the unlabelled car parking spaces shown on the proposed parking and amenity space, which does not seem to have been accounted for. The low wooden perimeter fencing shown on the photographs in the submitted Design, Access and Planning Statement, no longer exists at the time of the site visit undertaken by officers. The car headlights would be considered limited in harm given it would be temporary in nature at night, however, the noise would be throughout the day with access, and blocking of the access to the dwellings at Mead View is unacceptable. The result of the shared parking and circulating area is that there will be regular manoeuvring of vehicles in very close proximity to all windows including those serving living and bedrooms. This would be particularly harmful to the residents of BYRE 1, which would be worst affected due to its position at the entrance and directly opposite the row of parking.

Internal and External Space Standards

Given the conversion to new planning units, it must be considered whether the proposed development would provide acceptable living conditions for occupants and neighbouring occupants. With reference to the statutory guidance set out under the Technical housing standards - nationally described space standard. where a dwelling intends to provide 1 bedspace, a single bedroom must have a floor area of at least 7.5sqm and is at least 2.15m wide. and where a dwelling intends to provide 2 bedspaces, a double (or twin bedroom) must have a floor area of at least 11.5sqm, at least 2.75m wide. it then specifies that any area with a headroom of less than 1.5m must not be counted unless used solely for storage.

The application has not submitted section details, therefore the LPA's assessment will be based on the assumption that all the floor area provided exceeds the minimum headroom. Furthermore, calculations below have not included areas occupied by the internal walls, but have included areas of any furnishings and door space.

Based on the submitted floor plan, the proposed bedroom on BYRE 3 would measure approximately 6.8 sqm, including the storage space, and in any case, if the identified lounge is to be used as a bedroom, it would measure 7.1sqm which would still be below the minimum standard for even the provision of 1 bedspace. The minimum gross internal floor area and storage areas (hereafter referred to as overall internal area) would measure approximately 50.2sqm, which would meet both the minimum standard of 37sqm for provision of one bedspace and 50sqm for two bedspaces.

BYRE 2 would measure an overall internal area of 45.7sqm, and the bedroom would measure 9sqm, which would meet the minimum standards for provision of 1 bedspace.

BYRE1 would measure an overall internal area of 46.7 sqm, and the bedroom would measure approximately 9.5sqm, which would meet the minimum standards for provision of 1 bedspace.

The NDSS figures are minimum standards which are intended to act as a benchmark for high design quality. In the absence of any evidence to demonstrate that the proposed BYRE3 dwelling would meet the NDSS requirements, it is considered that the bedroom provided at BYRE3 would fail demonstrate compliance with the floorspace standard. It is acknowledged

that the applicant notes that these existing internal standards of accommodation have been satisfactory in providing as holiday lets. However, holiday lets are short term in nature, and that the proposed external amenity space would also be overlooked. Therefore, this is not considered to provide a justification for the unsatisfactory living conditions that would arise for future occupants due to an under-provision of floorspace as an independent dwelling.

The Wiltshire Design Guide sets out that for 1 storey houses, the minimum rear garden area should be of an equal footprint of the dwelling or 50sqm, whichever is larger. The private garden proposed for BYRE3 would measure approximately 121.4sqm, which would meet the minimum standards set out in the Wiltshire Design Guide. The shared garden space for BYRE 1 and BYRE 2 would measure 98.89sqm, which is below the total footprint of the two proposed dwellings.

Conclusion

Given the proposal involves a conversion of a rural building, it is unrealistic to expect a typical layout of a rear garden to be directly adjacent to the units, particularly having regard to the existing layout. However, in this instance, reliance on shared garden space would give rise to concern, particularly as there is no other private outdoor amenity space, nor accessible public open space in the vicinity that would serve as an alternative for future occupiers. As a result, this level of amenity provision is considered inadequate. The contrived access and circulation space within the shared courtyard which compromises privacy of all intended residents would suggest an inappropriate quantum of development in this case. The development proposed represents an overdevelopment of the site, leading to a substandard living environment and consequent harm to the residential amenity of future occupiers.

