

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 15 July 2026

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey - Democratic Services Officer, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghay@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Stewart Palmén (Chairman)

Cllr Christopher Newbury (Vice-Chairman)

Cllr Ernie Clark

Cllr Andrew Davis

Cllr Andrew Griffin

Cllr Bill Parks

Cllr Mike Phillips

Cllr Charlie Stokes

Cllr Chris Vaughan

Cllr Nigel White

Cllr Peter Wragg

Substitutes

Cllr Keith Allen

Cllr Phil Alford

Cllr Boaz Barry

Cllr Denise Bates

Cllr Sam Blackwell

Cllr Chris Brautigam

Cllr Trevor Carbin

Cllr Nick Holder

Cllr Ross Henning

Cllr Mel Jacob

Cllr Gordon King

Cllr Eunja Palmén

Cllr Barry Pirie

Cllr Mike Sankey

Cllr George Simmonds

Cllr Jo Trigg

Cllr Julie Vine

Cllr Jennie Westbrook

Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#). The full constitution can be found at [this link](#).

For assistance on these and other matters please contact committee@wiltshire.gov.uk for details.

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 17 June 2026.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee or Monitoring Officer.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda must register no later than 10 minutes before the start of the meeting. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 8 July 2026 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 10 July 2026. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 Planning Appeals and Updates (*Pages 13 - 30*)

To receive details of completed and pending appeals and other updates as appropriate.

Rights of Way

7 Wildlife and Countryside Act 1981: The Wiltshire Council Parish of Longbridge Deverill Path No.15 (part) Definitive Map and Statement Modification Order 2026 (*Pages 31 - 48*)

To consider a report from the Head of Local Highways.

Planning Applications

To consider and determine the following planning applications.

8 PL/2026/02958: Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN (*Pages 49 - 62*)

Display of a Progressive Pride flag for no more than 5 days in a calendar year, for the next 5 years.

9 Urgent Items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

*Item during whose consideration it is recommended that the public should be excluded
because of the likelihood that exempt information would be disclosed*

None

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Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 JUNE 2026 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Stewart Palmén (Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Andrew Griffin, Cllr Bill Parks, Cllr Mike Phillips, Cllr Charlie Stokes, Cllr Nigel White, Cllr Chris Vaughan and Cllr Peter Wragg

Also Present:

Cllr Chris Brautigam, Cllr Julie Vine and Cllr Trevor Carbin

30 Apologies for Absence

An apology for absence were received from Cllr Christopher Newbury.

31 Minutes of the Previous Meeting

The minutes of the meeting held on 22 April 2026 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

32 Declarations of Interest

Cllr Stewart Palmén made a non-disclosable declaration that the agent for application PL/2025/06683 was a Member of Trowbridge Town Council, of which Cllr Palmén was also a Member. Cllr Palmén confirmed that he was able to consider the application on its merits with an open mind, and would participate fully during the item.

33 Chairman's Announcements

There were no announcements.

34 Public Participation

The rules of public participation and the procedure to be followed at the meeting were detailed.

35 Planning Appeals and Updates

Kenny Green, Planning Manager, presented the Planning Appeals Update Report and other updates. He explained a refused application for 300 dwellings

at Snarlton Farm, Melksham, would now be determined by the Secretary of State, further delaying a determination until at least September 2026.

It was also explained that an appeal against refusal of 40 homes south of Drynham Lane, Trowbridge, had been dismissed, but that despite the significant deficiencies with the application the council had not been awarded costs.

It was then,

Resolved:

To note the Planning Appeals Update Report.

36 **PL/2025/06683: Enfield Works, Upper Westwood, Wiltshire, BA15 2DH**

Public Participation

Marie Todd spoke in objection to the application

Bob Meggs spoke in objection to the application

Chris Beaver, agent, spoke in support of the application

Steven Sims, Senior Planning Officer, presented a report which recommended that permission be granted for the demolition of an existing office (Class E), and the erection of two workshop units (Class E), and a new workshop unit as an extension to existing pottery workshop (Class E), and associated drainage and landscaping works. A member site visit had taken place prior to the scheduled April committee meeting.

Key issues included the principle of the development, impact on the National Landscape and Green Belt, the Conservation Area, local amenity, and highway and ecology considerations. It was noted the site was within the settlement boundary and that the site was considered brownfield / previously developed land.

Statements were then received from Members of the Public, as detailed above.

Cllr Nigel White, local unitary Member, then spoke in objection to the application, and identified particular concern with regard to the impacts on the Cotswold National Landscape and the statutory duty set out within Section 85 of the Countryside and Rights of Way (CROW) Act that requires the Council, when determining applications for development, to seek to further the purpose of conserving and enhancing the natural beauty of the Cotswold National Landscape.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the scale and design of the proposals, existing structures and public visibility, the lack of a substantive consultee response from the Cotswold National Landscape Board, highways impacts, the consented and future potential uses of the site, and the statutory duty that applies in the National Landscape.

During debate Members discussed the proposed intensification of commercial use at the site, and whether there was an improvement as a result and whether this amounted to conserving and enhancing the National Landscape area. There was also a discussion over the potential increase in employment as a result of the application, and the effects of the proposal.

At the conclusion of debate, and on the motion of Cllr Nigel White, seconded by Cllr Bill Parks, it was,

Resolved:

That planning permission be REFUSED for the following reasons:

The proposal does not satisfy the strict statutory duty set by Section 85 of the Countryside and Rights of Way (CROW) Act in terms of seeking to further the purpose of conserving and enhancing the natural beauty of the Cotswold National Landscape. The proposal would result in unjustified harm and cumulative intensification of the site by virtue of the scale of development being substantial and that the harm to tranquillity and landscape character has been under assessed by the applicant, contrary to NPPF para 189 and adopted Wiltshire Core Strategy Core Policies 51 and 57, and that the benefits of the proposal do not outweigh the harms and legislative/policy conflicts.

Cllr Andrew Davis requested that his vote in opposition to the resolution be recorded.

37 PL/2026/00457: 243B Melksham Road, Holt, Trowbridge, BA14 6QW

Public Participation

A statement in objection from Lisa Wickes was read out to the meeting.
A statement in objection from Paul Wickes was read out to the meeting.
Richard Harlow, agent, spoke in support of the application

Nina Parker-Miles, Planning Officer, presented a report which recommended that permission be granted for the proposed roof alterations and extensions. A member site visit had taken place prior to the meeting.

Key issues included the design, highway impacts, and impact upon neighbouring amenity.

Statements were then received from Members of the Public, as detailed above.

Cllr Trevor Carbin, local unitary Member, then spoke in objection to the application, highlighting impact on neighbouring amenity as grounds for a refusal.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the design and impact of the proposed

extensions. Questions were also raised regarding the recommended planning condition that would limit the working hours during demolition and construction.

During a short debate Members discussed the proposal and observed that any further limitation of working hours would only extend the length of the demolition/ construction phases.

At the conclusion of debate, and on the motion of Cllr Ernie Clark, seconded by Cllr Andrew Davis, it was,

Resolved:

That Planning Permission be approved, subject to the following conditions and informatives:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Existing & Proposed Elevations & Location Plan DWG No AH2025/74 Sheet 1 of 4 - Received 22.01.2026.

Proposed First Floor and Ground Floor Plan DWG No AH2025/74 Sheet 2 of 4 - Received 22.01.2026.

Proposed Block Plan DWG No AH2025/74 Sheet 3 of 4 – Received 14.05.2026.

Existing First Floor & Ground Floor Plan DWG No AH2025/74 Sheet 4 of 4 - Received 22.01.2026.

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Construction Management Plan - Statement (Harlow & Son) - Received 01.06.2026.

Construction Management Plan - Illustrative Plan DWG No AH2025/74 CMS - Received 01.06.2026.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order that revokes, re-enacts or amends (with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the south west elevation or roof slope of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building unless otherwise specified in the approved documents.

REASON: In the interests of visual amenity and the character and appearance of the area.

6. The development hereby approved shall be carried out in work in accordance with British Standard Tree Work - Recommendation for Tree Work", BS 3998: 2010 or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice. This shall include the suitable protection of the existing trees to be retained during construction works, and as shown on approved plan drawing AH2025/74 Sheet 3).

REASON: To define the terms of this permission and to protect retained trees near to the area of works.

7. Demolition or construction works shall take place only between the hours of 08:30 - 17:00 Monday-Friday and 08:30-13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

REASON: To define the terms of this permission and to protect local amenity.

Informative:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability

Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's

Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.&nb sp>

38 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.15 pm)

The Officer who has produced these minutes is Kieran Elliott - Democratic Services ,
e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email
communications@wiltshire.gov.uk

**Wiltshire Council
Western Area Committee
15 July 2026**

Planning Appeals Received between 05/06/2026 and 03/07/2026

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2025/07124	41 Thornhill Road, Warminster, BA12 8EF	Warminster	New Dwelling with integral garage and access	DEL	Written Representations	Refuse	16/06/2026	No

Planning Appeals Decided between 05/06/2026 and 03/07/2026

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2025/05419	The Old Barn, Keevil, Trowbridge, BA14 6NQ	Keevil	Change of use and conversion to a self-build dwelling, construction of open fronted car port, EV charging point, log store and associated works	DEL	Written Reps	Refuse	Allowed with Conditions	24/06/2026	None
PL/2025/07087	Land Off Old Dilton Road, Old Dilton, Wiltshire, BA13 4DB	Dilton Marsh	Permission in principle for erection of up to three self or custom-build dwellings	DEL	Written Reps	Refuse	Dismissed	08/06/2026	None
PL/2025/08613	Land South of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF	Melksham Without	Permission in Principle for the Erection of up to 5 Dwellings	DEL	Written Reps	Refuse	Dismissed	11/06/2026	None

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Appeal Decision

Site visit made on 12 May 2026

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal Ref: 6003438

Land South of 214B Corsham Road, Whitley, Melksham, Wiltshire SN12 8QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Tom Nicholas against the decision of Wiltshire Council.
 - The application Ref is PL/2025/08613.
 - The development proposed is the erection of up to 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted.
4. I have taken the description of development from the application form. However, any grant of permission in principle must be expressed as a minimum and maximum of dwellings. In this case, the application form goes on to clarify that a minimum of 2 dwellings and maximum of 5 dwellings are sought.

