

**Land at Southfield, Parsons Lane,
Crockerton, Warminster,
BA12 8AR**

Appendix I – Bus timetables

Thursdays

Kingston Deverill - Warminster - Devizes
☒ Timing points ☐ All stops

Kingston Deverill St Marys Church (E-bound)	09:20
Hill Deverill Watercress Farm (NE-bound)	09:22
Longbridge Deverill, o/s The George	09:30
Crockerton, o/s Bath Arms	09:33
Warminster Fore Street Park (W-bound)	09:40
Warminster Masefield Road (W-bound)	09:41
Warminster Grovelands Roundabout (S-bound)	09:43
Warminster Market Place (E-bound)	09:50
Boreham Field The Dene (SE-bound)	09:53
Heytesbury, opp The Angel	10:00
Knook Turn (SE-bound)	10:02
Upton Folly (SE-bound)	10:03
Codford St Mary Cherry Orchard (E-bound)	10:07
Chitterne Abdon Close (N-bound)	10:15
Tilshead Junction (NE-bound)	10:23
West Lavington Crossroads (N-bound)	10:30
Potterne Duck Street (N-bound)	10:38
Devizes The Pelican (NW-bound)	10:45

Fridays until Friday 25 December 2026

Fire Station - Central Car Park

☐ Timing points ☒ All stops

Mere, opp Fire Station	09:05
Mere Turning Circle (S-bound)	09:07
Mere Bramley Hill (W-bound)	09:07
Zeals Bus Shelter (NE-bound)	09:12
Stourton Bus Shelter (E-bound)	09:17
Kilmington Home Farm (NW-bound)	09:22
Kilmington Cloudlands (N-bound)	09:24
Kilmington, o/s Bus Shelter	09:25
Kilmington The Flats (E-bound)	09:25
Kilmington Old Sawmill (SE-bound)	09:25
Kilmington Brookside (E-bound)	09:26
Norton Ferris, opp Bus Shelter	09:29
Maiden Bradley Bus Shelter (N-bound)	09:35
Horningsham The Common (W-bound)	09:40
Horningsham Post Office (S-bound)	09:40
Horningsham Hollybush (SE-bound)	09:43
Crockerton, o/s Bath Arms	09:50
Crockerton Bus Shelter (N-bound)	09:53
Crockerton, opp Council Houses	09:56
Warminster Ludlow Close (N-bound)	09:59
Warminster Morrisons (N-bound)	10:03
Warminster Market Place (E-bound)	10:04
Warminster Central Car Park (SW-bound)	10:05

**Land at Southfield, Parsons Lane,
Crockerton, Warminster,**

BA12 8AR

Appendix II – APP/C1625/W/23/3329704

**Land North of Windsoredge Lane,
Nailsworth, Gloucestershire GL6 0NP**



Appeal Decision

Site visit made on 13 June 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/C1625/W/23/3329704

Land North of Windsoredge Lane, Nailsworth, Gloucestershire GL6 0NP

- 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 Millar of Livedin against the decision of Stroud District Council.
 - The application Ref is S.23/0237/PIP.
 - The development proposed is described as 'between 2 and 4 custom build houses'.
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Decision

1. The appeal is allowed and permission in principle is granted for between 2 and 4 custom build houses at Land North of Windsoredge Lane, Nailsworth, Gloucestershire GL6 0NP in accordance with the terms of the application, Ref S.23/0237/PIP and the plans submitted with it.

Preliminary Matters

2. Permission in principle is part of a 2-stage planning consent process which provides an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for proposed development on a site from the technical detail of that development. The permission in principle consent route has 2 stages: the first stage, or permission in principle stage, establishes whether a site is suitable in principle, and the second, technical details consent (TDC) stage is when the detailed development proposals are assessed. A full planning permission is only secured when both stages have been passed.
3. The appeal relates to the refusal of permission in principle, for which the Planning Practice Guidance (PPG) describes that matters within its scope are limited to location, land use and amount of development.
4. The Council has an emerging Local Plan (the ELP) which is currently undergoing examination. That process is experiencing delays and the Council report objections to its policies. As such there is uncertainty as to how far away the ELP is from adoption and the final form that its policies may take. The relevant policies referred to are discussed in turn below.
5. The appeal is accompanied by two Unilateral Undertakings dated 26 June 2024 (the UUs) which relate to mitigation for the Cotswolds Beechwoods and Rodborough Common habitat sites. These have been taken into account in the determination of the appeal.

Main Issues

6. The main issues are:

- Whether the site is suitably located for new housing, with regard to the Council's spatial strategy;
- The effects of the proposal on the character and appearance of the area, including the Cotswold Area of Outstanding Natural Beauty (AONB), and;
- The effects on designated habitat sites.