Consequently, it is concluded that the proposed development, when taken as a whole, would not provide satisfactory living conditions for future occupants of the dwellings, with regard to the provision of internal space, amenity space, overlooking, noise and disturbance as a result of the communal access, parking and garden arrangements.

Highways Impacts and Parking

Policy Context

Transport implications are a key factor in assessing planning applications, especially for larger developments. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.
- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Proposals must also ensure safe access for refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

Where necessary, Transport Assessments or Statements should be submitted to evaluate impacts and identify mitigation. Planning conditions or legal agreements may be used to secure off-site improvements, travel plans, or contributions to sustainable transport infrastructure.

Assessment

Whilst there are no proposals to alter the existing access arrangements, the proposal presents a change of use, which necessitates consultation with highways. The highway authority has raised no objections, noting that the existing shared access provides sufficient visibility. It is noted however that there would be an increase in daily vehicle movements onto the A3102 from the proposed site given the location is not served with sustainable transport options.

The site is stated in the open countryside, with the nearest settlement being Bromham which is identified as a Large Village within the settlement hierarchy of the Wiltshire Core Strategy.

The site benefits from direct access to a public highway to the northwest, which is subject to a national speed limit and provides a direct connection to Melksham to the west. An assessment of the site's accessibility to key amenities indicates that the nearest convenience store is situated 2.7miles away in Melksham; the closest healthcare facility is also located in Melksham, approximately 3.4miles away and a primary school 2.1 miles away in Bromham. None of these essential services and facilities are within walking distance, and there are no pedestrian footpaths connecting the site or its proposed access to these amenities.

There are also no public transport services within walking distance of the site. The closest being at Sandridge Common, approximately 0.6 miles to the southwest, with the only route via the A3102 that is not served by any pedestrian footpath. Consequently, future occupiers of the new dwellings would be fully reliant on private car use to access the nearest services and facilities to meet all day-to-day needs.

With reference to the Court of Appeal in Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. In this case, the site lies in the open countryside in a rural location that is outside and detached from the nearest settlement, Bromham. As such, it is reasonable to consider the site location as isolated.

The location is also regarded as an unsustainable, given the lack of nearby services, safe cycling and walking routes and the absence of viable public transport options to reduce reliance on the use of private vehicles.

In considering the implications of the proposed development within an unsustainable location, the likely impact on the local highway network has been assessed. The proposed change of use to three separate dwellings would result in the site having a permanent and full-time residential use, which would generate more vehicle movements. New residents would need to travel by private car to meet all of their day-to-day needs. As such, there would likely be an increase in unsustainable journeys.

Conclusion

The proposal is not considered to be located within a sustainable location for new dwellings and as such it would be contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy. It is relevant however that the site already benefits from a residential use, albeit restricted to holiday lets, therefore the harm associated with the anticipated vehicle movements is reduced to some extent as it is considered against the baseline of the existing holiday-let use. The proposed car parking, access and turning provision on-site is acceptable in highway terms.

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 seeks the change the use of the existing building from three holiday lets to three residential dwellings. The site does not fall within any ecological designations and given the proposal would not result in any biodiversity, it is not considered that there would be any harm to the biodiversity in line with Core Policy 50.

Furthermore, the proposal is considered to fall within the de minimis exemption from Biodiversity Net Gain requirements. Nevertheless, as required by the regulations, any approval must include an informative reminding the applicants of the biodiversity net gain requirements.

Conclusion

The proposal is exempt from BNG requirements and in accordance with Core Policy 50 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

PLANNING BALANCE AND CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

Having regard to paragraph 11(d) of the National Planning Policy Framework and the provisions of footnote 7, the Local Planning Authority considers that the presumption in favour of sustainable development ('tilted balance') is engaged. This is because relevant policies of the development plan are considered out-of-date.

In weighing the planning balance, the following factors have been considered:

Benefits of the Proposal

Provision of Market Housing

The delivery of three new dwellings contributing towards Wiltshire Council's significant shortfall within the latest housing land supply position.

- **Benefit:** Provision of three new dwellings.
- **Weight:** Limited weight.

Economic benefits

Given that the proposal relates to conversion of existing buildings and a change in the nature of occupation any economic benefits in terms of construction activity and ongoing expenditure of future residents is also limited. The loss of the holiday lets would result in the loss of economic benefit, further reducing the overall economic benefits of the proposal.