Main Issue

5. The main issue is whether the site is suitable for the residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. Policies CP1 and CP15 of the Wiltshire Core Strategy, January 2015 (WCS) outline the hierarchical spatial strategy for accommodating new housing in Wiltshire, with development focused on principal settlements, then market towns, then local service centres, then large villages, such as Whitley, and small villages.

7. Policy CP2 of the WCS sets out the Council's housing delivery strategy and states that, unless permitted by other policies within the WCS as set out at paragraph 4.25, development will not be permitted outside the limits of development.
8. Likewise, Policy 6 of the Joint Melksham Neighbourhood Plan 2, 2020 – 2038¹ (JMNP2) supports housing development within existing settlement boundaries.
9. The appeal site is not allocated for housing development and is classified as a location outside the defined limits of development under both Policy 6 of the JMNP2 and Policy CP2 of the WCS. None of the paragraph 4.25 exceptions of Policy CP2 apply in this case.
10. The appeal site is part of an undeveloped field with a mature hedgerow boundary adjacent to Corsham Road. As an undeveloped area of land, the site's natural, verdant qualities make a positive contribution to the setting of Whitley. It also forms part of a wider area which is identified as a green wedge or green gap under Policy 19 of the JMNP2. Accordingly, I observed it acts as a clear visual buffer of open countryside between Whitley and Shaw which helps to preserve the separate identity of the two villages.
11. Whilst details of the design are not before me at this stage, the appeal site is of a size which is capable of accommodating up to five dwellings in a spacious low density manner, corresponding with the low density of the village. The extent of the proposed development would match the southern limit of existing built development on the opposite side of Corsham Road. Also, I acknowledge that further structural landscaping is proposed, and that this would help to redefine the southern edge of the settlement. However, despite this, the introduction of built form to the site and associated hard surfacing, lighting, and residential activity, would significantly alter the appearance of the appeal site, harmfully extending the settlement edge of Whitley into the open countryside and eroding the gap that distinguishes the separate identities of Whitley and Shaw.
12. Accordingly, for the reasons explained above, I find that the location, land use and amount of the proposed development would be contrary to locational Policies CP1, CP2 and CP15 of the WCS. Furthermore, as the appeal site is located within land identified as a green wedge, it would also conflict with Policy 6 and Policy 19 of the JMNP2 and Policy CP51 of the WCS which seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. My findings are reinforced by the judgment of the Inspector in the appeal brought to my attention² who also found conflict with the aforementioned WCS policies.
13. The Council's decision notice also refers to loss of the best and most versatile agricultural land, but does not cite conflict with a development plan policy. Paragraph 187 of the National Planning Policy Framework (the Framework) requires decision-makers to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, preference should be given to using areas of poorer quality over higher quality land. The Framework defines the best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification. Whilst there is no detailed and compelling evidence to establish whether the appeal site is grade 3a or 3b, since the

¹ Made August 2025

² Appeal Reference APP/Y3940/W/17/3185863

development would lead to a small loss of 0.3 ha, I am satisfied that it would not amount to significant development. Therefore, the preferential requirement to utilise poorer quality land does not apply. Accordingly, I do not consider that the proposal would result in a harmful loss of the best and most versatile agricultural land.

Other considerations

14. My attention has been drawn to two appeal decisions where either limited weight was attributed to the conflict with the spatial strategy of the WCS or the benefits of providing additional dwellings outweighed the WCS policy conflict. However, the circumstances and locational context of the appeals are not directly the same as this appeal. The Glenmore Farm appeal³ concerned a much larger development of 145 homes to the north west of Westbury, a town which benefits from more services. Whilst the West Street appeal⁴ is also located on the edge of a large village, unlike the appeal proposal it does not affect land identified as a green gap. Consequently, I disagree that the appeals are directly comparable. Therefore, I am not bound by the weightings applied by the Inspectors in those cases, although I have taken account of them. I have reached my own conclusions on the merits of the appeal proposal on the basis of the evidence before me.
15. I have been made aware that the Wiltshire Local Plan Review 2020-2038 is in the process of examination, but that process has paused. Nevertheless, it has limited weight and as such it does not materially change the circumstances surrounding the proposal and the primacy of its determination against the adopted development plan.
16. Whilst the Council does not raise any objections to the proposal from a sustainability or accessibility perspective, compliance with the development plan in these respects is a neutral factor. I have also taken account of the representation received in support of the planning application. However, I have addressed the matters raised within it, in my reasoning on the main issue.

Planning balance

17. There is no dispute that there is a substantial shortfall in housing land supply, both parties refer to it as comprising 2.42-years. Paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies.
18. Paragraph 14 of the Framework advises that in situations where the presumption at paragraph 11(d) applies, the adverse impact of allowing development that conflicts with the Neighbourhood Plan (NP) is likely to significantly and demonstrably outweigh the benefits. This is provided that the NP became part of the development plan five years or less before the date on which the decision is made, and that it contains policies and allocations to meet its identified housing requirement.

³ Appeal Decision APP/Y3940/W/24/3345598

⁴ Appeal Decision APP/Y3940/W/24/3345527

19. The JMNP2 is less than a year old and the parties agree it meets the requirements of paragraph 14(a). However, they do not agree in relation to paragraph 14(b). The appellant contends there is a shortfall in allocation for Shaw and Whitley and that there has been a significant uplift in the level of housing need. Nevertheless, paragraph 14(b) refers to the identified housing requirement of the neighbourhood plan overall, which covers Melksham and Melksham Without. It allocates land for new housing through policies 7.1 to 7.5. The Examiner's report for the JMNP2, amongst other things, found overall that it addresses housing delivery in the plan period. Therefore, based on the evidence before me, I find that the requirements of paragraph 14(b) are also met and so it applies in this case.
20. The proposal would add to the housing stock and so it would help boost the supply of dwellings. Paragraph 73 of the Framework recognises that small and medium sized sites, like the proposal site can make an important contribution to meeting the housing requirement of an area.
21. In economic terms, the proposed development would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy, including Council Tax payments to the Council. Although a matter for the TDC stage, associated landscaping and the requirements to deliver 10% biodiversity net gain would provide biodiversity enhancements.
22. I have attributed these combined social, economic and environmental benefits moderate weight in the planning balance.
23. However, in light of paragraph 14 of the Framework, the adverse impacts of allowing the development that conflicts with policies of the JMNP2 would significantly and demonstrably outweigh the benefits of the proposed development. Therefore, I find the presumption in favour of sustainable development as detailed in paragraph 11 of the Framework does not apply.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

SE Hughes

INSPECTOR



Appeal Decision

Site visit made on 14 April 2026

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 June 2026

Appeal Ref: 6004383

Land off Old Dilton Road, Old Dilton, Westbury, Wiltshire BA13 4DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr J Chard against the decision of Wiltshire Council.
 - The application Ref is PL/2025/07087.
 - The development proposed is the erection of up to three self or custom-build dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing led development. The first stage establishes whether a site is suitable in-principle, whereas the second technical details consent (TDC) stage is when detailed development proposals are assessed. This appeal relates to an application for permission in principle. The scope of the considerations for such applications is limited to location, land use and amount of development.

Procedural Matter – Habitats Development

3. The appeal site lies within the buffer zone for recreational pressure on the Salisbury Plain Special Protection Area (SPA) and the 'yellow' medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) associated with the Bath and Bradford on Avon Bats Special Area of Conservation (SAC), which are European Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
4. Article 5B(1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) ('the Order') states that permission in principle cannot be granted for development which is habitats development. Habitats development is defined in the Order as development which is likely to have a significant effect on a qualifying European site (either alone or in combination with other plans and projects) and is not directly connected with or necessary for the management of the site.
5. If a proposed permission in principle development is likely to have a significant effect on a qualifying European Site without any mitigating measures in place, an Appropriate Assessment (AA) must be undertaken by the competent authority to establish whether the development would adversely affect the integrity of the protected site. If the outcome of the AA is unfavourable, it would preclude the grant

of permission in principle, and it becomes unnecessary to consider any further matters in relation to location, land use and amount of development.

6. For the purposes of this appeal, I am the competent authority responsible for considering the effects on European sites and undertaking an AA.

The Salisbury Plain SPA

7. The Salisbury Plain SPA is an area of calcareous grassland which is designated for its qualifying feature of breeding and wintering birds, including the Stone-curlew. Such ground nesting birds are vulnerable to disturbance from walkers, especially those with dogs. As the appeal site lies within the 6.4km Salisbury Plain SPA Recreational Buffer Zone there is therefore potential that residents from the proposed housing, in combination with other development, could result in adverse effects on the integrity of the SPA through additional recreational pressure.
8. The appellant highlights that the Council's strategy to protect the integrity of the SPA from such recreational pressure is outlined in its Habitats Regulations Assessment and Mitigation Strategy for Salisbury Plain SPA. This confirms that the Council, as a CIL charging authority, would specifically collect funding via its CIL to mitigate the effects of housing on the SPA.
9. In view of the above, given that the Council would be able to secure funds via the CIL to deliver the infrastructure necessary to support initiatives at the SPA to mitigate recreational pressure, I am satisfied there would be no adverse effect on the integrity of the SPA.

The Bath and Bradford on Avon Bats SAC

10. The Bath and Bradford-on-Avon Bats SAC comprises a network of significant underground sites including caves, mines and man-made tunnels which are used by bats for hibernation and breeding. Although not part of the SAC designation itself, lying in the surrounding yellow medium risk zone, the appeal site is identified as an area with habitats vital for the bats for feeding and commuting.
11. The proposal would be likely to displace some grassland and hedgerow and therefore encroach physically into habitat that contributes to supporting the bat population. In addition, up to three dwellings would have associated lighting and human activity which could deter foraging and commuting bats.
12. It has been put to me that the individual effects of the development on the SAC would be limited (being restricted to '*the loss of grassland and some potential hedgerow loss*') and as such, the proposal does not comprise Habitats Development for the purpose of the Order, since it necessitates a 'significant effect' not a 'limited' effect on a European Site. However, the Habitats Regulations require me to consider the effect on the SAC either alone or in combination with other plans and projects. Such repeated relatively modest residential development within a sensitive zone for bats would be likely to have a significant impact. On that basis, I do not agree that this prevents the proposal from amounting to habitats development for the purposes of the Habitats Regulations. Consequently, I find the proposal would be likely to have a significant effect on the SAC.
13. It is therefore appropriate to consider whether mitigation measures could address the harmful effect. To ensure development does not result in adverse effects on the integrity of the SAC, the TBMS expects that residential development proposals in

the yellow zone to fully mitigate the loss of habitat on site. This should be demonstrated by use of an established metric (preferably the Statutory Biodiversity Metric or subsequent version). Secondly, proposals are expected to make a proportionate financial contribution towards strategic habitat mitigation.