Reasons

Spatial Strategy

7. Policy CP2 of the Stroud District Local Plan 2015 (the LP) sets out the Council's strategy for the delivery of development in the District. It identifies strategic sites located at principal settlements, and states that, outside those sites, development shall take place in accordance with a settlement hierarchy and that housing development will take place within settlement development limits. It goes on to state that limited development will take place outside these designated areas and in accordance with other policies of the Plan.
8. Policy CP3 sets out the hierarchy for growth and development across the District's settlements, where they are ranked according to their size and range of services and facilities. The supporting text states that the policy seeks to promote sustainable communities to maintain and promote the viability of local facilities and reduce the need to travel to services and facilities elsewhere.
9. Policy CP3 acknowledges Nailsworth to be a Local Service Centre and Second Tier Settlement which is described as one with potential to provide for modest levels of jobs and homes to help sustain and, where necessary, enhance services and facilities, promoting better levels of self containment and viable sustainable communities. Policy CP15 of the LP relates to development in the countryside and states that, in order to protect the separate identity of settlements and the quality of the countryside, proposals outside identified settlement development limits will not be permitted except where certain principles are complied with as set out in that policy.
10. The appeal site lies outside the settlement boundary for Nailsworth and can be considered to be in the countryside for the purposes of the development plan. Based on the evidence before me, the proposal would not adhere to any of the principles set out in Policy CP15. The proposal would also not comply with Policy HC3 of the LP, which relates to self-build housing provision at strategic sites allocated by the LP.
11. As such, the site is not suitably located for new housing having regard to the Council's spatial strategy, and it would conflict with policies CP15 and HC3, and as a consequence conflict with policies CP2 and CP3 of the LP.
12. It is not apparent that the proposal falls to be considered under draft Policy HC4 of the ELP which refers to single plot self-build or custom build affordable dwellings, or ELP Policy DHC2 which relates to smaller rural settlements.

Character and Appearance

13. The site is within the Cotswolds AONB, now otherwise known as the Cotswold National Landscape. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas, which have the highest status of protection in relation to these issues. The Stroud District Landscape Assessment 2000 identifies the site to be in one of the District's Secluded Valleys, defined by its steep sides, concave narrow valley form and complete interlocking valleys. It states that this area supports a variety of settlement patterns and includes larger settlements on high land and throughout the Nailsworth valleys, where more recent development has spread up the valley slopes and is prominent over considerable distances.
14. The appeal site is currently free from built form and has an open and verdant character. It slopes steeply downwards to the north and is exposed in far reaching views through the valley to the north. The site adjoins an existing network of lanes and other properties to three sides which create a staggered edge to the settlement. These surrounding buildings vary in their height and design and respond to the gradient of the land, for example in the case of the properties to the west, which step steeply downwards to the north.
15. The proposal would entail a relatively small expansion to the edge of the settlement into the countryside when considered against the size of Nailsworth as a whole, and would appear against the backdrop of the existing surrounding buildings in longer views from the north. The effects of the proposal on the landscape would inevitably depend on the particular characteristics of the development including its site layout and design, which are not provided at this stage. However, despite the sensitivity of the location, the existing built forms and settlement are part of the immediate landscape character and it cannot be ruled out that a satisfactory solution could reasonably be achieved. If the appeal is allowed, the site must receive a grant of TDC before the development could proceed. Only at the time of approval of TDC would the development have planning permission and there would be no requirement that this would be given automatically.
16. In conclusion on this main issue, and in considering the limited scope of issues which can be considered at this stage, the proposal would be acceptable in terms of its effects on the character and appearance of the area and the special landscape character of the AONB. Accordingly the proposal before me would not conflict with Policy EN7 of the LP which requires development to conserve or enhance the special landscape features, nor the objectives of the Framework relating to AONBs.

Habitat Sites

17. The site lies within the catchment zones of the Rodborough Common Special Area for Conservation (SAC) and the Cotswolds Beechwoods SAC, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the habitat regulations'). The Cotswolds Beechwoods is also notified at a national level as The Cotswold Common and Beechwoods Site of Special Scientific Interest (SSSI).
18. Rodborough Common SAC is designated for its calcareous grassland, being the most extensive area of semi-natural dry grasslands surviving in the Cotswolds, and it contains a wide range of structural types. Conservation objectives for Rodborough Common SAC include the need to maintain in favourable condition

the calcareous grassland. The Cotswold Beechwoods SAC comprises qualifying features including beech forests and semi-natural dry-grassland and scrubland facies on calcareous substrates.

19. In the case of both SACs, recreational pressures have been found to pose a significant threat to their designated features. In the case of Rodborough Common this includes effects of walking by local residents, and in the case of the Cotswolds Beechwood this includes damage and trampling, contamination and fire. Consequently, and based on visitor surveys for both, zones of influence have been established, within which housing growth may result in an increase in recreational pressures from new residents. The appeal site lies within the designated zones of influence for both and as such likely significant effects on the integrity of the SACs cannot be ruled out.
20. The proposal would entail new dwellings and additional permanent occupants within 3.9km of the Rodborough Common SAC and within the 15.4km zone of the Cotswolds Beechwoods SAC which, as set out above, would increase recreational pressures upon them. The Council have a strategic approach to mitigation for both SACs. The Rodborough Common SAC Recreation Mitigation Strategy 2022 sets out measures including habitat management, access infrastructure and raising awareness, to be funded by development in the area. The Cotswold Beechwood SAC Mitigation Management Strategy 2022 similarly gives details of necessary mitigation for the effects of new development and its approach includes strategic access management and monitoring to make the SAC more resilient to increased recreation, as well as suitable alternative natural greenspace away from the SAC. It similarly establishes financial contributions from development to fund those measures. Based on the evidence before me, I have no reason to doubt that the measures set out for both SACs would be successful in mitigating the effects of the proposal.
21. Planning Practice Guidance (PPG) states that it is not possible for conditions to be attached to a grant of permission in principle and that planning obligations cannot be secured at this stage. However, there is no legal reason why an obligation cannot be entered into at any time. The appellant has provided two UUs, based on a template provided by the Council, and these would ensure that the required financial contributions towards mitigation for each SAC would be paid prior to the commencement of development, to be spent only for the purposes of that mitigation.
22. In conclusion on this main issue, the UUs would ensure that there would be no adverse effect on the integrity of the SACs. As the competent authority for the purpose of the habitat regulations, I am satisfied that, subject to compliance with other statutory requirements regarding the permission in principle process, permission in principle could be granted, as described in the PPG. The proposal would comply with Policy ES6 of the LP, which relates to the designated European Sites and requires appropriate mitigation.

