

APPLICATION FOR FULL-PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09138
APPLICATION TYPE:	Outline planning permission: Some matters reserved
SITE ADDRESS:	Crows Nest Farm, Cleverton, Chippenham, SN15 5BS
DEVELOPMENT DESCRIPTION:	Erection of a single self-build dwelling with the conversion of the existing building to be used as garage and other ancillary domestic uses
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The application site sits within a cluster of built form to the north-east of Little Somerford comprising several residential properties, a farmstead, menage and outbuildings.

The application site includes an existing, single-storey building, a menage and some domesticated land associated with the built form. The site is accessed by way of an existing, private driveway.

Lying outside of any designated settlement, the site lies within the open countryside for the purposes of planning. There are no other constraints on the site or adjacent land but the eastern boundary is formed by way of the public right of way LECL14 which leads along the access track, along the eastern side of the site and then onward in a northerly direction along the adjacent field boundary.

PROPOSAL

The proposal involves the erection of a detached, dwelling which would utilise the existing outbuilding as a detached garage, and the formation of a new residential curtilage.

The proposal is stated as being for a self-build dwelling and is outline in form with only the matter of access being for determination. Appearance, landscaping, layout and scale would be for any subsequent reserved matters application. Nonetheless, within a supporting Vision and Access Statement, indicative drawings have been submitted which indicate a two storey, four/five bed dwelling with an adjoining conservatory style building annotated as a citrus house. Frontage parking is shown as being to the south of the dwelling and

PLANNING HISTORY

Proposal / Summary
18/11353/PREAPP - Pre-Application enquiry Decision - Pre-App Response Date: 12/4/2019 – Conversion of Redundant Barn to Dwelling
N/03/02028/COU - Full planning permission Decision - Approve with Conditions Date: 26/9/2003 – CONVERSION AND EXTENSION OF REDUNDANT STABLING TO TWO HOLIDAY UNITS; REMOVAL OF HAY BARN AND ERECTION OF GARAGE AND GREENHOUSE

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Statutory Legislation:

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 13 Spatial Strategy: Malmesbury Community Area
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 64 Demand Management

Draft Wiltshire Local Plan Policies

The examination of the emerging Wiltshire Local Plan has been paused and the weight to be afforded to any part of the emerging plan can be no more than very limited. A decision on how to proceed will be made by the Council in May 2026.

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030

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 living conditions of the nearby residents (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)
- Whether the flood risk and drainage arrangements are appropriate (CP 67)

CONSULTATION RESPONSES

Parish/Town Council: Support

WC Highways: Comment

The new dwelling would be contrary to policy as development is in open countryside and outside any development boundary. However, neighbouring dwellings have existing for a while and there is no highway objection on safety, access or parking grounds. No objection on highway grounds.

WC Rights of Way: Comment

No new boundary shown on eastern side of garden so footpath LECL14 appears to run through open garden. If the applicant proposes to fence the path out of the garden, they must consult with the Countryside Access Officer: A minimum of 3m will be required if the path is to be fenced on both sides.

The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way LECL14 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

WC Ecology: No objection subject to conditions for PEA, additionally ecological enhancement and restrictions on lighting.

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.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

- More in keeping if the proposed dwelling was placed closer to the existing building

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

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.

CP13 "Spatial Strategy: Malmesbury Community Area" sets out the hierarchy of settlements within the area to which some development is anticipated. The application site is situated outside of any development framework boundary, within the open countryside. This is a location where development is strictly controlled unless other policies within the development plan provide justification or material considerations apply.

As such, the siting of a new dwelling in this location would be contrary to these overarching policies and no reference or evidence has been made to any of the exception policies, such as CP48 which supports dwellings required to meet the employment needs of rural workers.

However, in this instance, the land in question has already been developed in terms of the existing outbuilding, the surfaced menage and the use of the land north of the outbuilding for residential purposes. Furthermore, the land adjacent to the existing outbuilding, which would be partly occupied by the proposed dwelling, was occupied by a former barn building and has an extant permission for a replacement garage and greenhouse. The planning history of the site also reveals that the menage was used in association with a stable block, albeit that building was granted permission for conversion to two holiday lets and then subsequently to a separate dwelling. (see planning history in a preceding section of this report).