14. Given the limited details associated with a permission in principle application, doubt remains as to the extent of habitat loss, and therefore, whether it could be fully mitigated on site.
15. In addition, the main parties agree that a financial contribution would be required in accordance with the tariff set in the TBMS in order to mitigate the effects of the development on the SAC. However, there is no mechanism before me to secure such a financial contribution.
16. Hence, the information before me fails to show beyond all reasonable scientific doubt that any adverse effect on the integrity of the SAC would be avoided.
17. Neither is it shown that there are imperative reasons of overriding public interest of a social or economic nature sufficient to overcome the harm that would be caused to the SAC. Nor has it been demonstrated that there are no alternative solutions. Ultimately, this results in an unfavourable AA.
18. It is contended that mitigation measures could be specified and secured at a TDC stage. Logic dictates that this could only follow a grant of permission in principle. I am not provided with any substantive evidence as to how such an approach would avoid the proposal from amounting to habitats development at this point. The Order explicitly states that a local planning authority (and by extension a planning inspector) may not grant permission in principle in relation to development which is habitats development. In the absence of evidence to show otherwise, I am not satisfied such a course of action would be lawful.
19. My approach is reinforced by that of the Inspector in an appeal brought to my attention (APP/Y2620/W/25/3368039). In that case the Inspector went on to grant permission in principle only having first established that the development, with mitigation, would not adversely affect the integrity of protected sites. Unlike the case before me, in that instance mitigation was set out and secured by way of legal agreements at the permission in principle stage.
20. For the above reasons, I therefore conclude that irrespective of the merits of the scheme, it is exempted from qualifying for permission in principle because it amounts to habitats development. It is therefore unnecessary to consider the matters of location, land use and amount any further as they would not be determinative to the outcome of the case. Accordingly, the proposal must be rejected on procedural grounds.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

SE Hughes

INSPECTOR

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Appeal Decision

Site visit made on 27 May 2026

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2026

Appeal Ref: 6004625

The Old Barn, Keevil, Wiltshire BA14 6NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by J Skinner against the decision of Wiltshire Council.
 - The application Ref is PL/2025/05419.
 - The development proposed is described as 'Change of use and conversion to a self-build dwelling, construction of open fronted car port, EV charging point, log store and associated works'.
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use and conversion to a self-build dwelling, construction of open fronted car port, EV charging point, log store and associated works at The Old Barn, Keevil, Wiltshire BA14 6NQ in accordance with the terms of the application, Ref PL/2025/05419, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. During the appeal a Deed of Variation to the previously submitted Unilateral Undertaking (UU) was submitted to ensure that the obligations in the undertaking apply to a planning permission granted on appeal in the event that the appeal is allowed. The Council has been consulted on the Deed of Variation and I have taken its comments into account in my decision.
3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the proposed changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

4. The main issues are
 - Whether the site would be in a suitable location having regard to the development plan policies concerning new housing in the countryside with reference to the conversion and re-use of rural buildings; and
 - The effect of the proposal on the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

Reasons

Location

5. The site lies outside the limits of development defined in the Wiltshire Core Strategy 2015 (WCS) and is within the countryside for development plan purposes. Core Policies 1, 2 and 15 of the WCS set out the settlement and delivery strategies for new residential development in this location. Core Policy 48 sets out the circumstances in which the conversion and re-use of rural buildings will be supported.
6. The existing building on the site is a single storey, predominantly brick building which received planning permission in 2018 for “B8 storage use”. Since the Covid pandemic, the owner’s business operations have changed and now operate from a site elsewhere.
7. Core Policy 48 supports the conversion and re-use of rural buildings for employment, tourism, cultural and community uses subject to various criteria being met. Where there is clear evidence that those uses are not practical propositions, residential development may be appropriate where it meets the same criteria.
8. The evidence indicates that the building was constructed for storage purposes to a basic specification. The cost estimates and Carter Jonas valuation¹ provided in 2020 for the appellant indicate that the cost of installing a water supply and electricity to the site is prohibitive. When the valuation was made, the Carter Jonas letter questioned whether a commercial business would look to occupy the site.
9. Although the appellant has not produced evidence that the market for a storage or alternative employment use has been fully tested through a recent marketing exercise, nor has the Council provided compelling evidence that there is a market demand for a unit of this type. Nevertheless, it is unclear why a storage use would by necessity require three phase electricity or a water supply or why such a use could not take place without those services being installed. It is also not evident whether alternative means of power generation, such as solar power, have been fully explored. As a result, I am not convinced that there is clear evidence that an alternative employment use, including a storage use, is not a practical proposition.
10. I recognise that the absence of a viable water supply means that a tourism use, such as holiday accommodation, is unlikely to be practical. The distance from the nearest villages, combined with the limited size of the building, the absence of a water supply and the limited space for parking, means that its use for community or cultural purposes is also unlikely to be practical.
11. Even if there was clear evidence that a use for employment purposes was not a practical proposition, the villages of Keevil, Steeple Ashton, Bulkington and Seend provide only limited services and facilities for any future occupier of the proposed dwelling. Access by foot would be via rural roads without footways and street lights. Together with the distances to the villages, this means that it would not be a safe and suitable pedestrian route for all users, especially in bad weather or after dark.
12. Although there are bus stops on the A361 to the north of the site and in some of the villages, for the reasons given above, the pedestrian routes to them would not

¹ Appellant’s appendix 5: Carter Jonas letter dated 11 November 2020

be safe or suitable for all users. As a consequence, whilst some of the villages are within cycling distance of the site, travel by car would be likely to be a necessity for future occupiers of the proposed dwelling needing to access the majority of the services and facilities for their daily needs in Melksham, Trowbridge and Devizes.

13. The permitted use of the building for B8 storage purposes would also generate vehicle movements. However the pattern and frequency of those movements and the vehicles involved would be likely to be different to those of the future occupiers of a dwelling who would be expected to make regular trips for purposes such as work, shopping, health care, leisure, educational or other activities.
14. Despite the occasional building in the surrounding area, from what I saw on my visit, the site is in a remote location physically separate from the nearest settlements. The distance from the nearest villages and other settlements means that the site is isolated from them.
15. Even though future occupiers of the dwelling might be able to make use of car sharing, no details of how this might take place are before me or how such an arrangement would reduce reliance on the private car. The provision of an electric vehicle (EV) charging point might encourage future occupiers to use ultra-low or zero emission vehicles. Nevertheless, I am not convinced from the evidence before me, that future occupiers of the proposed dwelling could be prevented from using other types of vehicle if they so wished.
16. The lack of sustainable transport alternatives and the distance to the villages and towns therefore leads me to conclude that the site does not have reasonable access to local services.
17. The Council accepts that the building is structurally sound and that the proposed conversion would retain its character and the effect of the proposal on the character or appearance of the landscape could be made acceptable through a landscaping scheme if the appeal is allowed. It also accepts that the site has adequate access to the highway. Whilst I have found no sound reason to come to a different conclusion on these points, the location of the proposed dwelling would nevertheless result in a moderate level of harm to the Council's objectives to reduce the need to travel as required by WCS Core Policies 60 and 61.
18. The reliance on the private car and the absence of clear evidence that employment use, including B8 storage, is not a practical proposition means that the proposal is not in a suitable location having regard to the development plan policies concerning new housing in the countryside. The moderate harm caused results in conflict with WCS Core Policies 1, 2, 15, 48, 60 and 61 which seek to restrict residential development in the countryside and promote sustainable transport.

European protected site

19. The proposal has the potential to effect the Bath and Bradford on Avon SAC. The qualifying features of the SAC are its populations of Bechstein's bats, greater horseshoe bats and lesser horseshoe bats. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) requires me to make an appropriate assessment of the implications of the proposal for the conservation objectives of the SAC.

20. The conservation objectives for the SAC seek to maintain or restore the extent and distribution of the habitats of qualifying species; the structure and function of the habitats of qualifying species; the supporting processes on which the habitats of qualifying species rely; the populations of qualifying species; and the distribution of qualifying species within the site.
21. A lesser horseshoe bat night roost was identified on the site as part of the previous proposal. The evidence indicates that of 2 night roosts subsequently installed on the site, one is no longer functioning as a roost and the other is deteriorating. Hedgerows along the northern and eastern site boundaries are likely to be used as commuting and foraging corridors by bats using the on-site roosts.
22. Any increase in external light levels has the potential to have an adverse effect on the use of these corridors by bats. Unmitigated, the development could result in the loss of night roosts and the disruption of the bats' flight lines from increased light. This could have an impact on the local distribution of bats. This effect could be significant and effect the integrity of the SAC. I have therefore carried out an appropriate assessment.
23. The proposal would include a dedicated bat loft within the roof void above the car port. It would be serviced by a fly-in entrance in the north elevation of the proposed car port facing the site boundary and adjoining field. The proposed log store would also provide night roosting opportunities. Whilst the proposed bat roost would be sited away from the proposed dwelling and therefore less likely to be affected by lighting from it, a control on external lighting at the site could be secured through a planning condition if the appeal is allowed. I note that the Council has previously carried out an appropriate assessment under the Habitat Regulations which arrived at the same conclusion. I have also consulted Natural England which has confirmed that suitable conditions would avoid an adverse impact on the SAC.
24. Therefore, subject to the imposition of appropriate planning conditions if the appeal is allowed, I am satisfied that the likely significant effects of the proposal on the SAC would be avoided. For these reasons, I conclude that the proposal would not have an adverse effect on the integrity of the SAC and would therefore comply with the Habitats Regulations.

