

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/06078
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	211, Woodrow Road, Melksham, SN12 7RD
DEVELOPMENT DESCRIPTION:	Change of Use to Sui Generis (Community Garden) and erect polytunnel and yurt
RECOMMENDATION:	Approve

BACKGROUND

In 2019 a “permitted development” enquiry was submitted which was concerned with the change of use of the site from B1(c) use to “*another use under Class R within one of the use classes comprising the flexible use.*” The case officer at that time confirmed (in his letter of October 2019) that planning permission would not be required for another use under Class R. Class R allowed these uses:

R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the schedule to the Use Classes Order.

He further advised, “*You won’t therefore be able to have D1 or sui generis. You must conform to D2. Community centres are generally D2 and I am happy with the information that you have provided. However, full planning permission will be required for the polytunnels.*”

In 2025 pre-application enquiry ENQ/2025/00005 was submitted to the council regarding the siting of a Keder polytunnel and yurt at “Meadowbrook”, 211 Woodrow Road. This was broadly supported however the applicant was advised that the *fields* at Meadowbrook appear, in planning use terms, to. It is accepted that the 2019 pre-app response referred to the barn having Class R use, which could have D2 use – community centres. However, this relates to the barn and its curtilage only and not the wider land. The General Permitted Development Order is clear that “curtilage” means, for the purposes of Class Q, R or S only—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

This means that only the barn and any land immediately around it – such as hardstanding – benefitted from Class R and the subsequent D2 use.

The applicant was advised to submit a pre-application enquiry to gauge whether or not a change of use to community use would be supported and to not submit the full planning application for the yurt and polytunnel until the use of the land had been established. However, the recommended pre-app was not submitted, and instead this application PL/2025/06078

was submitted for the (proposed) siting of the yurt and polytunnel and the (retrospective) change of use of the land from agricultural to charity/community use.

As the entrance to the site is in Flood Zone 3, it was suggested that as charity/community use is a “more vulnerable” use, a change, instead, to Sui Generis (community garden) with “zoned areas” according to flood risk may be more acceptable. In view of the “not for profit” nature of Meadowbrook, the council “paused” application this application PL/2025/06078 to allow a pre-application enquiry to be considered to allow the flood risk to be properly looked at.

Pre-application enquiry ENQ/2026/00353 therefore sought the opinion on the change of use of the land at Meadowbrook from agricultural to Sui Generis (community garden) use. The principle of the yurt and polytunnel also proposed by this application had been previously discussed under pre-application ENQ/2025/00005.

PROPOSAL

Meadowbrook is a not-for-profit social enterprise. As a Community Interest Company (CIC), they provide outdoor space for therapeutic activities such as gardening, creative workshops, and yoga. Their mission is to support individuals experiencing mental and physical health challenges, as well as those struggling with social isolation. This application seeks to change the use of the land (currently agricultural) to a sui generis community garden use. This would reflect the activities which have been occurring on site for a number of years.

It is also proposed to erect a Keder polytunnel measuring c 6m x 12m behind the existing smaller polytunnel along the eastern boundary of the site. The polytunnel would allow for more inside growing areas to support the company’s work in providing outdoor therapies for the community.