There is therefore evidence that this site was previously developed land. The definition within the Framework, classifies Previously Developed Land (PDL) which is or was occupied by a permanent structure, including the curtilage of the land – albeit it states that it should not be assumed that the whole curtilage should be developed.

As such, there is evidence by way of the historic applications, and aerial photography that the application site has been developed in some form for at least 26 years, by way of a large outbuilding next to the existing outbuilding, and that there is an extant permission for development by way of a large garage and carport, and greenhouse. Whilst a menage on its own may not be considered as PDL, there is evidence in favour in this instance that this definition would apply.

Furthermore, the proposed dwelling would be secured as a self-build dwelling and the Framework supports sites coming forward for self-build homes. A Unilateral Undertaking has been provided by the applicant to secure the dwelling as such. The provision of a self-build home is considered a material consideration in favour of granting planning permission albeit the benefit of one such dwelling is limited.

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. 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.

Albeit only the matter of Access is for consideration in this instance, it is noted that the application has been supported by sketch drawings indicating the location and potential floor

plans and a selection of photographs indicating architectural and design approach along with a suggested palette of materials. As such, this report will consider those details.

Whilst there is little at this stage to suggest that the proposal for a two storey dwelling would result in any significant adverse impact on the character and appearance of the location, it is considered that the potential bulk, height and scale of the dwelling could result in visual conflict with the existing built form. The indicative plans show that at first floor there are 5 rooms which could be utilized as bedrooms with a further bedroom suite on the ground floor.

When taking into account the existing built form of farmhouse, former stables and outbuilding, there appears to be a reductive form and hierarchy of buildings. This is particularly significant when considering the uses and former buildings which surrounded the farmstead.

Therefore, whilst a two storey dwelling may be suitable, the overall height and scale would be key to a successful scheme. No comparison with the adjacent properties has been given, but this could be submitted at the Reserved Matters stage, to demonstrate the comparative footprints and ridge heights.

The design principles and architectural approach appear to be acceptable. The adjacent properties comprise a mix of render, stonework and some use of red brick within their elevations and a mix of roofing tiles. In this respect the development is considered acceptable subject to these matters being appropriately considered at reserved matters stage.

Amenity

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.

The indicative plans show an “L” shaped building with a gable end facing towards the un-associated dwelling known as The Birches. At first floor, a bedroom window is indicated as facing towards that property, but this could easily be removed or opaque glazed when final design plans are submitted in order to reduce overlooking of the private amenity area of that cottage. Furthermore, the front (southern) elevation could be designed to ensure that there is limited intervisibility between ground and first floor windows which face towards the host property known as The Farmhouse, which is to the south of the site.

Again, a reduction in overall height, scale and bulk at reserved matters stage may assist with this concern and help overcome any sense of enclosure or loss of privacy.

It is noted that comments have also been received in relation to potential impact upon the personal right of way section of the access to these properties. However, in this instance, this is a private legal matter between the respective landowners and not for consideration under planning legislation.

In terms of noise, there is already a degree of interrelated residential properties and their amenity spaces and the additional property is not considered to significantly add to that position or result in significant noise impact over that which can normally be undertaken on private and residential land.

Highways Impacts, Parking and Public Rights of Way

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).

It is noted that the existing outbuilding would be utilized as a garage for the proposed property but no indicative plans have been submitted. A condition to ensure that this facility remains available for that use and not converted to additional habitable accommodation could be appended at the reserved matters stage.

Along with the garage, the indicative plans show some frontage parking. The Council's Highway Engineers have been consulted and there is no objection in terms of highway safety, access or parking.

Whilst there is concern from that service with regard to the site not being in a sustainable location for a new dwelling, this matter has been addressed within the Principle of Development section of this report and considered acceptable in relation to the very specific circumstances of the site.

It is noted that on the eastern side boundary of the site, lies PROW LECL14, which runs along the access track, along the boundary of the site and which extends northwards adjacent to the field boundary. The Council's PROW Officer has been consulted and whilst at this stage no boundary treatments have been shown, the applicant needs to be aware of their legal duties in relation to this public asset. It is not unusual for rights of way to pass through private gardens, but any fencing needs to be in accordance with the statutory limitations and to not result in detrimental visual impact upon the site, setting and character and appearance of this rural location.

Ecology and Biodiversity

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.
- Support habitat restoration and connectivity.
- Integrate biodiversity into site design.