Other Considerations

25. Against the harm I have identified, there would be economic, social and environmental benefits arising from the proposal. It would provide an additional windfall dwelling using previously developed land which, given the Council's housing land supply shortfall, would be a moderate benefit.
26. As well as meeting general housing needs, the proposal would also provide one self-build dwelling to be secured through the UU and Deed of Variation submitted with the appeal. The Framework highlights the importance of a sufficient amount and variety of land coming forward where it is needed and that the needs of groups with specific housing requirements are addressed. Those groups include people wishing to commission or build their own homes. The Council accepts that there is an unmet need in Wiltshire for self-build plots. Therefore, the provision of an additional self-build unit would be a further moderate benefit of the scheme.
27. The development would generate modest economic benefits to the construction sector during the conversion of the building and future occupants would contribute

to the vitality of the local community. The provision of an EV charging point would be a further limited benefit of the scheme.

28. Whilst the emerging Wiltshire Local Plan has been the subject of an examination by Inspectors, the Inspectors' letter to the Council dated 27 February 2026 identifies significant soundness concerns. As a result, the draft plan carries very limited weight in this appeal.
29. Although reference has been made to appeal decisions at Sherston², Warminster³, Swindon⁴ and Old Sarum⁵ I am not aware of the full details of those schemes, the sites involved or their planning context. I have determined this appeal on its individual merits.

Planning balance

30. The conflict I have identified with WCS Core Policies 1, 2, 15, 48, 60 and 61 results in conflict with the development plan when read as a whole. The Council can only demonstrate 2.42 years supply of deliverable housing sites which is well below the minimum level required. The policies most important for determining the appeal are therefore out of date for the purposes of the Framework. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.
31. Paragraph 232 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework recognises the re-use of redundant or disused isolated buildings in the countryside where the development would enhance its immediate setting. Whilst the evidence is unclear whether there is a practical proposition of an alternative employment use taking place in the building, the appellant states that the owner's business operations have changed and the building is therefore redundant.
32. The Framework's policy for the re-use of isolated buildings in the countryside does not require those buildings to have reasonable access to local services or require that an alternative use is explored before the re-use for residential purposes is considered. Core Policy 48 is not consistent with the Framework in this respect and therefore the conflict with it carries limited weight in this appeal. The proposed re-use of the building would be consistent with the Framework's policy to make effective use of under-utilised land and buildings to meet identified needs for housing.
33. The significant shortfall in the Council's housing land supply indicates that the settlement strategy in Core Policies 1, 2, and 15 is not delivering the required number of houses. The conflict with those policies therefore also carries limited weight.
34. Whilst the Framework requires that developments promote sustainable transport and that sustainable transport modes are prioritised, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. As a consequence, although Core Policies 60 and 61 are broadly consistent with the Framework, taking into account the permitted use of the

² APP/Y3940/W/23/3327178

³ APP/Y3940/W/24/3351590

⁴ APP/Y3940/W/22/3303198

⁵ APP/Y3940/W/24/3356285

building which would generate its own vehicle movements, the conflict with those policies is given moderate weight in this appeal.

35. The Framework sets out the Government's objective of significantly boosting the supply of homes and highlights that small sites such as this can make an important contribution to meeting the housing requirement in the area. Therefore, taking into account the significant shortfall in the Council's supply of deliverable housing sites, the addition of a self-build dwelling is a benefit which attracts moderate weight in favour of the proposal. The modest economic benefits also attract moderate weight in favour of the proposal. The proposed provision of EV charging also carries limited weight in favour of the scheme.
36. Overall, the moderate adverse impact of the proposal does not significantly and demonstrably outweigh the totality of the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies to this appeal.

Conditions

37. Conditions setting out the period for commencing the development and requiring it to be carried out in accordance with the approved plans are necessary to provide certainty. In view of the rural location of the site it is also reasonable and necessary to require that any materials to be used in the external surfaces of the development are submitted to the local planning authority for approval prior to their installation. It is also reasonable and necessary to require the submission and implementation of a landscaping scheme to ensure the development would enhance its setting and would not detract from the character and appearance of the landscape.
38. A condition securing the means for charging electric vehicles is reasonable and necessary to promote the use of sustainable transport in accordance with the relevant development plan policies. Conditions securing the provision of the required bat roosts and controlling external illumination are necessary to protect the integrity of the SAC and ensure the development complies with the Habitat Regulations. A condition safeguarding the visibility splays at the site entrance is also reasonable in the interests of highway safety.

Conclusion

39. The proposed development would conflict with the development plan but material considerations, particularly the Framework, indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

R Kent

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing numbers:

Location Plan. Existing & Proposed Site Plans 01 rev 2. August 2024;
Existing & Proposed Floor Plans. Existing & Proposed Elevations 02. August 2020;
Car Port and Log store Proposed Floor Plans. Car Port and Log Store Proposed Elevations 03. November 2022.
3. Details of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details.
4. The dwelling hereby permitted shall not be occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. The dwelling hereby permitted shall not be occupied until a scheme for the charging of electric vehicles has been installed on the site in accordance with details to be submitted to and approved by the local planning authority. The approved scheme shall thereafter be retained.
7. Prior to the occupation of the dwelling and car port hereby permitted, the bat roosts and access points for bats, as detailed in the Ellendale Environmental 'Bat Survey & Assessment, 7 July 2025' and 'EEL532 PL/2025/05419 COU and conversion of barn - The Old Barn, Keevil, Trowbridge, BA14 6N – Addendum' shall be implemented in accordance with plans and details to be submitted to and approved in writing by the local planning authority. The bat roosts and access points for bats shall thereafter be permanently retained in accordance with the approved plans and details.
8. The visibility splays shown on plan no. 25-0378-RAP-XX-XX-DR-TP-3200 shall be kept free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.

9. No means of external illumination shall be installed on the site unless full details including the height, design, location and intensity of the means of illumination have first been submitted to and approved in writing by the local planning authority. The means of external illumination shall thereafter be installed and maintained in accordance with the approved details.

END OF CONDITIONS

WILTSHIRE COUNCIL

WESTERN AREA PLANNING COMMITTEE

WILDLIFE AND COUNTRYSIDE ACT 1981

THE WILTSHIRE COUNCIL PARISH OF LONGBRIDGE DEVERILL PATH NO.15 (part) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2026

Purpose of Report

1. To:
 - (i) Consider one objection and two representations of support to The Wiltshire Council Parish of Longbridge Deverill Path no.15 (part) Definitive Map and Statement Modification Order 2026 made under Section 53 of the Wildlife and Countryside Act 1981 (WCA81). See **Appendix 1** for a copy of the Order.
 - (ii) Recommend that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (**SoSEFRA**) with a recommendation from Wiltshire Council that the Order is confirmed as made.

Background

2. Wiltshire Council has statutory duties to maintain the record of public rights of way in Wiltshire (excluding the Borough of Swindon), to maintain the rights of way shown therein, and to assert and protect them for the use and enjoyment of the public. These duties are not discretionary.
3. The definitive map and statement is the legal record of public rights and is conclusive in law as to what it shows but this is without prejudice to the existence of a more extensive public right (s.56 of the Wildlife and Countryside Act 1981). The Council has a duty to keep it under continual review and make orders to modify it when evidence shows it is in error.
4. Wiltshire Council received an application dated 13th February 2013 from Mr Bill Riley to amend the definitive map and statement for the area by upgrading to a bridleway part of the footpath Longbridge Deverill (LDEV15) within the parish of Longbridge Deverill. The route applied for is shown on the application map submitted and also applied to record the route as 30 feet wide where awarded by inclosure commissioners. The application was based on historical documentary evidence that the applicant believes shows the rights applied for subsist and should be recorded as such.
5. Upon receiving the application Wiltshire Council registered it in its register of Definitive Map Modification Order applications. Wiltshire Council has over 340 such undetermined applications and applications are assigned a score (as per published priority scoring system) and placed in a priority queue. This application

reached the top of that queue in 2026 and therefore was assigned to an officer for determination.

6. In determining this application Wiltshire Council is acting under its statutory duty under S.53(2) and (3)(c)(ii) of the WCA81. This is where the discovery of evidence by the authority shows that a highway shown on the map and statement of a particular description ought to be there shown as a highway of a different description. The order is also made under S.53(3)(c)(iii) to amend the statement for the path.
7. Wiltshire Council investigated the submitted evidence and undertook its own investigation into evidence held by the council and held at the Wiltshire and Swindon History Centre. A public consultation was also undertaken. The evidence demonstrated in its totality, on the balance of probabilities, the application route was an ancient public bridleway. Accordingly, a legal order to record those public rights was made.
8. A significant amount of evidence has been investigated by officers; the officers decision report explores the evidence and relevant considerations in detail and can be found online in the councils' register of Definitive Map Modification Order (DMMO) applications under reference D/2013/001. [Rights of way applications](#)
9. In considering historic public rights it is essential that the common law principal of 'once a highway, always a highway' is applied. In short, if a public right of way can be shown, on the balance of probability, to have existed in the past, no amount of disuse or neglect will extinguish that right. Only a defined legal event can stop up that right.
10. When considering historic documentary evidence officers categorise evidence based on its evidential weight and have drawn up a categorisation system. This system of categorisation has been devised by officers with regard to The Planning Inspectorate's Consistency Guidelines (now archived, as of November 2024) and Chapter 6 of the book 'Rights of Way A Guide to Law and Practice – Fourth Edition' by John Riddall and John Trevelyan. Evidence is graded A through F, with documents in category A holding the most weight down through F. Examples of category A evidence are Inclosure Acts and awards, Acts for railways, waterways or roads and orders creating, extinguishing, or diverting highways as these documents document a legal creation, extinguishment, or diversion of a public highway. Other documents may demonstrate the reputation of a way or the physical existence of a way, but the purpose of that document may not have been to show the legal status of a highway or have any powers to do so. For example, although a way may appear on many commercial maps it does not necessarily carry as much evidential weight as if the way is shown in two publicly consulted documents or created, say, as the result of an Act of Parliament.
11. Officers conclude that this application, to record a public bridleway over the route of footpath LDEV15 between Potters Hill (U/C 9069) and the Bradley Road, (U/C 9068, after consideration of all available evidence presented and discovered, demonstrates that on the balance of probabilities that the route was and remains a public bridleway. This is evidenced in the main by the Longbridge Deverill Inclosure award of 1795. The 1795 inclosure award, in pursuance of the powers of a 1790 Act of Parliament sets out the application route, as a *Private Carriage*