Planning Balance

23. The Council state that it can demonstrate a 5.34 year supply of land for housing and that its housing policies can be considered up to date. The Council consider it is also meeting its duties under the Self Build and Custom Housebuilding Act in terms of maintaining a self-build register which it asserts

demonstrates that the numbers of planning permissions for self-builds exceeds the number on the register.

24. The appellant has raised numerous and significant concerns in respect of the Council's methodologies, particularly in light of recent changes in legislation relating to how such permissions are counted, and finds that no self build housing has been delivered under Policy HC3 of the LP. The Council have not provided substantive evidence in response to those concerns nor reassurances as to whether the requirements of the Act are being met in light of the recent legislative changes. In the absence of such information I cannot be satisfied that the Council's obligations under the Act are therefore being met or that the local plan policies insofar as they relate to self builds are not out of date, as alleged. On this basis I have no strong reason to reach a contrary view. The appellant alleges that the shortfall in self build plots could be as high as 112 plots and that the Council have met only a third of their requirement. This has not been disputed by the Council and the extent of the shortfall could therefore be very significant.
25. As such, the provisions of paragraph 11d) of the Framework are engaged, which state that where the policies which are the most important for determining the application are out-of-date, permission should be granted unless one of two criteria apply. The assessment of the proposal above finds that the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development. As such it should be considered whether the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The adverse impact of granting permission has been found to be conflict with the Council's spatial strategy due to the site's position beyond the defined edge of Nailsworth. However, as above, the site directly adjoins the settlement boundaries to three sides. While the routes towards services and facilities are often via narrow lanes with no designated footpath, and sometimes relatively steep, this is a defining characteristic of this part of Nailsworth and is shared with the vast majority of properties nearby, including those adjoining the site which lie within the settlement boundary. I observed that as a result of the nature of the lanes, vehicle speeds are generally slow and there is a high degree of surveillance over the lanes from surrounding houses and gardens. For these reasons, future occupants of the site would not necessarily be deterred from walking to the services and facilities of Nailsworth and its public transport links, and the site is reasonably well connected. For these reasons, and as the spatial strategy seeks to promote sustainable communities and reduce the need to travel elsewhere, I ascribe moderate weight to the conflict found with the Council's spatial strategy.
27. The proposal is intended to provide self build homes. There is no mechanism before me to ensure that they would be specifically for this purpose, other than the description of development. Nonetheless, it is relevant that the PPG explains that an application for TDC, at which point full planning permission would be granted, must be in accordance with the permission in principle that is specified by the applicant, and that planning obligations may be needed at that stage. I note the appellant's reference to another appeal decision where

this view was reached¹. In addition, the Self-build and Custom Housebuilding Act 2015 refers to development permissions as including permission in principle, which would be the case here if the appeal were to be allowed. On this basis, and in the absence of evidence of reason to reach a contrary view, the proposal would contribute towards the provision of self-build homes in the District. In addition, the size of the site is one which the Framework acknowledges can make an important contribution to meeting the housing requirements of an area, and which are often built-out relatively quickly. Given the likely substantial shortfall in these permissions, I therefore give significant weight to the provision of 2 to 4 self build homes which would be delivered by the proposal.

28. There would also be some economic benefits from the proposal arising from the construction process and on going expenditure into the local economy by future occupants. However, this benefit attracts moderate weight, given the scale of the proposal.
29. Taking these matters into account, the adverse impacts of granting the permission would not significantly and demonstrably outweigh the benefits, and the presumption in favour of sustainable development therefore applies. Even if the shortfall in self build permissions were not as severe as set out by the appellant, and if the weight given to the provision of self build homes were reduced to moderate, the outcome of this planning balance would remain the same. As such, there are material considerations of sufficient weight which would outweigh the conflict identified with the development plan.

Other Matters

30. The grade II listed building of Parkview lies to the west of the appeal site. This is a traditional cottage with a setting of existing surrounding houses as well as the more open countryside to the north. Given the distance of the appeal site from that building and intervening structures, the proposal would preserve its setting. I have had regard to the comments of the Council's Conservation Officer in reaching this view.
31. I note the concerns raised by third parties. The site is clearly one which both local residents and visitors to the area enjoy a view over towards the valley beyond. However, the specific effects of the proposal on these views and on the openness of the site would be matters to be considered at the TDC stage, subject to the layout, scale and design of the proposal. This would similarly be the case where the effects of the development on the living conditions of occupants of nearby properties are concerned.
32. Access to the site is not established at this stage, but there is not substantive evidence to suggest that the use of the existing road network to serve between 2 and 4 homes would cause unacceptable harm to highway safety, or that the impacts on the road network would be severe. The effects associated with the construction period would be temporary and conditions could be used if necessary at the TDC stage to help address those concerns. Details relating to biodiversity and protected species would also fall to be considered at Stage 2 of the process, as set out by the PPG.

¹ Appeal reference APP/P0119/W/21/3288893

33. The site may present challenges due to its gradient and the presence of an underwater spring. It is also reported that there is a lack of infrastructure to the site. However it is not apparent that these matters should provide reasons to withhold the grant of permission in principle and issues relating to the financial viability of the development are for the appellant.

Conditions

34. The PPG makes clear that it is not possible for conditions to be attached to a grant of permission in principle. While I note the comments of some consultees which include requests for conditions, for example relating to treatment of surface water, this would need to be considered at TDC stage, where conditions can be imposed.