- **Benefit:** Construction and future expenditure
- **Weights:** Limited weight

Identified Harms

Conflict with Spatial Strategy and NPPF

The proposal is for residential development in a location which is outside of the limits of development as provided in the settlement strategies of the WCS. As such, the proposal is in conflict with Core Policies 1, 2, 12, and 48 of the WCS, and paragraph 84 of the NPPF.

- **Harm:** Departure from the development plan.
- **Weight:** Moderate weight

Substandard Living Conditions for Future Occupants and impact on Amenity for Existing and Future Occupants

The proposal would fail to meet national space standards (BYRE3) and lack sufficient private amenity space which in combination with the proximity of living accommodation to shared access, parking and manoeuvring space results in poor living conditions for future residents. Such outcomes conflict with the NPPF's emphasis on creating high-quality, inclusive, and healthy places as well as CP57 (point viii).

- **Harm:** Provision of substandard accommodation which is unacceptable affected by noise and disturbance and lack of privacy, with compromised internal space and/or outdoor amenity.
- **Weight:** Significant weight.

Unsustainable location – accessibility

The proposal is sited in an unsustainable location and there would be a full reliance on private car use to access services and facilities. The relative increase in vehicle movements is moderated given the site's existing use as holiday let.

- **Harm:** Reliance on private car, increase in unsustainable journeys
- **Weight:** Moderate weight.

Neutral Impacts

In assessing the overall planning balance, it is also important to identify those aspects of the development that are considered to be policy-compliant and acceptable, but which do not result in either a net benefit or harm. The following elements are afforded neutral weight in the planning balance, as they represent the baseline expectation for sustainable development in accordance with the development plan and national policy:

- *Ecological impact*
- *Visual impact*
- *Community Infrastructure Contributions (CIL)*

Having regard to the above, the proposed development is considered unacceptable in planning terms. It is concluded that the proposal represents unsustainable development with its conflict with Core Policies 1, 2, 12 and 48 of the Wiltshire Core Strategy. The proposal would result in wholly unacceptable levels of residential amenity with regards to compromised internal living space, lack of privacy, noise and light disturbance, lack of private garden space as well as the unjustified loss of holiday accommodation. The benefits afforded to the proposal in the form of three market dwelling and economic benefits are relatively modest.

Despite the lack of five-year housing land supply, the harms identified as a result of the proposal would significantly and demonstrably outweigh the benefits of delivering three market dwellings. With circumstances being insufficient to warrant otherwise, the application is recommended for refusal for the reasons set out below.

RECOMMENDATION:

That Planning Permission be REFUSED for the following reasons;

Reasons for Refusal

- 1** The proposed residential development, by reason of the location of the site, would be contrary to the settlement, delivery and community area strategies of the Wiltshire Core Strategy. The development would be in a rural location outside any recognised development limits, resulting in the creation of new dwellings in the open countryside. This is contrary to the National Planning Policy Framework, and Policies CP1, CP2 & CP10 of the Wiltshire Core Strategy, which set a presumption against development outside of the towns and villages in rural areas except in a number of exceptional circumstances, none of which apply in this instance. The LPA does not consider that the proposal falls to be considered as the conversion and reuse of a rural building for the purposes of exception policy CP48 (Supporting Rural Life) and in any event it is not demonstrated that the preferential uses for redundant rural buildings are not practical propositions.
- 2** The development proposed would result in the creation of a dwelling in a location that is remote from any settlement, services, facilities and access to public transport. The site is not suitably located to allow residents to walk or cycle to reach any services and employment opportunities. As such future occupants would be entirely dependent on use of the private car use for day-to-day needs. The dwelling would be situated in an unsustainable location contrary to the aims of National Planning Policy Framework and Wiltshire Core Strategy Core Policy 60 (i)(ii).
- 3** By reason of the inadequate internal floor space and the insufficient size of, and lack of privacy within, the associated private outdoor amenity areas, the development would result in substandard living conditions for future occupiers. Furthermore, the close proximity of the proposed dwellings to the shared gravelled parking area would give rise to unacceptable levels of noise and light disturbance. The proposal is therefore contrary to Core Policy 57 (iii) and (vii), Section 9.2 of the Wiltshire Design Guide and paragraph 135 of the National Planning Policy Framework.