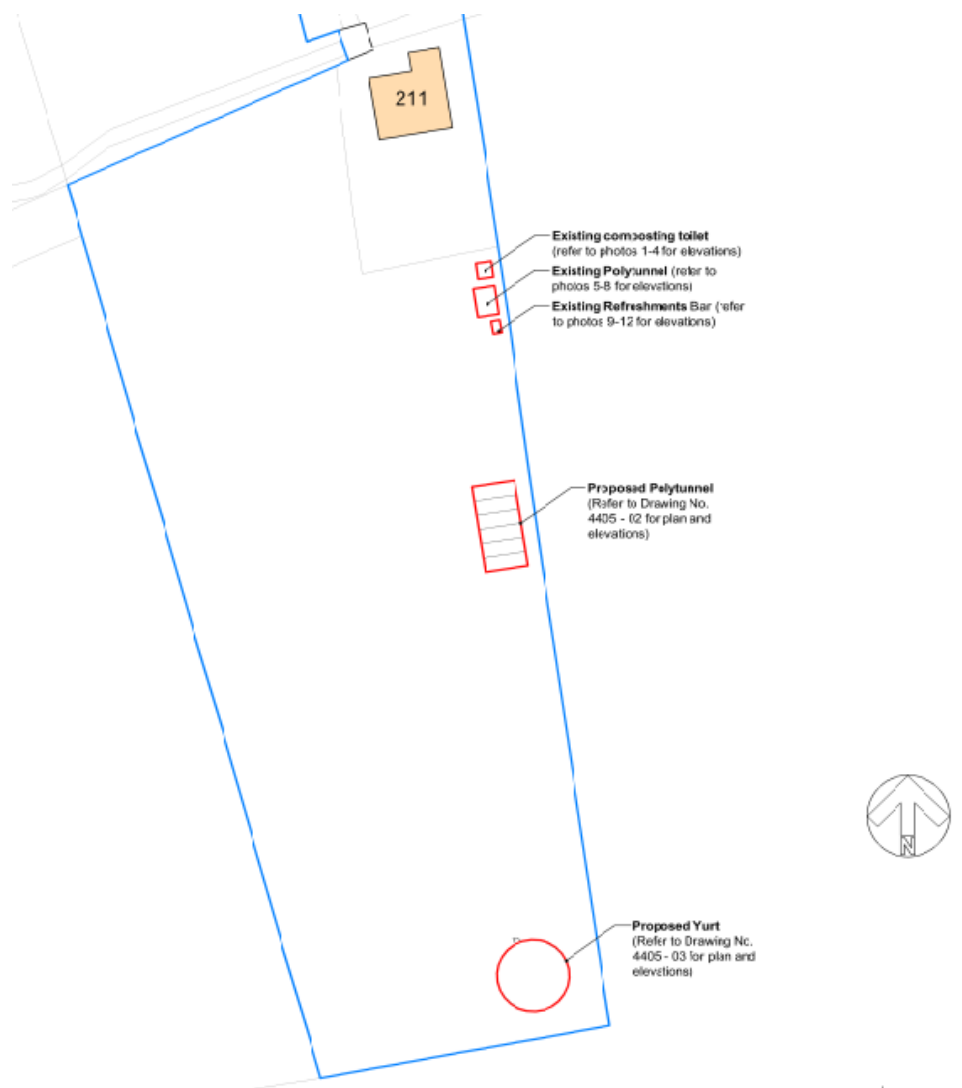
^^ Approximate site of polytunnel, behind existing, shown.

It is also proposed to erect a yurt in the south eastern corner of the site. The Yurt would be approximately 9 – 10 metres in diameter, sitting on a similar sized raised wooden platform approximately 7 inches high. The yurt would be between 4 - 4.5 metres high, covered in neutral

canvas colour. This would provide shelter such that some community activities could still be held in inclement weather.



Above: Approximate site of yurt. Below: extract of proposed site plan showing location of yurt and polytunnel



SITE DESCRIPTION/CONTEXT

The site is an area of land roughly three quarters of a hectare, located on the southern side of Woodrow Road, northeast of Melksham. It is set back from Woodrow Road, accessed off the highway by a c.50m track. The google street view image below shows the access into the site. The existing polytunnel can be seen:

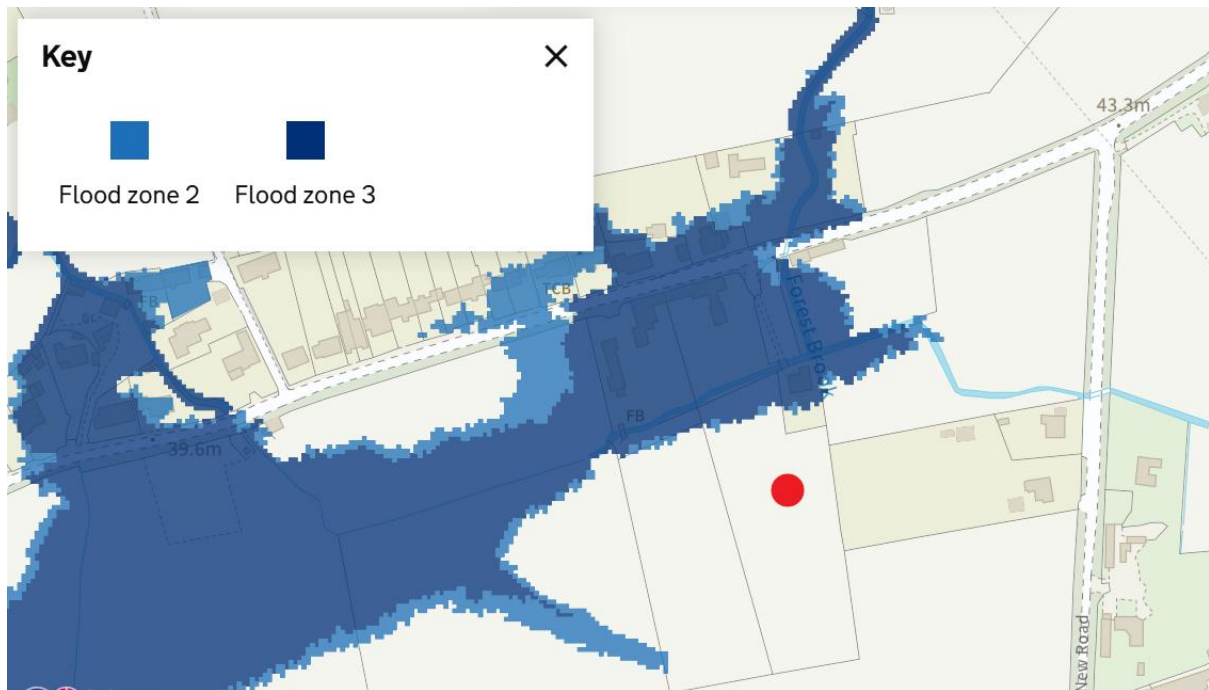


There is a barn at the northern end of the site and a number of small outbuildings including a composting toilet and polytunnel. The rest of the site is grass, with a newly planted orchard and hornbeam circle and some “allotment-style” growing areas.

There are dwellings to the north of Meadowbrook, sited along Woodrow Road. To the east are dwellings along New Road, which have long rear gardens sited at right angles to Meadowbrook. The aerial photograph below shows the site approximately outlined in white:



The access, the barn at the northern edge of the site and the hardstanding on which it is sited are within Flood Zone 3 as shown on the snip of the Environment Agencies “Flood map for planning”, below. The site is indicated with the red dot:



However the site is deemed as having a negligible risk from groundwater flooding due to the nature of the local geological deposits.

There are no ecological, landscape or ecological designations on this site.

RELEVANT PLANNING HISTORY:

- W/02/01576/FUL Open fronted animal shelter – approved with conditions
- 19/08690/PDENQ - Current B1(c) use. Change this to another use under Class R within one of the use classes comprising the flexible use.
- ENQ/2025/00005 - Pre-Application enquiry Decision - Pre-App Response Date: 28/1/2025 – 1. Erection of Keder polytunnel 6 xx 12 metres (at highest point in roof centre, the height is 2.9 metres, whilst the gutter height is 2.1 metre along the sides). 2. Erection of Yurt approximately 9 – 10 metres in diameter, onto similar sized raised wooden platform
- ENQ/2026/00353 Change of Use to Sui Generis (Community Garden)

RELEVANT 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 3 Infrastructure Requirements;
- Core Policy 15 Spatial Strategy Melksham Community Area
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 67 Flood Risk;

Made Neighbourhood Plans:

- Joint Melksham Neighbourhood Plan 2 (JMNP2)

ISSUES

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

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether 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 the site can be adequately drained without increasing flood risk elsewhere (CP 67)

CONSULTATION RESPONSES

WC Highways: No objection

“The proposals are not considered to generate a significant amount of additional traffic and therefore, no Highway objection is raised.”

WC Drainage: No objection

“The drainage team have no comment to make on this application – we would however say the applicant must ensure all development complies with building regs, part H.”

Melksham Without Parish Council: No objection

“Melksham Without Parish Council welcomes the proposal and notes that the community garden has operated successfully and provided a valuable community resource. Whilst acknowledging concerns raised by some nearby residents regarding future activity levels, members considered that there was no evidence that the use had caused unacceptable impacts.”

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.

Two rounds of consultation were undertaken to reflect amendments to the proposal, which was originally submitted as a change of use to charity/community use and subsequently amended to a change of use to Sui Generis community garden use.