Conclusion

35. The appeal scheme would not adhere to the development plan taken as a whole but material considerations, namely the Framework, indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, and having regard to all other matters raised, the appeal is allowed.

C Shearing

INSPECTOR

**Land at Southfield, Parsons Lane,
Crockerton, Warminster,
BA12 8AR**

Appendix III –

APP/Y3940/W/15/3028953

**Land at Arms Farm, High Street, Sutton
Benger, Wiltshire**

Appeal Decision

Hearing held on 3 December 2015

Site visit made on 2 December 2015

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 December 2015

Appeal Ref: APP/Y3940/W/15/3028953

Land at Arms Farm, High Street, Sutton Benger, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Arms Farm LLP against the decision of Wiltshire Council.
 - The application Ref 14/08888/OUT, dated 19 September 2014, was refused by notice dated 26 February 2015.
 - The development proposed is outline planning application for up to 60 dwellings with associated access work and public open space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the original planning application form. However, prior to the determination of the application the scheme was amended to an outline application for up to 28 dwellings, with all matters other than access reserved, on a smaller application site. Both parties agreed that this was the scheme subject to appeal and I have determined it on this basis.
3. The Council did not raise harm to the Sutton Benger Conservation Area (the Conservation Area) as a reason for refusal. Nonetheless, the access to the appeal site would be through Arms Farm, which is within the Conservation Area, and, as such, I am bound to consider this matter.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the Sutton Benger Conservation Area and the grade II listed Arms Farm complex; and
 - whether, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed.
-

Reasons

Heritage Assets

i) Listed Buildings

5. The Arms Farm complex comprises the Grade II listed stone built farmhouse and the imposing Grade II listed stone barn to the south of it. Immediately to the east, essentially connecting the farmhouse and barn, is what the List Entry describes as a stable range. Together these buildings are arranged as a u-shaped unit around a farmyard/crewyard, to form a traditional historic farmstead. The yard is further delineated by a low stone wall, which runs across the frontage with High Street and along the western boundary.
6. These buildings, like those of other farmsteads, do not have a grand, planned setting. However, the yard forms an undisputed part of the immediate setting to, and significance of, the listed buildings, being an historic, functional area of the farmstead as a unit. In addition, in my judgement, the way that the undeveloped field to the south of the complex flows up to the immediate edge of the barn, without any form of curtilage definition, is a characteristic feature of an historic agricultural unit. This longstanding association between the buildings and their farmland setting, directly accessible from the yard, is key to defining them, and understanding their significance, as a farmstead.
7. Existing development on Chestnut Grove, Gregory Close and Lee Crescent to the east impinges on this setting to some extent. Nonetheless, this is not sufficient to undermine the dominant sense of rurality that the undeveloped field still provides or to interfere with the clear linkage between the listed buildings and the associated farmland behind them. This association is readily apparent in views from the farm complex itself, from High Street and from the dwellings backing onto the appeal site from the streets mentioned above.
8. The appeal site would be accessed through the farmyard, with the access road curving through the middle of it. In my judgment, this would result in a clear, uncharacteristic division of the yard and a fundamental change in its character. From being an informal, functional part of the overall farm complex, the yard would be subdivided and dominated by a formal, modern domestic estate road serving up to 28 dwellings, with the attendant increase in comings and goings to which this would give rise. There would be a substantial intensification of domestic activity on, and a marked change of appearance to, the yard, which would be significantly at odds with, and to the detriment of, its historic character, role and function.
9. This would, in my judgement, harm the significance of the listing buildings. It would reduce significantly the size of the yard and, by diminishing its role to that of a busy thoroughfare characterised by a modern estate road, however surfaced, negate any understanding of its historic form and function. The complex's low key, utilitarian appearance would be altered fundamentally and the historic functional and spatial relationship between the yard, as setting, and the listed buildings would be compromised.
10. It was alleged that the access road would follow the approximate line of an historic route. This may be, but it is reasonable to consider that any such route would have been an informal track providing access for animals and/or

agricultural machinery from the yard into the farmland beyond. It would not have been a formally designed, busy, public, vehicular thoroughfare.

11. A planning permission for the Arms Farm complex, involving the renovation of the farm house and the conversion of the barn/stables to dwellings, has been implemented. No substantive works have taken place, but the plans associated with this scheme show what is, in my judgment, a sympathetic approach to securing what was agreed to be the optimum viable use of buildings. Although the site would, inevitably, take on a more domestic 'feel', the impact upon the yard, and thus the setting of the listed buildings is considerably less than that of the appeal scheme.
12. The access to the site, in relation to the implemented permission, would remain low key, with a front wall onto the street being retained. Although access to the field beyond would remain, this would be via a narrower, gravel drive linked to a larger parking and turning area within the yard. This would assist in retaining the historic functional and spatial linkages between the listed buildings and the yard. Given that the scheme would be for just four units, domestic activity would also be far less than would be the case were the proposed access road to the appeal site laid through the yard.
13. In terms of the appeal site itself, the proposed dwellings would be visible from dwellings on Chestnut Grove, Gregory Close and Lee Crescent, as well as from High Street. From these points it is currently possible to appreciate the listed buildings in the context of their immediate open farmland setting. The loss of this setting would, in my judgment, have an adverse impact upon the significance of the listed buildings by divorcing the barn in particular, and the farmstead in general, from its associated historic farmland from which it derives some of its significance.
14. The indicative layout submitted with the appeal scheme shows an area of open space immediately to the south of the barn, before the dwellings commence. Notwithstanding that this drawing is indicative only, the size of this open space is limited. This, combined with the mass of dwellings to the south and those on the eastern edge of the open space, does little to retain any real sense of connection between the barn and its rural setting.
15. An appeal decision¹ was presented to me that, it was suggested, demonstrates that the extent of an asset's setting can be overstated. This may be so in some instances. However, setting will vary considerably between assets and I am not persuaded that a judgment relating to a very different set of circumstances is applicable here.
16. There is a more modern dwelling to the immediate west of the farmyard/crewyard. However, this follows the historic pattern of relatively close knit ribbon development along High Street and does not, of itself, have any significant impact upon the character and appearance of the Arms Farm complex.
17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special