Appendix 2



The Town and Country Planning Act 1990
**Refusal of Certificate of Lawful Use or Development - Existing Use
or Development**

Application Reference Number: PL/2025/07127

Decision Date: 17/02/2026

Applicant:	Westbrook Farm Chippenham Ltd.
Particulars of Development:	Self contained holiday cottages x 3
At:	1-3 The Byers, 84 Westbrook, Bromham, SN15 2EE

Wiltshire Council hereby certify that this application for a Certificate is hereby **REFUSED** for the following reason:

Refusal Reason

- 1 The applicant has failed to provide sufficient evidence to demonstrate, on the balance of probabilities, that the whole development is lawful and without control by conditions and the legal agreement associated with planning permission K/86/0690. A Lawful Development Certificate cannot be granted on this basis.

Nic Thomas - Director of Planning, Economy and Regeneration

If the applicant is aggrieved by this decision an appeal may be lodged with the Secretary of State under the terms of Section 195 of the Town and Country Planning Act 1990. Appeals may be made on a form which is obtainable from the Planning Inspectorate via the Inspectorate website of Planning Portal –

www.planninginspectorate.gov.uk

www.planningportal.gov.uk/planning/appeals

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

A copy of the appeal documents should be sent direct to planningappeals@wiltshire.gov.uk.

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/07127
APPLICATION TYPE:	Lawful development: Existing use
SITE ADDRESS:	1-3 The Byers, 84 Westbrook, Bromham, SN15 2EE
DEVELOPMENT DESCRIPTION:	Self contained holiday cottages x 3
RECOMMENDATION:	Refuse

SITE DESCRIPTION AND PROPOSAL

The application relates to a detached outbuilding known as The Byers, located within the open countryside. The site is located on the south east of Westbrook Road. There are a number of buildings in the surrounding vicinity which were once used in association with the former Westbrook Farm.

Planning permission was granted in 1987 for the conversion of the building into 4no. Holiday let units (ref: K/86/0690). The permission was subject to both an occupancy limitation secured via condition and a s.52 legal agreement.

This application is for a Certificate of Lawfulness for an Existing Use or Development (CLUED) under Section 191 of the Town and Country Planning Act 1990 (as amended). The applicant seeks to establish the lawfulness of the use of the Byre for three self-contained holiday cottages.

It is stated that the use has taken place at the site since 1 January 1987. Whilst the Planning Statement contains conflicting statements, the applicant has since clarified their position in additional correspondence confirming the claim is that planning permission K/86/0690 was not implemented, and that the building was converted into three holiday cottages without permission, that they have now become lawful through the passage of time and that they are free from any control by condition or legal agreement. By demonstrating that the original planning permission was not implemented, the applicant claims that occupation of the development is uncontrolled by the legal agreement and planning condition associated with it.

A separate application has been made to discharge the s.52 agreement (ref: K/86/0690). It is also relevant that an earlier application to vary condition 1 of the planning permission was withdrawn in May 2025 (ref: PL/2024/10608). The applicant has also since submitted a planning application for the 'Change of use from holiday cottages into three one-bedroom cottages (residential use)' (ref: PL/2025/09713).

RELEVANT LEGISLATION AND CONSIDERATIONS

The statutory framework governing Certificates of Lawfulness for Existing Use or Development (CLUED) is primarily set out in Section 191(2) of the Town and Country Planning Act 1990 (as amended). This section establishes that "lawful development" refers to development against

which no enforcement action may be taken and where no enforcement notice is in force, or development for which planning permission is not required.

Section 191(4) of the Town and Country Planning Act 1990 (as amended) further stipulates that a Local Planning Authority (LPA) shall issue a Certificate of Lawfulness upon request, provided that, on the balance of probabilities, the LPA is satisfied that the existing development or use described in the application is lawful. The time limits for taking enforcement action are set out in s171B of the Act.