Across the consultation periods, a total of 7 representations were received from 5 addresses.

Whilst a number of respondents expressed support for the aims and community benefits associated with Meadowbrook, concerns were raised regarding:

- The principle of the proposed change of use and the perceived potential for future intensification of activities on the site
- concerns regarding the principle of the proposed change of use, including objections based on the originally proposed community use classification
- Flood risk, including the site's proximity to a watercourse, flooding of the access route and the suitability of the site for community-related activities.
- Highway safety, traffic generation, parking provision and access arrangements, particularly having regard to the narrow local road network.
- The effect of the proposal on the character of the area and visual amenity, including the presence of the proposed yurt and polytunnels.
- The impact of increased activity on neighbouring residential amenity, including noise, disturbance and privacy.
- Concerns regarding the ownership and depiction of the access drive on submitted plans.
- A concern regarding the proximity of one proposed polytunnel to an existing bonfire area on neighbouring land.

These matters are addressed, where relevant, within the assessment section of this report.

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

Assessment

The application site lies outside the limits of development for Melksham, where Core Policies 1 and 2 seek to strictly control new development. The site is currently in lawful agricultural use; however, it is evident from both the submitted information and the activities taking place on the land that the site is being used for community gardening, therapeutic and wellbeing activities associated with Meadowbrook. Such activities extend beyond the scope of agriculture and therefore require planning permission.

A number of representations object to the proposed change of use and question whether a community use is appropriate in this location. These comments are acknowledged. However, the application is not seeking permission for a community hall, recreation centre or other intensive community facility. Rather, it seeks to regularise the use of the land as a Sui Generis community garden together with associated wellbeing activities and modest supporting structures.

A number of representations refer to Use Class F2 and raise concerns regarding the suitability of community halls, recreational buildings and other community facilities at this location. However, the proposal now before the Local Planning Authority is not for an F2 use. Following consideration of the nature of activities undertaken at Meadowbrook, the application was amended to seek permission for a Sui Generis community garden use. The application seeks to regularise the existing use of the land as a Sui Generis community garden together with associated wellbeing activities and modest supporting structures.

The proposed use most accurately reflects the nature of the activities undertaken on the site, which are informal, outdoor-based and not-for-profit in nature. The use is closely linked to gardening, food growing, biodiversity enhancement and outdoor therapeutic activities. The proposal would support the continued operation of a community-focused facility whilst remaining relatively low-intensity in character.

Whilst development in the open countryside is generally restricted, not all forms of development are automatically unacceptable. In this instance the proposal relates to the continued use of an existing site which has been operating in this manner for a number of years. Subject to consideration of the detailed impacts of the proposal, including flood risk, highway safety, landscape impact and residential amenity, it is considered that a community garden use of this nature is acceptable in principle.

Conclusion

The proposed Sui Generis community garden and wellbeing use is considered to represent an appropriate and sustainable use of the land. The proposal regularises activities already taking place on the site and, subject to satisfactory consideration of the detailed planning matters discussed elsewhere in this report, is acceptable in principle. The proposal therefore accords with the overarching aims of Core Policies 1 and 2 of the Wiltshire Core Strategy.

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 site comprises an existing community garden located on land to the rear of properties fronting Woodrow Road. It is set back approximately 50 metres from the public highway and is enclosed by established boundary hedgerows and areas of tree and orchard planting.

The proposal includes the retention/erection of a yurt and polytunnel to support the operation of the community garden. The structures are functional in nature and directly related to the use of the site for community gardening, outdoor learning and associated activities. Their form and appearance are typical of structures commonly found within horticultural and garden environments.

The polytunnel would be located behind an existing polytunnel and, at approximately 2.9 metres in height, would remain largely contained within the site and screened by existing boundary vegetation. The yurt would be more readily visible in some views; however, it is modest in scale, finished in a neutral colour and positioned well within the site. Whilst glimpses of the structures may be available from parts of the surrounding area, particularly during winter months, they would be viewed in the context of an existing community garden containing planting, outbuildings and horticultural features. Visibility of development does not, in itself, equate to unacceptable visual harm.