¹ 2200210

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

18. For the reasons set out above, I consider that the appeal proposal would harm the setting of the listed buildings, in terms of its impact upon the farmyard/crewyard and the field to the south. This would, in turn, harm the significance of the buildings. Although this harm would be less than significant, it would still be both real and serious. There would, therefore, be conflict with Core Policy 58 of the Wiltshire Core Strategy (the Core Strategy), which states that development should protect, conserve and, where possible, enhance, the historic environment.

ii) The Conservation Area

19. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
20. The Conservation Area covers the historic core of the village. Although there is some modern infill development, the Conservation Area is typically comprised of historic stone built dwellings situated close to High Street and Seagry Road. A number of historic farmsteads, including Arms Farm, are typical and characteristic features of the Conservation Area and are indicative of the village's historic rural enterprise and connection with its surrounding countryside. This is particularly apparent to the west of the village, beyond Gregory Close and Lee Crescent. Here, the undeveloped land sweeps up behind the buildings, which include Arms Farm and other former farm buildings, to the south of High Street and provides a distinctive rural setting to the Conservation Area, from which some of its significance derives.
21. Stone walls of varying heights form the dominant and characteristic front boundaries to the vast majority of plots. Roads within the Conservation Area are low key with little in the way of road markings or signage. The Arms Farm complex is a typical, visible and, notwithstanding its current condition, attractive feature of the Conservation Area and makes a positive contribution to it.
22. As noted above, the appeal site would be accessed through the farmyard, with the access road curving through the middle of it. The requirements for this would necessitate the removal of the entire stone wall between the limited curtilage of the farmhouse and the western boundary of the yard. A 5.5 metre wide access road, with a footway running along its eastern side out onto High Street as far as the existing bus stop, would be inserted. In addition, based on the plans before me², a substantial strip of coloured surfacing would be located along the middle of High Street for a considerable distance across, and either side of, the access.
23. The loss of a substantial section of characteristic stone walling and the introduction of coloured surfacing to the carriageway would appear as incongruous and atypical changes to the Conservation Area. In addition, the adverse effect of the appeal proposal upon Arms Farm, which is clearly visible

² An additional access plan was shown to me at the Hearing, which reduced the amount of coloured surfacing, but it was not submitted as evidence nor was any there any definitive evidence that it had been publicised or that the Council's highways section had seen it or agreed it.

from High Street, could not fail to detract from the character and appearance of the Conservation Area. Such harm would be less than substantial.

24. In addition, as noted above, I consider that the field to the immediate south of Arms Farm is an integral part of the setting of the listed barn. I also consider that this undeveloped land forms part of the setting to, and significance of, this part of the Conservation Area. I am in no doubt that the built impact of up to 28 dwellings on this site would be seen as an incursion into the open countryside that would cause harm, albeit less than substantial, to the setting of the Conservation Area.
25. There would, therefore, be conflict with Core Policy 58 of the Core Strategy, which states that development should protect, conserve and, where possible, enhance, the historic environment.

Whether an appropriate location

26. Sutton Benger is defined by Core Policy 10 of the Core Strategy, which relates to the Chippenham Community Area within which the village lies, as a Large Village. Large Villages are described by Core Policy 1 as '*settlements with a limited range of employment, services and facilities*' where development '*will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities*'. Based on all that I have read, heard and seen, I agree that Sutton Benger does indeed have a limited range of employment, services and facilities, as well as a limited bus service.
27. Nonetheless, the adopted development plan clearly gives Sutton Benger a role in the delivery of housing over the plan period. This appears to accord with the requirements of the National Planning Policy Framework (the Framework), which seeks to ensure that residential development in rural areas is located where it will enhance or maintain the vitality of rural communities³.
28. However, this is further caveated by Core Policy 2, which states that development outside the defined limits of these villages will not be supported, in advance of allocations being made through the Site Allocations DPD or Neighbourhood Plans⁴, other than where it meets certain specific exceptions, set out in paragraph 4.25 of the Core Strategy, which the appeal scheme does not.
29. The Council's precise concerns in relation to its reason for refusal in this regard are the appeal site's location outside the limits of development set for Sutton Benger and the scale of the proposal. Indeed, it was common ground that, on its face, the appeal proposal conflicts with Core Policy 2 in locational terms.
30. However, it was the Council's position for the purposes of this appeal that it was, following the suspension of the examination into the Chippenham Site Allocations DPD, unable to demonstrate a five-year supply of deliverable housing sites at this time. Paragraph 49 of the Framework is clear that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. As a policy that seeks to constrain development within

³ Paragraph 55

⁴ Both of which, insofar as they have a bearing on Sutton Benger, are at early stages and, thus, only to be afforded little weight.

defined limits, it is reasonable to consider that Core Policy 2 is a relevant policy for the supply of housing. As such, I do not consider that it can be regarded as up-to-date, which necessarily reduces the weight to be afforded to the constraints that it imposes and, thus, to the appeal scheme's conflict with them.