Unless exempt, National policy requires a minimum of 10% Biodiversity Net Gain (BNG) for major developments, demonstrated via Biodiversity Metric calculations and habitat survey.

In this instance, due to the nature of the development for a Self-Build property Biodiversity Net Gain is not considered to apply. However, an informative advising the applicants of the statutory requirements can be included.

Conditions are recommended by the Council's Ecologist that the development is undertaken in accordance with the Preliminary ecological Appraisal. Such a condition can be appended to any grant of permission.

Furthermore, conditions are recommended for the inclusion of ecological enhancements and for a restriction of external lighting. Given the position of the site within the open countryside and the proximity of woodlands, hedgerows and native field boundaries, such conditions are considered acceptable and can be appended to any grant of permission.

Flood Risk and Drainage

Core Policy 67 of the WCS expects all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. Section 14 of the NPPF expects that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The application site falls wholly within Flood Zone 1 and the site is at low risk from surface and ground water flooding

The application form indicates surface water to discharge to soakaway and foul water to package treatment plant. Given the scale of development, and associated flooding risks the LPA is satisfied that the applicant is required to ensure compliance with the relevant building regulations in this respect.

The applicant should also note that Land Drainage Consent will be required for additional discharges to, and work in proximity to, any water course and that relevant permits should be obtained from the Environment Agency for discharges as necessary.

Subject to compliance with the relevant building regulations and the use of soakaways as proposed, the development will be adequately drained with no consequent increase in flood risk on or off site. As such the development is considered to comply with CP67 and the NPPF in this respect.

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:

The very specific circumstances of the site and its classification as PDL must be taken into account along with its setting within a small enclave of existing built form and cluster of residential properties against the policies of the Core Strategy with regard to avoiding development of isolated homes in the countryside and managing sustainable patterns of growth.

The Council are also in position that it cannot demonstrate a five year supply of deliverable sites, with a supply of 2.8 years. This shortfall is assessed to be significant in this instance. In these circumstances the Framework advises that permission should be granted unless adverse impact would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.

For these reasons and assessment in relation to all other considerations given above, the benefits associated with a single dwelling on this previously developed site, increasing housing supply, albeit it minor, providing some economic benefits and delivery of a self-build dwelling are considered to weigh in favour of the scheme.

No technical objections or harm can be identified that would significantly and demonstrably outweigh these benefits or indicate that permission should be refused, having regard to the assessment above and the representations received

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

RECOMMENDATION:

That Planning Permission be GRANTED, subject to the following conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority;
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development, which shall broadly accord with the design principles submitted at this outline stage.
 - (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, all received on 19 November 2025

Application Form

Location Plan

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

5. The development will be carried out in broad accordance with the following documents:

- Proposed Block Plan RA2516 003 (11/2025, Rixon Architects)
- Vision and Access Statement RA 2516 (11/2025, Rixon Architects)
- The Reasonable Avoidance Measures (RAMs) in Section 5 of the Preliminary Ecological Appraisal (12/2025, Cotswold Environmental)
- The Biodiversity Enhancements in Sections 4.26 – 4.29 of the Preliminary Ecological Appraisal (12/2025, Cotswold Environmental)

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

6. Details of biodiversity enhancement measures, including the number, specification and location of bat and bird nesting features and any native planting, shall be submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters application. The approved measures shall be implemented prior to occupation of the dwelling and retained thereafter.

REASON: To secure biodiversity enhancement integrated within the detailed design of the development.

7. No new external lighting shall be installed within the application site unless details of proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall be informed by the approved Reserved Matters and shall demonstrate compliance with the appropriate Environmental Zone standards set out in ILP GN01:2021 'Guidance for the Reduction of Obtrusive Light' and GN08/23 'Bats and Artificial Lighting at Night' (BCT/ILP).

All lighting shall thereafter be installed and retained in accordance with the approved details.

REASON: In the interests of amenity and to minimise impacts on biodiversity arising from light spill.

Informative's

1. The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way LECL14 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.
2. BNG not required/self build exemption
3. The applicant is advised that this permission should be read alongside the completed Unilateral Undertaking entered into pursuant to Section 106 of the Town and Country Planning Act 1990. The obligations contained within the Undertaking are legally binding on the landowner and any successors in title and must be complied with in accordance with its terms.