The Planning Practice Guidance (PPG) on [Lawful development certificates](#) clarifies that the burden of proof lies with the applicant. It is the applicant's responsibility to provide sufficiently clear, precise, and unambiguous evidence to demonstrate the lawfulness of the existing development or use.

It is important to note that when determining a CLUED application, the LPA must focus solely on whether, based on the facts and applicable planning law, the specific use or development is lawful. Planning merits or considerations relating to the quality or suitability of the development are not relevant.

ASSESSMENT

The applicant contends that the planning permission K/86/0690 has not been implemented and that the application outbuilding has been in continuous use and operated as three holiday cottages for a period exceeding ten years prior to the date of this application.

Evidence Submitted by the Applicant

The applicant has submitted the following evidence to support the application:

- Planning Statement prepared by Planning & Land Partnership confirming the history of the site, providing online advertisements and business insurance details to confirm the existence of the three holiday cottages.
- Floor Plans (dwg no: 24 – 1035/001) to confirm the existing layout.
- Elevations (dwg no: 24 – 1035/003) to confirm the existing elevations.
- Location Plan to confirm the location of the application building.

Review of Applicant's evidence

The submitted Planning Statement displays a number of internet search results for online advertisements for the holiday cottages. These websites however are no longer available to view as the current site owner is no longer advertising the use of the building for holiday let purposes. What can be ascertained from these extracts is that a holiday use at the address has been in existence, however, these do not confirm the length of time or the number of holiday let units.

The Planning Statement also contains a number of statements setting out the basis for which the certificate is applied.

1.2 In 1986 the then owners applied for planning permission to change the use from a detached barn outbuilding into 4 no' holiday cottages. This consent was never implemented as per the approved plans and approved description. Instead, the then owners converted the barn into three, slightly more spacious holiday cottages...

1.3 ...technically the three holiday cottages known as the Byers do not have an accurate planning consent...

1.4...a section 52 is mentioned within the approval documents, and we understand was signed by the then owners, however that related to the 4-unit scheme which was never implemented

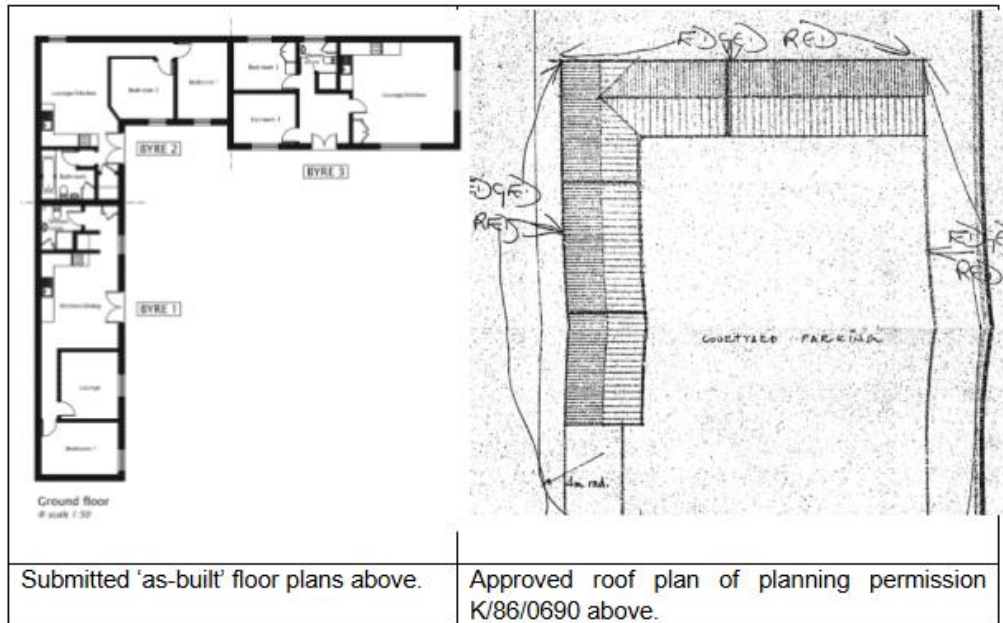
1.5 The purpose of this application to the LPA now is to ensure that the barn has the necessary planning consent relating to the three holiday cottages that were created...