31. Turning to scale, Core Policy 10 makes provision for 'approximately' 580 dwellings to be provided across the Chippenham Community Area, outside Chippenham, over the plan period. It was confirmed at the Hearing that this figure is now 183, when completions and commitments to date are taken into account. Core Policy 10 sets out the 14 villages between which this figure needs to be divided but does not set out any specific distribution figures. The Council's approach in this respect is guided by Core Policies 1 and 2.
32. My considerations in relation to the weight to be attached to Core Policy 2 are set out above. However, it was not disputed that Core Policy 1 carries full weight and I have no reason to depart from this consensus. Nor do I have any reason to question the Core Strategy Inspector's view that the settlement strategy established by Core Policy 1 is appropriate.
33. As noted above, Core Policy 1 clearly recognises that Large Villages have a role to play in the delivery of housing during the plan period. It also recognises that it *'will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities'*. I was not provided with any evidence of the housing needs of the various Large Villages in the Chippenham Community Area. Nor was it disputed that some or all of the villages would need to accept further residential development, some of which would necessarily have to be beyond extant settlement limits, through the site allocations process.
34. I am mindful of the sizeable residential development that is currently being built out on the former poultry factory site in Sutton Benger and of the concerns of local residents about the potential impacts of further development upon local infrastructure and community cohesion. The Council confirmed that the former would be addressed through Community Infrastructure Levy (CIL) receipts and the S106 agreement. With regard to the latter, based on all that I have read and heard, Sutton Benger appears to be a thriving community and I was not presented with any substantive evidence to suggest that additional housing in the village had caused, or would lead to, a lack of cohesion.
35. The Council suggested that additional development in the village would give Sutton Benger a 'leading role' as a location for additional growth and that the appeal scheme would fail to accord with the Spatial Vision for the area, which seeks to develop *'stronger, more resilient communities based on a sustainable pattern of development'*. A number of appeal decisions where this was a consideration were drawn to my attention.
36. However, Sutton Benger is part of that pattern of development, being specifically identified as an appropriate location for new housing. What an appropriate level of development for each village may be is not for me to determine and will, ultimately, be a matter of judgment. Indeed, were the appeal to be allowed, the Council would still need to find sites for an additional 155 dwellings across the other 14 villages in the Chippenham Community Area. However, on the basis of the evidence before me, given the lack of specificity in relation to the disaggregation of residential development across the

Chippenham Community Area (beyond Chippenham), the lack of evidence that Sutton Benger is any less 'sustainable' than the other Large Villages, any clear indication that its specific local housing needs have been met, and taking the lack of demonstration of a five-year supply of deliverable housing sites into account, I cannot find any inherent conflict between the Spatial Vision and the addition of a further 28 dwellings at the village.

37. The appeal proposal would conflict with the requirements of the development plan, set out in Core Policy 2, being located beyond the defined settlement limits of Sutton Benger. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites, which reduces the weight to be given to this conflict. When looked at in the wider policy context set out in the Core Strategy, Sutton Benger is of itself an appropriate location for residential development and there is no substantive evidence before to suggest that an additional 28 dwellings, in the context of the overall requirement for the Chippenham Community Area, would be detrimental. I conclude, therefore, that (notwithstanding my findings above) having regard to the requirements of local and national planning policy for the delivery of housing, and being mindful of the Council's altered position with regard to five-year land supply, the appeal site is an appropriate location for the development proposed.

Other Matters

38. There was some limited debate about the degree to which the current settlement limits are out of date by virtue of their age. However, it was agreed that this was moot given the Council's position with regard to its five-year supply of deliverable housing land. Thus, it is not a matter that I have considered further.
39. Case law, and the requirements of national planning policy, in relation to the consideration of harm to heritage assets were drawn to my attention, being summarised in the Appellant's heritage statement. In short, this allows that a finding of harm in relation to heritage assets does not necessarily preclude the grant of planning permission. I concur and have taken this into consideration in my conclusions below.

Conclusion

40. I have found that although the appeal proposal conflicts with Core Policy 2, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed. However, I also found that the scheme would cause harm to the setting and heritage significance of the listed buildings at Arms Farm and would fail to preserve the character or appearance of the Sutton Benger Conservation Area. It would also harm the setting of the Conservation Area. Although these harms would be less than substantial, they would nonetheless be serious, individually and cumulatively, and I afford them very significant weight.
41. The appellant has advanced a number of benefits in support of the appeal scheme. In social terms, it would provide additional market and affordable housing. Given the Council's inability to demonstrate a five-year supply of deliverable housing sites, I give this factor significant weight.