The site is not subject to any landscape designation. No important landscape features would be lost as a result of the development and the proposal would retain the existing hedgerows and planting that contribute positively to the character of the site. Consideration is also given to the orchard and other planting established within Meadowbrook, which will continue to soften views of development and reinforce the verdant character of the site.

Having regard to the scale, siting, appearance and purpose of the proposed structures, it is not considered that the development would result in unacceptable harm to the character or appearance of the area. The proposal is therefore considered to accord with Core Policies 51 and 57 of the Wiltshire Core Strategy, together with the design aims of the National Planning Policy Framework.

Conclusion

The proposed yurt and polytunnel are modest, functional structures that are appropriate to and support the established use of the site as a community garden. Their siting within a well-screened site and the retention of existing landscape features ensure that they would not result in significant visual intrusion or unacceptable harm to local character. The proposal is therefore acceptable in design and landscape terms.

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.

Assessment

A number of representations raise concerns regarding noise and disturbance, privacy, traffic associated with visitors and the potential for increased activity at the site.

The site is already occupied and operated as Meadowbrook, comprising community gardening and associated activities. The current application seeks permission for the change of use of the site to a Sui Generis community garden together with the erection of a yurt and polytunnel. In assessing the proposal, regard has therefore been had to the nature and scale of the use proposed, together with the siting of the associated structures.

The nearest residential properties are located to the north along Woodrow Road and to the east along New Road. The proposed yurt would be positioned in the south-eastern corner of the site, maximising separation from neighbouring dwellings. The proposed polytunnel would be located adjacent to the eastern boundary; however, a substantial boundary hedge is retained between the structure and neighbouring properties. The dwellings on New Road are separated from the application site by exceptionally long rear gardens extending approximately 80 metres in depth, whilst properties on Woodrow Road are also separated from the proposed structures by significant distances, existing vegetation and intervening open space.

With regard to privacy, whilst limited views between parts of neighbouring gardens and the application site may be possible, particularly during winter months when vegetation is less dense, the separation distances involved are such that no unacceptable overlooking or loss of privacy would arise. Furthermore, the proposal would not introduce opportunities for direct views into neighbouring dwellings.

Concerns have also been raised regarding noise and disturbance arising from increased use of the site. However, the parish council have noted that no substantive evidence has been provided to demonstrate that the existing activities at Meadowbrook have resulted in unacceptable levels of noise or disturbance. Having regard to the scale of the proposal, the separation distances to neighbouring dwellings and the nature of the proposed structures, it is not considered that the development would give rise to such impacts as would warrant refusal of planning permission.

Conclusion

Overall, it is considered that the proposal would not result in unacceptable harm to the amenity of neighbouring occupiers and accords with Core Policy 57 of the Wiltshire Core Strategy.

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.

Assessment

A number of representations raise concerns regarding increased traffic generation, on-street parking, the suitability of the local road network, visibility at the site access and the effects of flooding on access arrangements.

The application site is served by an existing access from Woodrow Road and is already occupied and operating as Meadowbrook. The proposal seeks planning permission for the continued use of the land as a community garden together with the retention/erection of associated structures in the form of a yurt and polytunnel. It is therefore not considered that the development would result in the creation of a substantially different or more intensive use of the site.

Wiltshire Council Highways have assessed the proposal and concluded that the development is not expected to generate a significant amount of additional traffic and have raised no objection on highway safety grounds.

Whilst the concerns raised by local residents regarding traffic, parking and access are acknowledged, there is insufficient evidence before the Local Planning Authority to demonstrate that the proposal would result in a severe impact on the operation or safety of the local highway network. The application does not propose a large-scale visitor attraction or destination use and, having regard to the nature of the community garden use and the advice of the Highway Authority, the level of vehicular activity generated by the proposal is not anticipated to materially exceed that associated with the existing operation of the site.

The application is therefore considered acceptable in highway safety and accessibility terms and accords with Core Policies 60-64 of the Wiltshire Core Strategy.

Conclusion

Having regard to the nature and scale of the proposal, together with the comments of Wiltshire Council Highways, the development would not result in an unacceptable impact on highway safety, parking provision or the operation of the surrounding road network. No highway objection has been raised and the proposal is considered to accord with the relevant transport policies of the Development Plan.

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.