Road and Drift Way and Public Bridle Way of the breadth of thirty feet. The award describes the public bridleway as leading from Potters Road (now known as Potters Hill) northwards to the public road leading from Crockerton towards Frome. This road is now the C.273 and can still be used as a route between Crockerton and Frome. The route is then described as crossing this road in the same direction over the east side of an allotment awarded to the assigns of Fanny Maskelyn to the entrance of Sutton Veny Common in a direction towards Warminster. As can be seen on the associated map (considered a draft plan used in the inclosure process but not deposited with the inclosure award (Sutton Veny common was to the north of the route and the route is annotated *To Warminster* at its northern end on this plan associated with the inclosure plan and deposited with the inclosure award in Longleat archives. Sutton Veny common no longer exists but the application routes northern junction does meet the road to Warminster, now the U/C9068, Bradley Road. The description of the route within the inclosure award and associated mapping evidence does match the application route and the current recorded route of footpath LDEV15. The inclosure process was clear, and by the award of 1795 enacted by an Act of Parliament dated 1790 the application is set out as a Public bridleway by the authorised commissioners. Unless those rights have been stopped up by a legal event, for which no evidence has been adduced for consideration, they still exist. Other supporting evidence from various maps dating from the 18th century onwards show the order route to be the consistent route of the road, at least from a topographical perspective for at least 200+ years.

12. The southern section of the application route (south of the C.273) is also subject to supporting commercial mapping evidence showing the route as a consistent feature for circa 200 years. The northern section between the C.273 and the Bradley Road U.C 9068 is latterly not shown, other than as a footpath from 1886 on commercial mapping onwards, but no legal event has been adduced or discovered to extinguish the public bridleway rights set out over the whole of the application route.
13. The route had likely fallen out of use, at least in part, as a public bridleway in the 19th century, but no legal event has been discovered or presented that extinguished those rights. It is deemed more likely than not, the appropriate consideration, that the application route was the route of the public bridleway awarded by the inclosure process.
14. As per the evidence, The Wiltshire Council Parish of Longbridge Deverill Path No.15 (part) Definitive Map and Statement Modification Order 2026 was made to upgrade footpath LDEV15 (part) to bridleway status and to record its width as 30 feet (9.1 metres) as per the inclosure evidence. The width recorded by the order has been determined by officers considering guidance to order making authorities from The Planning Inspectorate which is clear that where a width is set out by an inclosure award or process, with regard to any other evidence, to the contrary, it is appropriate to record the width of a route as set out in that inclosure award . The evidence relating to widths, being the inclosure evidence of 1795 in this case.
15. The order was made on the 9th April 2026, was duly advertised and attracted one duly made objection during the statutory period and two representations of support. Where objections are received to a Definitive Map Modification Order Wiltshire Council may not confirm or abandon the Order and must forward it to

SoSEFRA for determination. However, Wiltshire Council must first consider the representations and objections to the Order and make a recommendation to SoSEFRA regarding the determination of the Order.

Main Considerations for the Council

16. Section 53(2) of the Wildlife and Countryside Act 1981 places a duty upon the Surveying Authority to keep the definitive map and statement of public rights of way under continuous review.
17. The Order is made under Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981, based on:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows-

(ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;

18. Evidence is the key and therefore objections to the making of the order must, to be valid, challenge the evidence available to the Surveying Authority. The Authority or any decision-making authority is not able to consider other considerations, such as the suitability of the way for use by the public, the proximity of any other paths or facilities, environmental impacts and any need or desire for the route (either for or against). Any future management of public rights recorded by the order, if confirmed, are also matters not under consideration in relation to the determination of the order.

Objections and Representations

19. The one objection to the order is from Mrs Da Silva, a directly affected landowner. The two representations of support are from Ms Michelle Haley and Bridleways and Byways Trust. The order responses can be seen at **appendix 2**.
20. The objections raises matters which cannot be considered when determining applications made under s.53 of the Wildlife and Countryside Act 1981. These include, land management, costs, safety concerns, the perceived benefit of the order, or any need or desire for the rights. The only matter that may be considered is the relevant legislation and historical documentary evidence. This matter is clear in case law and guidance. The application and subsequent order are concerned with recording public rights, and not the future management of those rights if the order is confirmed. As such, whilst officers can sympathise with many of the points raised in objection they cannot be considered in the determination of this order. The objector has not challenged or addressed the evidence in any manner.
21. The two representations of support do not raise any additional evidence to consider.
22. To summarise officers' response to the objection, it raises no relevant matters, nor challenges the evidence upon which the order relies upon for its making and

recommended confirmation. The objector has been informed that their objection raises no relevant matters which can be considered and that the Planning Inspectorate on behalf of the Secretary of State, who will determine the order if the objection is not withdrawn, will also advise them that their objection is not relevant and cannot be considered. It remains the case that the evidence available and discovered demonstrates the order route was and remains a public bridleway, on the balance of probabilities, and the order should be confirmed.

Safeguarding Considerations

23. Considerations relating to safeguarding anyone affected by the making of the Order under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Order must be made and determined based on the relevant evidence alone and with due adherence to the Act and Regulations.

Public Health Implications

24. Any public health implications arising from the making of an Order under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Order must be made and determined based on the relevant evidence alone.

Corporate Procurement Implications

25. In the event this Order is forwarded to SoSEFRA there are several opportunities for expenditure that may occur, and these are covered in paragraphs 29 to 32 of this report.

Environmental and Climate Change Impact of the Proposal

26. Any environmental or climate change considerations arising from the making of an Order under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Order must be made and determined based on the relevant evidence alone.

Equalities Impact of the Proposal

27. Matters relating to the equalities impact of the proposal are not relevant considerations in Section 53 of the Wildlife and Countryside Act 1981.

Risk Assessment

28. Wiltshire Council has a duty to keep the definitive map and statement of public rights of way under continuous review and therefore there is no risk associated with the Council pursuing this duty correctly. Evidence has been brought to the Council's attention that there is an error in the definitive map and statement of public rights of way which ought to be investigated, and it would be unreasonable for the Council not to seek to address this fact. If the Council fails to pursue its duty it is liable to complaints being submitted through the Council's complaints procedure, potentially leading to complaints to the Ombudsman. A

request for judicial review could be made with significant costs against the Council where it is found to have acted unlawfully.

Financial Implications

29. The making and determination of Orders under the Wildlife and Countryside Act 1981 is a statutory duty for Wiltshire Council for which financial provision has been made.
30. Where there are outstanding objections to the making of the Order it must be determined by the Secretary of State. The outcome of the Order will then be determined by written representations, local hearing, or local public inquiry, all of which have a financial implication for the Council. If the case is determined by written representations the cost to the Council is £200 to £300; however, where a local hearing is held the costs to the Council are estimated at £300 to £500. A one-day public inquiry could cost between £3000 and £5000 if Wiltshire Council continues to support the making of the Order (i.e., where legal representation is required by the Council) and around £300 to £500 where Wiltshire Council no longer supports the making of the Order (i.e., where no legal representation is required by the Council and the case is presented by an applicant).
31. Where the Council recommends the Order is not confirmed, the Order must still be forwarded to the SoSEFRA for determination. As in the case of a supported Order, the possible processes, and costs range as detailed above.
32. As the case is considering documentary evidence, with no witness evidence, nor any objection challenging the evidence, which is relevant to the decision to cross examine, officers will request the Order to be resolved by written representations. It is officers' opinion there is no requirement for a public hearing or inquiry. However, this is subject to other parties' requests and SoSEFRAs decision on how to determine the Order.

Legal Implications

33. Where the Council does not support the Order, clear reasons for this must be given and must relate to the evidence available. The public may seek judicial review of the Council's decision if they see it as incorrect or unjust by them. The cost for this may be up to £50,000.

Options Considered

34. Members should now consider the objection and support received to the order and the evidence presented to determine whether Wiltshire Council continues to support the making and confirmation of the Order. The making of the Order has been objected to; therefore, the Order must now be submitted to the SoSEFRA for determination and members of the committee may determine the recommendation (which should be based upon the evidence) to be attached to the Order when it is forwarded to the SoSEFRA as follows:
 - (i) The Order be confirmed without modification.
 - (ii) The Order be confirmed with modification.
 - (iii) Take a neutral stance on the determination of the Order.

- (iv) The Order should not be confirmed.

Reason for Proposal

35. Unless the objections and representations are withdrawn the Order must be forwarded to the SoSEFRA for determination.
36. The documentary evidence the order relies upon in officers' opinion demonstrates the route is an ancient public bridleway. No relevant evidence has been submitted in objection. The totality of the evidence shows on the balance of probabilities; the route should be recorded as a public bridleway.
37. The documentary evidence adduced to date, in officers' opinion, meets the balance of probabilities test to upgrade/ record the status of the route subject to the order and the widths recorded within the order, as discussed in this report and in detail in the officer's initial decision report, available online.
38. The Council's duty remains with supporting the Order based on the evidence it has before it.

Proposal

39. The Wiltshire Council Parish of Longbridge Deverill Path no.15 (part) Definitive Map and Statement Modification Order 2026 is forwarded to the SoSEFRA with the recommendation that it is confirmed without modification.

Christopher Clark
Head of Service Local Highways

Report Author:
Craig Harlow
Definitive Map Officer

Appendices:

Appendix 1 - The Wiltshire Council Parish of Longbridge Deverill Path no.15 (part) Definitive Map and Statement Modification Order 2026.

Appendix 2 - Objections and representations to the order.