42. It was also suggested that the scheme would improve village facilities, open space and walking and cycle links. However, there was no evidence that village facilities are in need of improvement, other than to accommodate the appeal scheme. Footway improvements are minimal and a mitigation requirement. No cycle infrastructure is proposed. As such, I give these factors little weight.
43. In environmental terms, it is suggested that the scheme offers opportunities for enhancement through landscaping, the removal of the dutch barn on the site and an increase in biodiversity in domestic gardens. However, landscaping would not overcome the fundamental incongruity of the appeal scheme in relation to the heritage assets. Albeit that it is not particularly intrusive, being a simple, open sided structure, the removal of the dutch barn would be of some benefit. Even so, I am not persuaded that the appeal scheme would be less intrusive and, as such, this is a matter to which I afford little weight.
44. It may be that there is potential for an increase in biodiversity through the creation of gardens, but there can be no certainty about how future residents may decide to construct their gardens and I give this matter little weight.
45. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out. Albeit that these jobs and investment would be transitory, this a matter to which I afford moderate weight.
46. The Council would also accrue CIL and New Homes Bonus (NHB) receipts. However, as the NHB is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between the spend of the NHB and Sutton Benger has been established, I do not consider that this factor attracts weight as a benefit in the planning balance. In addition, CIL is designed to offset the effects of new development on a locality. As such, it is mitigation not a benefit.
47. It was suggested that economic benefits would accrue to local shops and community facilities. However, the village has no shop and there was no evidence that community facilities are in need of additional finance other than to mitigate the effects of the development proposed. Thus, I give these factors little weight.
48. The benefits outlined above are not, in my judgement, sufficient to outweigh the harm that I have identified to the specified heritage assets. Placing these factors and all of the relevant material considerations in the balance, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. In the circumstances I conclude that the proposal would not represent a sustainable form of development. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Nathan McLoughlin	McLoughlin Planning
Mr Guy Kippen	McLoughlin Planning
Mr Edmund Stratford	EDP Ltd
Mr Carl Tonks	Carl Tonks Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Staincliffe	Wiltshire Council
Ms Caroline Ridgwell	Wiltshire Council
Ms Carolyn Gibson	Wiltshire Council
Mr Mark Henderson	Wiltshire Council

INTERESTED PERSONS

Mr Hugh Bellars
Dr Kay Taylor
Mr Alan Taylor

Mr Bellars also read out a statement on behalf of Mr Barry Worth, Chair of the Sutton Benger Neighbourhood Plan Core Group

DOCUMENTS SUBMITTED AT THE HEARING

1. Timetable for Bus Services through Sutton Benger
2. Revised Statement of Common Ground on Housing Supply Matters
3. Plans for conversion of Arms Farm barns and alterations to farm house
4. Breakdown of completions in Chippenham Community Area 2006 to date
5. Letter from McLoughlin Planning confirming change of appeal application description
6. Email from Wiltshire Council education regarding capacity at local schools
7. Site Location and Boundary plan for appeal site

**Land at Southfield, Parsons Lane,
Crockerton, Warminster,
BA12 8AR**

Appendix IV –

APP/P0240/W/25/3367312

**171 Castle Hill Road, Totternhoe,
Dunstable, Bedfordshire LU6 1QQ**



Appeal Decisions

Site visit made on 10 August 2025

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2025

Appeal A Ref: APP/P0240/W/25/3367312

171 Castle Hill Road, Totternhoe, Dunstable, Bedfordshire LU6 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Shane Reilly against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01659/OUT.
 - The development proposed is the adaptation of existing highways access point from Castle Hill Road and creation of new access road to serve proposed development of three new detached chalet style bungalows with garaging, parking and turning areas.
-

Appeal B Ref: APP/P0240/W/25/3367314

171 Castle Hill Road, Totternhoe, Dunstable, Bedfordshire LU6 1QQ

- The appeal is made under section 78 of the Act against a refusal to grant permission in principle.
 - The appeal is made by Mr Shane Reilly against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/03467/PIP.
 - The development proposed is permission in principle: construction of 3 retirement bungalows.
-

Decisions

1. Appeal A is allowed and outline planning permission is granted for the alteration to existing access from Castle Hill Road and creation of a new access road to serve proposed development of three new detached chalet bungalows with garaging, parking and turning areas with all matters reserved except access at 171 Castle Hill Road, Totternhoe, Dunstable, Bedfordshire LU6 1QQ in accordance with the terms of the application, Ref CB/24/01659/OUT, subject to the conditions in the attached schedule.
2. Appeal B is allowed and permission in principle is granted for the construction of 3 retirement bungalows at 171 Castle Hill Road, Totternhoe, Dunstable, Bedfordshire LU6 1QQ in accordance with the terms of the application, Ref CB/24/03467/PIP.

Preliminary Matters

3. Appeal A seeks outline planning permission, with all matters reserved except for access, while Appeal B seeks approval of permission in principle (PiP). Both appeals relate to the same site.
4. The description of development set out above for Appeal A reflects that specified on the planning application form. While the descriptions of development found on the decision notice and the appeal form differ slightly, they essentially relate to the same development. None of the versions specify the group of people who would occupy the dwellings proposed in Appeal A. The Design and Access Statement says that they would be for retired people, but the appellant's Statement of Case states that they would provide three self-build plots. That latter reflects the Council's determination, so I have determined Appeal A on this basis.

5. The plans submitted for Appeals A and B show that the same broad layout and type of development are proposed in each case. The key differences are who would occupy the homes if the appeals are allowed and that the design of each dwelling subject of Appeal A would be determined by the initial occupier.
6. The Planning Practice Guidance (PPG) advises that PiP is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has two stages: the first stage (or PiP stage) establishes whether a site is suitable in-principle, and the second technical details consent (TDC) stage is when the detailed development proposals are assessed. Only when a related TDC is subsequently granted is planning permission granted, unlike when outline planning permission is granted, that is the planning permission. Appeal B relates to the first of the PiP stage, and my consideration of that 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 PiP is granted.
7. During the appeal I wrote to the main parties raising my concerns about the validity of Appeal A as a result of the self-build plots not being secured as such and there being a consequential requirement to deliver Biodiversity Net Gain (BNG). I have taken both parties' comments into account.
8. Two signed and dated Unilateral Undertakings under section 106 of the Act have been submitted in respect of Appeal A (UU SB and UU SAC). These seek to secure a mitigation payment for the proposal's adverse ecological impacts on the Chiltern Beechwoods Special Area of Conservation (SAC) and the provision of three self-build homes. A signed and dated Unilateral Undertaking (UU PiP) also under s106 of the Act has also been submitted in connection with Appeal B. The UU PiP seeks to secure a mitigation payment towards the SAC. I shall consider the UU SB and UU SAC, and UU PiP in reaching my decisions.