Assessment and Conclusion

The proposal comprises a change of use of land to a community garden together with the erection of a yurt and polytunnel. The development would not result in the loss of any designated ecological sites, protected habitats or significant vegetation. Having regard to the nature and scale of the proposal, no unacceptable impacts on biodiversity have been identified and the proposal is considered to accord with Core Policy 50 of the Wiltshire Core Strategy. The development does not give rise to any requirement for ecological mitigation and no ecological objection is raised.

Landscape and Visual Impact

Policy Context

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

- Protect, conserve, and enhance landscape character and quality.
- Respect local distinctiveness, key views, and visual receptors.

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

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

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

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

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

Assessment

The application site occupies a relatively contained parcel of land on the north-eastern edge of Melksham. The surrounding area comprises a mixture of residential development fronting Woodrow Road, agricultural land and scattered rural structures. The site itself is enclosed by established boundary hedgerows together with more recent tree and orchard planting associated with the operation of Meadowbrook.

A number of representations raise concerns regarding the visibility of the site and the effect of the proposal on the surrounding landscape. Whilst it is acknowledged that limited views of parts of the site are possible from Woodrow Road and neighbouring properties, the site is set back from the public highway by approximately 50 metres and is substantially screened by existing vegetation.

The proposed yurt and polytunnel are modest structures associated with the operation of the community garden. The polytunnel would be positioned behind an existing polytunnel and would not project significantly above existing hedge lines. The yurt would be more visible due to its height; however, it would be located within the south-eastern part of the site and finished in a neutral colour. When viewed in context, both structures would read as ancillary features associated with the established use of the site rather than incongruous additions within the wider landscape.

Importantly, the site is not subject to any national or local landscape designation and the proposal would not result in the loss of important landscape features such as hedgerows, trees or watercourses. Existing boundary planting is retained and the orchard and other landscaping established on site will continue to contribute positively to the character and appearance of the area.

Whilst the development would introduce additional built form into the landscape, the scale, siting and appearance of the proposed structures, together with the screening afforded by existing vegetation, ensure that any visual effects would be localised and limited. The proposal would not give rise to unacceptable landscape harm.

Conclusion

The proposal would conserve the character of the surrounding landscape and would not result in unacceptable visual intrusion. No important landscape features would be lost and the development would remain appropriately integrated within its surroundings. The proposal therefore accords with Core Policy 51 of the Wiltshire Core Strategy and the relevant objectives of the National Planning Policy Framework regarding protection of landscape character.

Flood Risk and Drainage

Policy Context

Core Policy 67 of the Wiltshire Core Strategy and NPPF paragraphs 170–182 require:

- Avoidance of increased flood risk.
- Use of appropriate mitigation measures.
- Application of the sequential and exception tests for developments in Flood Zones 2 or 3.

Assessment

A number of representations raise concerns regarding flood risk at the site, particularly in relation to the access, the proximity of Forest Brook and the suitability of the site for community use. These concerns are acknowledged. Indeed, flood risk has been a key consideration throughout the determination of this application and has been the subject of extensive additional assessment.

Following submission of the application, the applicant was requested to provide further information in relation to flood risk. As a result, a site-specific Flood Risk Assessment and Sequential Test were prepared and submitted in support of the proposal.

The submitted information confirms that whilst the northern part of the site, including the access track and barn, falls within Flood Zone 3, the majority of the site lies within Flood Zone 1. Importantly, the proposed yurt, polytunnel and other areas of more intensive activity are all located within Flood Zone 1 and outside the functional floodplain.

The Sequential Test demonstrates that there are no reasonably available and sequentially preferable alternative sites capable of accommodating the specific requirements of the proposal.

The Flood Risk Assessment concludes that the proposed development can be accommodated without increasing flood risk elsewhere. Whilst parts of the access experience flood risk, the assessment confirms that predicted flood depths are relatively shallow and that all existing and proposed structures would remain outside the floodplain. A Flood Warning and Evacuation Plan has also been prepared to manage residual risk and ensure users can safely leave the site in advance of any flood event.

The Council's Lead Local Flood Authority has reviewed the submitted information and raises no objection to the proposal, only requesting that the relevant building regulations are adhered to.