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WILDLIFE AND COUNTRYSIDE ACT 1981

THE DEFINITIVE MAP AND STATEMENT FOR THE WARMINSTER AND WESTBURY RURAL DISTRICT COUNCIL AREA DATED 1953 AS MODIFIED UNDER THE PROVISIONS OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

THE WILTSHIRE COUNCIL PARISH OF LONGBRIDGE DEVERILL PATH NO.15 (part) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2026

This order is made by Wiltshire Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement for the Warminster and Westbury Rural District Council area dated 1953 as modified under the provisions of the Wildlife and Countryside Act 1981 requires modification in consequence of the occurrence of events specified in section 53(3)(c)(ii) and 53 (3)(c)(iii) of the Act, namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description , or any other particulars contained in the map and statement require modification.

The Authority have consulted with every local authority whose area includes the land to which this order relates.

The Wiltshire Council hereby order that:

1. For the purposes of this Order the relevant date is the 1st April 2026.
2. The Definitive Map and Statement for the Warminster and Westbury Rural District Council Area dated 1953 as modified under the provisions of the Wildlife and Countryside Act 1981 shall be modified as described in Parts I and II of the Schedule and shown on the plan attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Wiltshire Council Parish of Longbridge Deverill Path No.15 (part) Definitive Map and Statement Modification Order 2026.

THE COMMON SEAL of
WILTSHIRE COUNCIL was
hereunto affixed this 9th day
of April 2026

}
}
}
}

in the presence of:


C. L. MILBOURN

Authorised Signatory
Wiltshire Council



SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

Parish	Path No.	Description of public right of way to be upgraded	Modified under Section 53(3) as specified.
Longbridge Deverill	15	Length of footpath, from its junction with Potters Hill, the U/C 9069 road (Potters Hill) at OS grid reference ST 8571 4250, at point D of the attached order plan, leading broadly north along the track to its junction with the C.273 road at ST 8561 4286 at point C on the attached order plan, then from the north side of that road, at point B of the order plan at ST 8562 4288, leading in a north north easterly direction across the field to its junction with the U/C 9068 (Bradley Road) at point A of the order plan at ST 8569 4306, to be upgraded to bridleway status.	53(3)(c)(ii)

With a width of 9.1 metres (30 feet) as awarded by inclosure commissioners in 1795.

Approximate total length 600 metres.

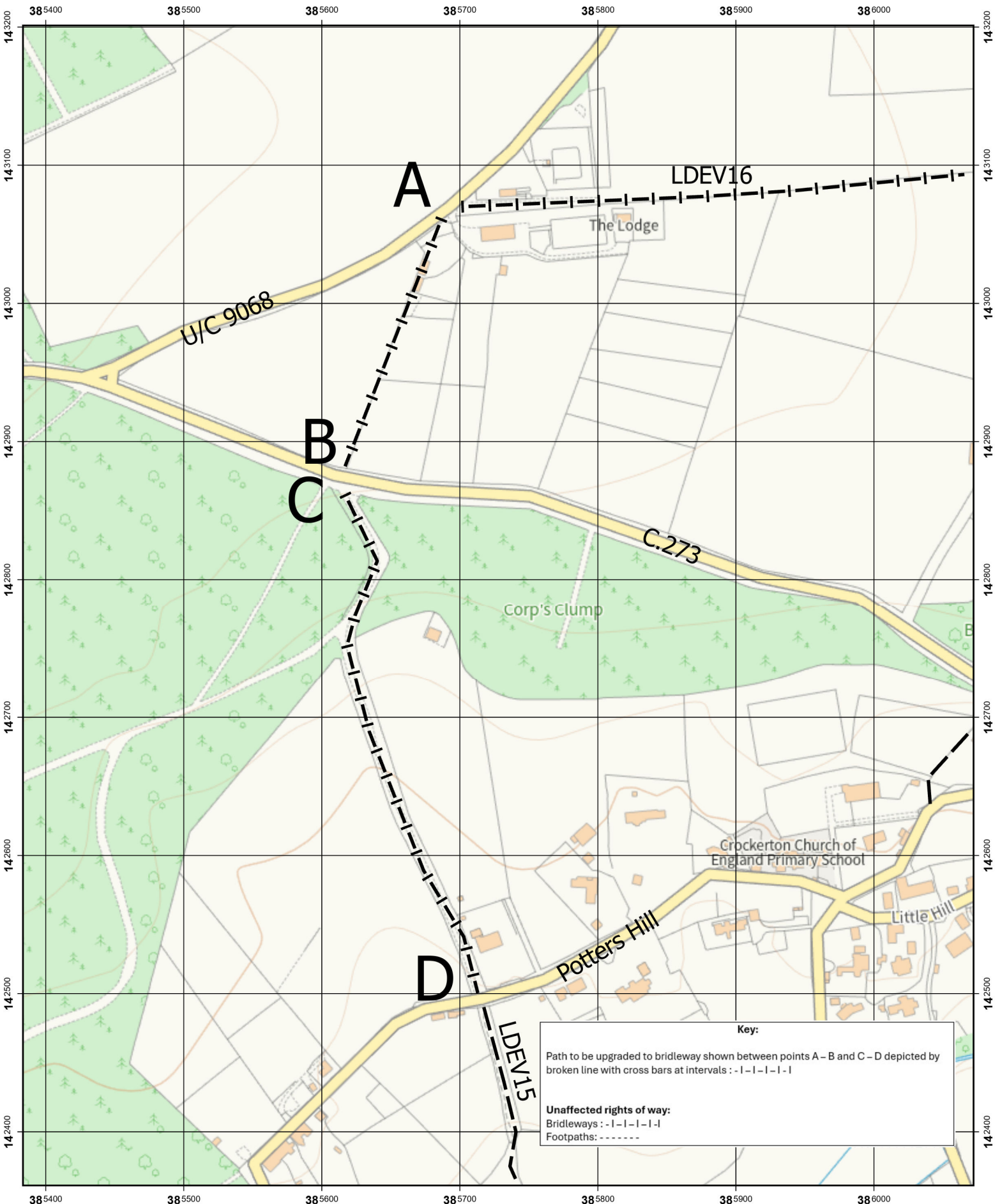
SCHEDULE

PART II

MODIFICATION OF DEFINITIVE STATEMENT

Parish	Path No.	Variation of particulars of path or way	Modified under Section 53(3) as specified.
Longbridge Deverill	15	<u>FOOTPATH.</u> From road U/C 9071 ,a spur off Clay Street , C.54, leading north-north-west to the U/C 9069. <u>BRIDLEWAY.</u> From its northern junction with the U/C 9069 leading broadly north along the track to the C.273, crossing that road and then across the field in a north-north easterly direction to the junction of the U/C 9068. Approximate total length 870 metres Width of footpath section 1 – 3.5 metres Width of bridleway section 9.1 metres (30 feet)	53(3)(c)(ii) 53(3)(c)(iii)

The Wiltshire Council Parish of Longbridge Deverill
Path no.15 (part) Definitive Map and Statement Modification Order 2026- Plan



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From: [Catriona Cook](#)
To: [Harlow, Craig](#)
Subject: D/2013/01
Sent: 14/04/2026 11:32:46

Follow Up Flag: Follow up
Flag Status: Flagged

The Byways and Bridleways Trust supports the above order for a bridleway, and has no further evidence to add..

Catriona Cook
BBT Trustee

From: [Alison Roe](#)
To: [Harlow, Craig](#)
Subject: Modification Order
Sent: 01/06/2026 15:18:33

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [REDACTED] [Learn why this is important](#)

The Wiltshire Council Parish of Longbridge Deverill Path No. 15 (part) Definitive Map and Statement Modification Order 2026

Dear Mr Harlow

RE: Formal Objection to Proposed Upgrade of Existing Footpath to Bridleway

I am the owner and occupier of the land affected by the proposed upgrade of the existing public footpath to a bridleway.

I wish to formally object to this proposal on the grounds that it would have a significant adverse impact on the use, management, safety, and value of my equestrian property, whilst providing little practical benefit to riders.

At present, the existing footpath allows pedestrians to cross the land without causing any significant issues. Walkers pose minimal risk to my horses, and the current arrangement has operated satisfactorily for many years. The proposed introduction of horse riders would fundamentally alter the nature of the route and create a number of serious concerns.

Firstly, the land is used for equestrian purposes and the presence of unfamiliar horses passing through or adjacent to my land would create risks to the health and welfare of my horses. The movement of horses from unknown locations presents a potential biosecurity risk through the transmission of disease and infection. As a responsible horse owner, I would be compelled to take additional measures to protect my animals.

This would require the installation of fencing along both sides of the proposed bridleway in order to create a physical separation between my horses and those using the route. The cost of supplying, installing, and maintaining such fencing would fall entirely upon me. In addition, the land trapped between my fencing and the bridleway would effectively become unusable for grazing or equestrian purposes, resulting in a further loss of productive land and a reduction in the overall value and utility of the holding.

The proposal would also result in a substantial financial loss. Based on the current value of approved equestrian land in this area, I estimate that the land affected, together with the additional land that would become unusable as a result of necessary fencing and separation measures, represents a loss in the region of £70,000. This figure does not include the significant cost of installing and maintaining fencing, gates, and any other infrastructure that would be required to safely accommodate a public bridleway through an active equestrian property.

Secondly, the presence of riders would create additional safety concerns. The land is also used in connection with a dog exercise field. Visitors frequently arrive with dogs and may be waiting in

vehicles or preparing to use the facility when riders pass through. Some dogs are naturally reactive and may bark loudly at horses. This creates a foreseeable risk of horses becoming startled or spooked, potentially causing riders to lose control or fall.

Should an accident occur involving a rider, horse, dog owner, or member of the public, it could give rise to disputes, claims, investigations, and considerable stress and expense. I do not believe it is reasonable to impose these additional risks upon a landowner where no such issues currently exist under the present footpath arrangement.

The proposal would also introduce ongoing stress and disturbance to the horses kept on the property. Horses are prey animals and can react unpredictably to unfamiliar horses passing close to their grazing areas. The current footpath does not create this issue because pedestrians do not generally provoke the same response. The proposed bridleway would therefore have a direct impact on horse welfare and the day-to-day management of the land.

Furthermore, the proposed bridleway is unnecessary. The route appears to offer little practical advantage because riders can travel between the proposed start and finish points via the existing public highway in approximately two minutes. The alternative route is readily available, direct, and already forms part of the local highway network. Consequently, the substantial adverse impact on my property cannot be justified by any meaningful public benefit.