2.3 The holiday cottages were built in a configuration of three by the original applicant and not by the current owners...

3.2 The original applicant sometime after the approval notice was issued in either 1986 or 1987 chose to take it upon themselves to create three slightly larger holiday cottages rather than the four holiday cottage configuration that was approved.

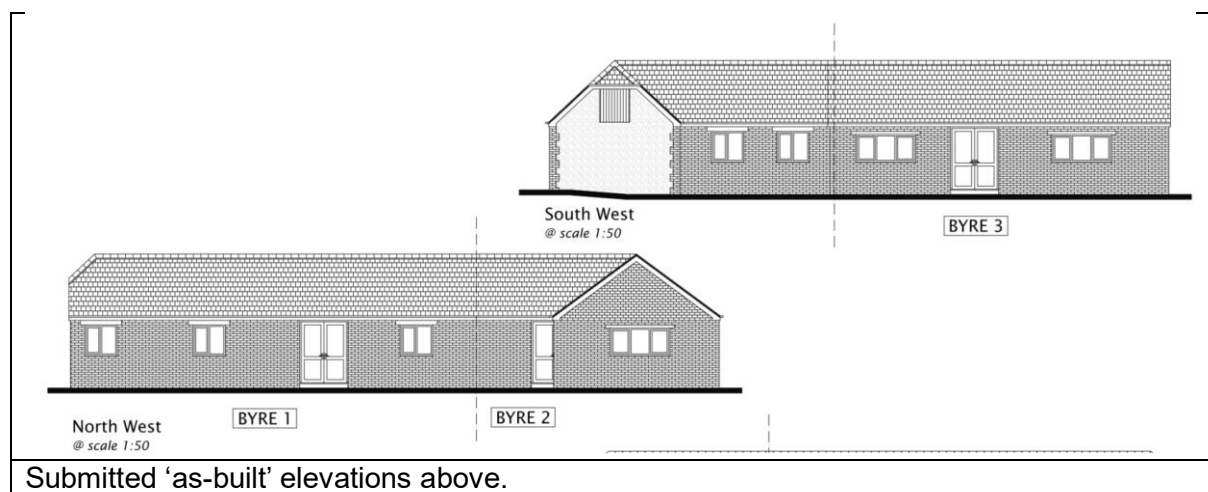
3.3 We do not believe the elevations changed in any way from the approval, however an opening position may have changed, but given the historic nature of this conversion, some 40 years ago, we cannot be sure.

Officers have obtained the approved roof plans of the planning permission K/86/0690 (see plan extract in the table below) which illustrates the layout of the approved four units conversion of the application building. The adjacent floor plans, submitted by the Applicant, show the arrangement in place when the Applicant took over ownership of the property in August 2025. The LPA must consider whether this is so fundamentally different to the approved scheme as to present an entirely new development, that would have been unauthorised at the time it was substantially completed.



The submitted plans do not provide evidence that this was the scheme implemented following the 1987 grant of planning permission. There is no evidence to demonstrate that only three were created at the time. Even if there were only three from the start, there is no evidence to demonstrate whether it was three units out of four with the fourth 'unit' remaining unused/unconverted or, as the applicant claims, that two units to the south as shown in the plans were in fact amalgamated into one larger unit from the start. In any event, planning permission was granted to four individual C3 units of accommodation (four planning units), albeit with control of occupation as holiday accommodation. Even if there is some ambiguity as to how one larger unit in the place of two came to exist as laid out in the plans provided, it remains the case that the other two units comprising the permission were still created in pursuit of the permission that was granted thereby validly implementing the permission.

Officers have also assessed the external appearance of the as-built elevations against the approved elevations of planning permission K/86/0690. Unfortunately, the planning permission only contains a three-dimensional (3D) drawing of the converted barn and not detailed elevation drawings.





Approved 3D elevations of planning permission K/86/0690 above.

When comparing the existing building to the 3D drawing, it is apparent that the fenestration design does differ though several windows do appear to be in the same locations generally. It is noted that the external half-wall feature has been constructed in accordance with the approved plans above. It is considered unlikely that the scheme as build was such a significant departure from the approved details that an average observer would perceive the development as being fundamentally different from what was approved.