Having regard to the submitted technical evidence, the consultation response of the Lead Local Flood Authority and the proposed mitigation measures, it is considered that the proposal would not result in unacceptable flood risk and complies with Core Policy 67 of the Wiltshire Core Strategy and the National Planning Policy Framework

Conclusion

Whilst the site access is affected by flood risk and this has rightly been the subject of careful scrutiny during the determination of the application, the submitted Sequential Test and Flood Risk Assessment demonstrate that the proposal can be safely accommodated. The proposed structures are located within Flood Zone 1, a Flood Emergency Plan is proposed, and no objection has been raised by the Lead Local Flood Authority. The proposal is therefore acceptable in flood risk and drainage terms.

OTHER

A representation raises concern regarding the proximity of the proposed polytunnel to an existing bonfire area on neighbouring land and the potential for smoke nuisance. Whilst this concern is acknowledged, the control of smoke and statutory nuisance issues falls primarily within the scope of the Environmental Protection Act 1990. These matters do not weigh against the grant of planning permission in this instance.

Concerns were also raised regarding ownership of the access drive shown on submitted plans. Land ownership disputes are civil matters and do not form a reason to withhold planning

permission. The applicant is reminded that planning permission does not override any private legal rights that may exist.

PLANNING BALANCE AND CONCLUSION

The proposal seeks retrospective planning permission for the change of use of the land to a Sui Generis community garden and wellbeing use together with the erection of a yurt and polytunnel. The site is already occupied and operated by Meadowbrook, providing community gardening, therapeutic and wellbeing activities. The proposal therefore largely seeks to regularise the existing use of the site whilst providing additional facilities to support its operation.

In reaching this recommendation, careful consideration has been given to the representations received, particularly those relating to flood risk, highway safety, parking, residential amenity and the visual impact of the proposal. These matters have been assessed in detail within this report. The concerns raised by local residents are acknowledged; however, having regard to the submitted evidence and consultation responses, it has not been demonstrated that the proposal would result in unacceptable harm that would justify refusal of planning permission.

The proposal would support the continued operation of a community-focused facility providing opportunities for gardening, outdoor learning, wellbeing and social interaction. The yurt and polytunnel are modest structures that are appropriate to the use of the site and would not result in unacceptable impacts on the character of the area, landscape, neighbouring amenity or highway safety.

Whilst flood risk has been a significant consideration throughout the determination of the application, the submitted Flood Risk Assessment and Sequential Test demonstrate that the development can be safely accommodated. The proposed structures are located within Flood Zone 1, the majority of the site lies outside areas of highest flood risk and no objection has been raised by the Lead Local Flood Authority.

Taking all matters into account, the proposal is considered to accord with the relevant policies of the Wiltshire Core Strategy, the Joint Melksham Neighbourhood Plan and the National Planning Policy Framework. No material considerations have been identified that indicate planning permission should be withheld.

RECOMMENDATION: That Planning Permission be GRANTED, subject to conditions

1. Time Limit

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. Compliance with Submitted Documents

The development will be carried out in strict accordance with the following plans and documents:

Sequential Test Report received 30 Apr 2026

Location Plan, Existing and Proposed Block Plans 4405-01C received 30 Apr 2026

Keder Polytunnel Proposed Plan, Proposed North and West Elevations 4405-02 received 30 Apr 2026

Design and Access Statement including appendices 1-4 received 30 Apr 2026

Proposed Yurt Plan and Elevations 4405-03 received 30 Apr 2026

Flood Risk Assessment with Appendices (dated 2 February 2026, by Cole Easdon Consultants) received 30 Apr 2026

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

3. Flood Warning and Evacuation Plan

The development hereby permitted shall thereafter be operated in accordance with the Flood Warning and Evacuation Plan contained within Section 3 of the submitted Flood Risk Assessment with Appendices (dated 2 February 2026, by Cole Easdon Consultants). The approved measures shall be retained and implemented for the lifetime of the development.

REASON: To ensure the development is appropriately protected from flood risk in accordance with Core Policy 67 of the Wiltshire Core Strategy and the National Planning Policy Framework.

INFORMATIVE

Drainage / Building Regulations

The applicant is advised that Wiltshire Council's Drainage Team has advised that all drainage works associated with the development should comply with the requirements of Building Regulations, Approved Document H (Drainage and Waste Disposal). Separate approval under the Building Regulations may be required where applicable.