I would also note that there is an important distinction between the existing footpath and the proposed bridleway. The current footpath has coexisted with my use of the land without significant difficulty. The proposed upgrade would introduce an entirely different category of user and a completely different level of interaction with the horses kept on the property. The risks, costs, and management burdens associated with horse access are materially different from those associated with pedestrian access.

The proposal would therefore result in:

- Additional fencing costs.
- Ongoing maintenance costs.
- Loss of usable equestrian land.
- An estimated financial loss of approximately £70,000.
- Reduction in the value of the property.
- Increased biosecurity and disease transmission risks.
- Increased risks to horse welfare.
- Increased safety risks to riders arising from nearby dog activity.
- Greater management burdens associated with operating an equestrian property.
- A significant and unnecessary change from the current situation, where pedestrian access exists without causing these problems.

For all of the above reasons, I respectfully request that the proposal be rejected and that the existing footpath status remain unchanged.

Yours faithfully,

Mrs A Da Silva

[REDACTED]

[REDACTED]

Bradley Road

Warminster

BA12 [REDACTED]

From: [michelle haley](#)
To: [Harlow, Craig](#)
Subject: DMMO re part of LDEV FP15
Sent: 10/05/2026 21:45:43

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Craig

I would like to support the DMMO application to upgrade part of Longbridge Deverill FP 15 to Bridleway, as this will be a very welcomed upgrade to the PROW network.

Kind regards

Michelle Haley,

██████████ Rowde, Devizes, SN10 ██████████
██████████



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	15 July 2026
Application Number	PL/2026/02958
Site Address	Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN
Proposal	Display of a Progressive Pride flag for no more than 5 days in a calendar year, for the next 5 years
Applicant	Wiltshire Council
Town/Parish Council	Trowbridge Town Council
Electoral Division	Trowbridge Central - Councillor Stewart Palmen
Type of application	Consent to display an advertisement
Recommendation	Approve with Conditions
Case Officer	Andrew Thomas

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The application is brought before the Planning Committee by virtue of Part 3, Section D3, Paragraph 2.1 of the Scheme of Delegation, which states that applications submitted by Wiltshire Council will not be determined under delegated powers where an objection has been received raising material planning considerations. In this instance, the application has been submitted by Wiltshire Council and material planning concerns have been raised during the public consultation period. As such, the application cannot be determined under officer delegated powers and must be referred to the Planning Committee for determination.

1. PURPOSE OF REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and the amenity and highway impacts. Having considered these, the report recommends that advertisement consent be APPROVED subject to conditions.

2. MAIN ISSUES

Unlike planning applications, advertisement consent applications are subject to only two key assessment considerations, namely the impact(s) on amenity and public safety.

3. SITE DESCRIPTION

The application site is at the front of Wiltshire Council's County Hall in Trowbridge. The flagpole is already in place and has been used to fly various flags for many years. The flagpole

is 136m from the edge of the Conservation Area and over 200m from the nearest listed building. The County Hall building is not listed site and is not within a special landscape area.

4. RELEVANT PLANNING HISTORY

Reference No.	Proposal / Summary	Decision
W/10/03202/ADV	Flying of the Wiltshire Compact flag from existing flagpole outside County Hall	Approved
W/10/01733/ADV	Flying of Armed Services Day flag from existing flagpole outside County Hall	Approved
W/09/02792/ADV	Flag on flagpole outside County Hall during Compact Week (from 2nd November 2009)	Approved
W/08/02488/ADV	Temporary consent for display of Olympic flag until 30/09/12	Approved

5. PROPOSAL

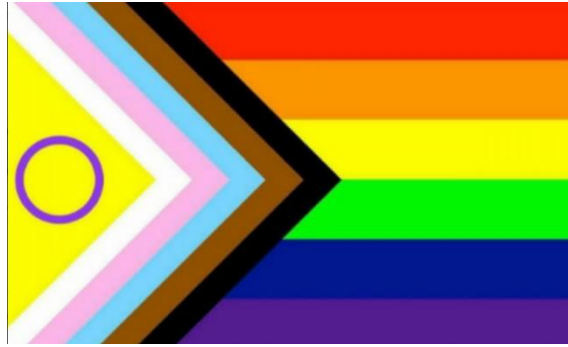
The application seeks advertisement consent to display the Progress Pride Flag for no more than 5 days in a calendar year, for the next 5 years on the existing flagpole.



County Hall Council Office, Trowbridge

The submitted and published application form states that the proposed flag would be non illuminated polyester and would measure 2.63m (long) x 1.33m (high) and would be displayed on the existing 10m high flagpole at the front of County Hall as shown above.

The inserted image on the next page is taken from a supporting document submitted as part of the advertisement application and illustrates the progressive pride flag.



Officers are aware that there may be some confusion regarding the duration for which the flag would be displayed if consent were to be granted. The application as originally submitted sought consent for the display of the Progressive Pride flag between 1 June and 30 June each year for a period of five years.

The description was materially changed on 18 June to allow the Council more flexibility when the flag may be displayed over the next 5 years (and not be limited only to the month of June as was originally proposed). The reported description requiring committee consideration is:

“Display of a Progressive Pride flag for no more than five days in any calendar year, for a period of five years”.

For the avoidance of doubt, the application was submitted on 7 May 2026, with the initial public consultation period expiring on 28 May 2026. The fresh consultation timeframe for the revised description did not allow sufficient opportunity for officers to report the application to the June meeting of the Western Area Planning Committee.

Members are also advised that on 1 June 2026 the Council displayed the Pride flag (not the Progress Pride flag) outside County Hall as shown below.



The decision to display the Pride flag prior to consideration by the first available Western Area Planning Committee fell outside the remit of planning officers. However, it is noted that, at the time of finalising this report, the Progress Pride flag, which is the subject of this application, has not been displayed, and therefore no retrospective (late) consent is required.

6. CONSULTATIONS

Trowbridge Town Council: No objection

7. REPRESENTATIONS

A total of 522 representations have been received in respect of the application, comprising 369 objections and 153 representations in support of the proposal.

Those objecting to the proposal raise a number of recurring themes.

A principal concern expressed is that council buildings and civic spaces should remain politically and ideologically neutral and should represent all members of the community equally. In this context, many respondents consider that only national, county, or civic flags are appropriate for display at or on council buildings, as these are viewed as being broadly representative of the community as a whole.

A number of representations characterise the proposed flag as representing a particular viewpoint or set of beliefs and not being universally representative, with concerns raised that its display may give rise to a perception of institutional support for one side of an ongoing public debate.

Further concerns raised within the objections relate to community cohesion and inclusivity. It is suggested by some respondents that the display of the flag could be divisive or lead to some individuals feeling excluded or not represented by the Council.

Linked to this, a number of representations refer to the importance of civic symbols bringing communities together and maintaining public confidence in the Council's impartiality.

Concerns are also raised regarding precedent, with representations noting that the granting of consent for this proposal may make it more difficult for the Council to resist similar requests for the display of other flags in future, potentially resulting in council buildings being used for a wider range of campaign or advocacy displays.

A number of objections also refer to legal and governance matters, including the Council's duties under the Equality Act 2010 and the Public Sector Equality Duty. These representations generally raise concerns regarding fairness, representation, and the need to consider the potential impact of the proposal on different groups within the community.

Some respondents also raise concerns relating to public safety and wellbeing; however, these are generally expressed in terms of personal perception or feelings rather than in relation to physical safety, visibility, or highway safety considerations.

Additional points raised in objection include matters relating to the use of public resources, the duration of the proposed consent, and aspects of the application process, including transparency and consultation.

Representations in support of the proposal raise a number of distinct themes.

Supporters generally describe the flag as a symbol of inclusion, recognition and respect and consider that its display would demonstrate that the area is welcoming to all members of the community.

It is also suggested that the display of the flag would provide a visible sign of support and reassurance and could have a positive impact on wellbeing, particularly for individuals who may have experienced discrimination.

Supporters further note that the display of the flag would represent a symbolic gesture and consider that it would complement, rather than replace, the display of national or civic flags.

Some representations also refer to the Council's equality duties and the role of public bodies in promoting inclusion and good relations between different groups within the community.

A number of representations on both sides raise broader issues relating to the meaning or symbolism of the flag, the role of local authorities in civic expression, and the Council's legal duties. These matters have been noted.

However, it is recognised that the assessment of this application is undertaken within the scope of the Advertisement Regulations, where the determination of the advertisement consent application is limited to the impacts of the proposal on amenity and public safety.

8. PLANNING POLICY

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

National Planning Policy Framework (NPPF) - Paragraph 141 applies and states:

The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Planning Practice Guidance (PPG) – Advertisements which states inter alia:

Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 57 Ensuring High Quality Design & Space Shaping
- Core Policy 58 Ensuring the Conservation of the Historic Environment
- Core Policy 62 Development Impacts on the Transport Network

Supplementary Planning Documents:

Wiltshire Design Guide (2024)

Institute of Lighting Professionals: The Brightness of Illuminated Advertisements (2014) PLG 05.

Flying flags: a plain English guide – June 2021

9. PLANNING CONSIDERATIONS

9.1 The proposed flag requires advertisement consent when assessed against the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Regulations set out a number of categories of advertisements which either benefit from full exemption (Schedule 1) or deemed consent (Schedule 3). The proposed Progress Pride flag does not fall within these categories. Accordingly, express consent from the Council is required under Regulation 3.

9.2 Members will be aware that other flags, such as national flags (for example, the Ukrainian flag) or certain civic flags, can be displayed without the need for express consent. This is because such flags fall within specific categories within Schedule 1 of the Regulations and are therefore not subject to the advertisement consent regime.

9.3 In addition, some flags benefit from deemed consent under Schedule 3, subject to specified conditions, including controls over size, height, and number.

9.4 By contrast, the Progress Pride flag does not fall within any of those exempt or deemed consent categories. Whilst previous flags displayed at the site may not have required consent, this proposal must be assessed on its own merits within the statutory framework.

9.5 The absence of an exemption or deemed consent is therefore the reason why express consent is required in this instance, rather than any assessment of the flag's content.