Other evidence available to the Council

Officers have confirmed with the Council's Revenues and Benefits team that the submitted business insurance documentation corroborates the fact that business rates have been paid on holiday accommodation with a site address registered as 1-3 The Byers since the earliest available records in 1990. The address does imply that only three units are present since 1990 though provides no insight as to whether this is 'three out of four', with one vacant part of the building being put to no use or some other use, or whether 1-3 refers to three units occupying the whole building as is claimed.

SUMMARY & CONCLUSION

On consideration of the above, the LPA considers the works undertaken to the building were in response to the planning permission. Whilst there may be minor deviation between how the building appears now and the approval (only the 3D drawing is available to compare), the Council considers that there is a level of commonality which would have rendered the scheme clearly recognisable externally as implementation of the planning permission.

Turning to the quantity question, the planning permission granted four self-contained C3 units – whilst the occupancy was restricted by condition and legal agreement, the permission comprised of four 'planning units'. In the first instance, other than the Applicant's claim that only three were created by former owners at the time, there is no evidence to demonstrate this to be the case. Furthermore, there is no evidence that if only three were implemented that the fourth part of the application building simply remained unconverted. In any event, there is no evidence that the remaining units, now referred to as BYRE 2 and BYRE 3, were not implemented in accordance with the approved plans. Accordingly, these could constitute as

two individual planning units falling within the scope of the permission and have been lawfully implemented.

It is relevant to note that in March 2025, the Applicant submitted an application (ref: PL/2024/10608) to vary condition 1 of the permission to refer to three units instead of four, and a further application (ref: PL/2025/09713) to change the use of the holiday lets into three separate dwellings. Submission of these applications suggests an understanding that the original permission was implemented.

The responsibility is on the Applicant to provide sufficient and unambiguous evidence to support their case. In this case such evidence has not been provided and is not available to the LPA from other sources. The assessment can only rely on current evidence submitted and that which is otherwise available to the LPA. Based on the above, there are apparent gaps in the evidence or contradictions to the Applicant's argument, therefore, the Applicant has failed to provide sufficient evidence to demonstrate, on the balance of probabilities, that the planning permission K/86/0690 was never implemented. As such, it is considered that the planning conditions and s.52 agreement relating to planning permission K/86/0690 remain effective and enforceable.

The LPA does not dispute that the development has operated as holiday accommodation for a considerable period and that this use of the building is lawful. It is possible that only three of the four were implemented at the time and that this would remain entirely consistent with the permission which was granted. Based on the evidence available at this time, it cannot be agreed that the permission was not validly implemented such that the conditions and s.52 legal agreement have no effect.

PPG is clear that the terms of a certificate must be precise to ensure there is no room for doubt about what is lawful at a particular date. Unfortunately, there remains a significant level of ambiguity and lack of evidence around the version of events in this case. However, in light of the areas of agreement, the LPA suggested altering the terms of the certificate to recognise that the building could be used lawfully for three holiday cottages but whilst also making it clear that their use is pursuant to, and as implemented under, the original permission K/086/0690. The Applicant declined to accept a changed description and as a result the certificate is determined based on the terms set out in the application and correspondence. Accordingly, the application is recommended for refusal.

The applicant has failed to provide sufficient evidence to demonstrate, on the balance of probabilities, that the whole development is lawful *and* without control by conditions and the legal agreement associated with planning permission K/86/0690. A Lawful Development Certificate cannot be granted on this basis.

RECOMMENDATION

It is recommended that the Certificate of Lawfulness be refused for the following reason:

The applicant has failed to provide sufficient evidence to demonstrate, on the balance of probabilities, that the whole development is lawful *and* without control by conditions and the legal agreement associated with planning permission K/86/0690. A Lawful Development Certificate cannot be granted on this basis.

Appendix 3

Appendix 3 - PL/2025/09173 - Suggested Conditions (without prejudice)

- 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:

Location & Block Plans 24-1035/002

(received 11 December 2025)

Existing Floor Plan 001a

Parking and amenity Plan 002a

(both received 18 December 2025)

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

- 3 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), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved, plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

- 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 additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: To safeguard the character and appearance of the area and the interests of residential amenity.