9.6 Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities exercise their powers in relation to the display of advertisements **in the interests of amenity and public safety**, taking into account the provisions of the development plan, in so far as they are material, and any other relevant material planning factors.

9.7 NPPF paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed and should be subject to controls in the interests of amenity and public safety, and taking into account any cumulative impacts.

9.8 Within the July 2021 Government publication "Flying flags: a plain English Guide" the opening paragraphs read as follows:

"Flags are a very British way of expressing joy and pride – they are emotive symbols which can boost local and national identities, strengthen community cohesion and mark civic pride.

The government wants to see more flags flown, particularly the Union Flag, the flag of the United Kingdom. It is a symbol of national unity and pride. The government has recently issued guidance encouraging the flying of the Union Flag on all UK government buildings throughout the year, alongside other national and local flags.

We are keen for local authorities and other local organisations to follow suit. We have made it easier for the Union Flag to be flown alongside other flags, so organisations can highlight their local identities, as well as their national identities, and celebrate special days or events which champion civic pride.

In England, the flying of flags is treated as advertisements for the purposes of the planning regime to ensure the flags do not impact on safety or amenity. Some flags require formal consent (permission) from the local planning authority, whereas others like the Union Flag do not. The detailed controls over flag flying are set out in detailed regulations".

9.9 This application is submitted for the display of the “Progress Pride” flag, designed by Daniel Quasar, and is a redesign of the rainbow pride flag and includes chevrons and a circle, additional colours and shapes to represent more people within our communities.

9.10 Having regard to Schedule 3 of the Regulations, express consent is required for the flying of the Progress Pride flag.

9.11 In direct response to many of those objecting to the flag proposal, Regulation 3(4) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states very clearly that:

Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

9.12 Furthermore, Government produced Planning Practice Guidance advises that:

unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the LPA considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals.

9.13 Notwithstanding the above, and whilst the flag’s effect on amenity and public safety are determinative matters, regard must also be afforded to the Public Sector Equality Duty (PSED) as contained within Section 149 of the Equality Act 2010. This sets out that, in the exercise of its regulatory functions, the LPA must have due regard to the need to, among other things, eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In this case, the duty has been taken into account in addition to the key assessment impact tests on amenity and public safety under the Regulations.

Impact on Amenity

9.14 “Amenity” is not prescribed in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, but it is generally understood to include both visual and aural amenity.

9.15 Factors relevant to amenity include the general characteristics of the locality, such as the presence of features of historic, architectural, cultural, or similar interests.

9.16 In broader planning terms, as reflected in the National Planning Policy Framework (NPPF), amenity refers to the quality or character of an area and the elements that contribute to the overall enjoyment and liveability of a place.

9.17 Adopted WCS Core Policy 57 requires a high standard of design in all proposals, including (criterion x) which references sensitive design of advertisements and signage.

9.18 It is considered that the proposed flag advertisement would cause no harm to the visual amenity of the area, including the setting of any heritage assets, and would therefore comply with the relevant provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

Impact on Public Safety

9.19 “Public safety” is not prescribed in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, but it is generally understood to refer to the potential impact on, and use and operation of public spaces, including roads, footpaths, and other areas accessible to the public.

9.20 In assessing public safety, the following matters are open for consideration:

- Whether the proposal would obstruct visibility for road users or pedestrians;
- Whether it could distract, confuse, or mislead drivers, particularly near junctions or crossings;
- Whether it interferes with traffic signs, signals, or street lighting;
- Whether it poses a physical hazard, such as through poor structural integrity or inappropriate siting.

9.21 The National Planning Policy Framework (NPPF) supports the principle of creating places that are safe, inclusive, and accessible, and that they do not undermine public safety or security.

9.22 Adopted WCS Core Policy 62 advises that proposals should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the implementation and operational stages, where necessary.

9.23 In this case, no mitigation is necessary in recognition that the flagpole is located 25m back from the highway and the proposed flag would have no illumination. In between the flagpole and the highway is an area of grassed open space. The flag would be proportionate to the size of the flagpole and would fit within its setting and have no cumulative impact on the wider issue of public safety.

9.24 The distance from the highway is sufficient to ensure it would have no impact on the safety of the public, as it forms part of a longstanding area of open space.

9.25 It is considered that the proposal would not result in an unacceptable impact on public safety, either individually or cumulatively, and would therefore satisfy the relevant provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

10. CONCLUSION – the ‘planning balance’

In undertaking the required assessment under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the decision-maker is limited to the consideration of the impacts on amenity and public safety.

With regard to amenity, officers conclude that the proposed flag’s scale, siting and overall visual presence within the street scene are all acceptable. The flag would be displayed on an established flagpole that has advertised many flags over the years, and the proposed progressive pride flag and its size would not appear visually intrusive or harmful to the character or appearance of the Council building or the surrounding area.

Whilst a number of third-parties raise concern relating to the symbolic meaning of the flag, this is not a material planning considerations in terms of visual amenity (or public safety) for the purposes of advertisement consent.

With regard to public safety, including matters relating to any perceptions of safety or security (which are not determinative under the Regulations), it is acknowledged that concerns have been raised through the consultation process. However, officers have concluded that the proposed flag would not constitute as a material highway hazard, obstruction, or distraction to highway users or the general public.

The proposal flag would be a static, non-illuminated display that would not interfere with visibility, navigation, or the safe use of the surrounding area, and there is no evidence to indicate that the display of the flag would give rise to any measurable or material risk to public safety.

Taking these matters together and having regard to the relevant Regulations, it is considered that the identified impacts are acceptable. The planning balance therefore weighs in favour of granting advertisement consent for the proposed flag.

RECOMMENDATION

That advertisement consent be granted subject to the following conditions –

1. The Progress Pride flag hereby approved shall only be displayed for a cumulative period of no more than five [5] days in any calendar year. This consent shall expire at the end of a period of five [5] years from the date of this Notice.

REASON: To comply with Regulations 14 (7) and (8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Forms, Location Plan, Progress Pride Flag detail received on 7th May 2026

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON: In exercise of Regulation 14(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to ensure adherence to the standard conditions set out under Schedule 2 of the Regulations.

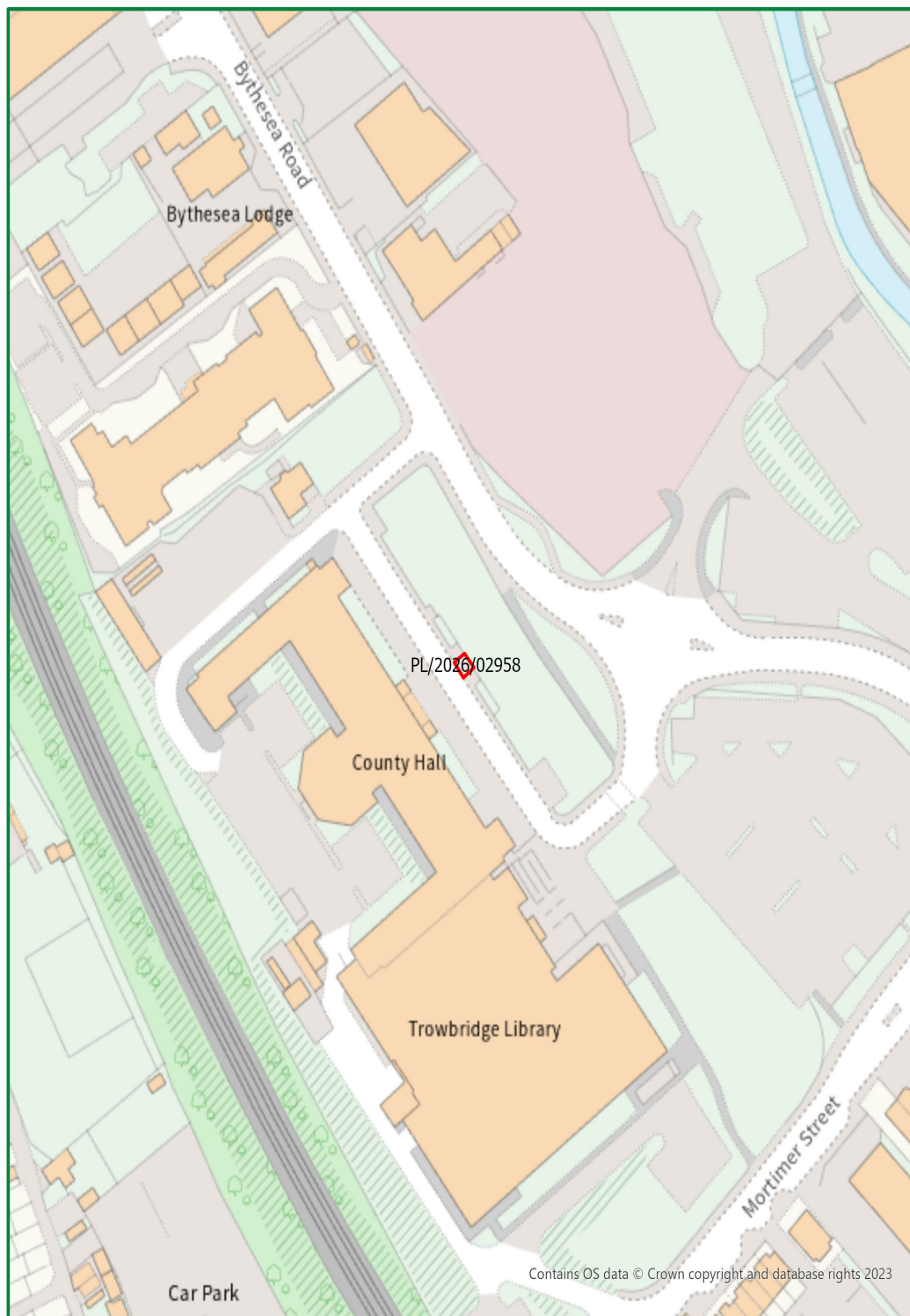
4. No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON: In exercise of Regulation 14(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to ensure adherence to the standard conditions set out under Schedule 2 of the Regulations.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON: In exercise of Regulation 14(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to ensure adherence to the standard conditions set out under Schedule 2 of the Regulations.



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