Main Issues

9. The main issues in respect of Appeal A are: (a) whether the proposal development would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework); (b) whether the proposal is required to deliver BNG, and if so, would the proposal achieve that; and (c) the effect of the proposal on the SAC.
10. The main issue for Appeal B is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, but I shall also have regard to the proposal's effect on the SAC.
11. While each appeal has its own main issues, I shall consider the merits of both proposals together, owing to the commonality of the development proposed and the content of national and local planning policy.

Reasons

Whether inappropriate development

12. The appeal site lies in an area washed over by the South Bedfordshire Green Belt. Here, Policy SP4 of the Central Bedfordshire Local Plan 2015 – 2035 (LP) states that within the Green Belt there is a general presumption against inappropriate development. Development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and PPG.
13. Totternhoe is identified as a 'large village' in the LP. However, because it is

washed over by the Green Belt, there is no defined settlement envelope. This means that it is a matter of judgement as to whether the appeal site lies within Totternhoe. This part of the village is characterised by ribbon development with 'pockets' of development that are more built up. The appeal site lies behind the continuous frontage of residential properties that line the southern side of Castle Hill Road. The site is also close to the denser grain of development on Brownlow Rise and Castle Close to the north and the finger development of Bridgewater Close and the residential park homes of Poplar Farm Park and Brookfield Park. Therefore, I consider the appeal site to be within the village of Totternhoe.

14. While the Framework does not define the terms 'limited' and 'infilling', the quantum of development proposed in Appeals A and B would be limited. Further, applying the reasonable approach to how infilling should be considered as set out in LP paragraph 8.6.3, the bulk of the appeal site lies behind 171 and 173 Castle Hill Road, and both schemes would use an existing driveway to facilitate access to the proposed dwellings. As such, that driveway, whilst small, is not a gap in the built-up frontage of Castle Hill Road as it already facilitates access to No 171. Further, the western boundary of the appeal site is not built-up owing to the looser grain of development that exists behind the ribbon development along Castle Hill Road. Therefore, despite the residential development along Bridgewater Close, the appeal site is not part of a built-up frontage. Hence, despite the type and amount of development proposed, its location would mean that the proposals would not accord with Framework paragraph 154 e).
15. The appellant claims the current lawful use of the site to be a residential garden / domestic gardens. I have no reason to disagree. Given this and as the appeal site lies within the village, the land is not previously developed land according to the Framework definition. While there is no definition of what a 'built-up area' is, I consider that to include settlements such as villages, towns and cities, albeit that is not an exhaustive list. The proposal would not accord with Framework paragraph 154 g) regardless of the effect of the proposals on the openness of the Green Belt due to its location and land use.
16. Framework paragraph 155 explains that the development of homes in the Green Belt should also not be regarded as inappropriate where all the relevant criteria apply. There is no dispute that the proposal would utilise grey belt land, nor is there a dispute about purpose e). I agree. In terms of purpose c), the proposal would not assist in safeguarding the countryside from encroachment due to the additional built form (dwellings and infrastructure) that is proposed, which would extend the ribbon development on Castle Hill Road southwards and westwards from the development on Bridgewater Close. The combination of both would see development encroach onto land with an open rural character. However, when the purposes are taken together, the proposal would not fundamentally undermine them, as the encroachment caused would be relatively well contained by existing field boundaries that are lined by established vegetation.
17. The Council accepts that it is currently unable to demonstrate a five-year supply of deliverable housing sites following a material change in circumstances for two sites in the Council's trajectory that the Council now accepts should be removed. The Council says that it can demonstrate a supply of 4.85 years, which means, having regard to footnote 56 of the Framework, there is a demonstrable unmet need for the type of development proposed in Appeals A and B.

18. The appeal site would be in a sustainable location, having regard to Framework paragraphs 110 and 115, as, despite its rural location, future occupiers would be able to access bus services on Castle Hill Road using footpaths. Those services would provide an alternative to using private vehicles to access a range of facilities and services for future occupiers' day-to-day needs.
19. Framework paragraph 155 d) is not relevant to either proposal, as they are not major development. This, together with my findings in respect of the other criteria in this paragraph means that the proposals are not inappropriate development in the Green Belt. Therefore, it is not necessary for me to consider the proposals effect on the openness of the Green Belt, and accordingly, I conclude the development proposed in Appeals A and B would not be inappropriate development in the Green Belt, having regard to the development plan and the Framework. As such, the proposals would comply with LP Policy SP4, Policy T1 of the Totternhoe Neighbourhood Plan (NP), and Framework paragraph 155.

BNG – Appeal A

20. Under Schedule 7A of the Act, applications for planning permission are required to show a 10% BNG. LP Policy EE2 and NP Policy T8 require development proposals to provide a net gain in biodiversity.
21. However, dwellings that are self-build or custom-build houses as defined by Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (the 2015 Act) are exempt from the mandatory 10% BNG. Self-build and custom-build dwellings are both where an individual, an association of individuals, or persons working with or for individuals or associations of individuals build or complete houses to be occupied as homes by those individuals. The initial owner of the home must have primary input into its final design and layout, and developments must consist of no more than nine dwellings and be on a site that has an area no larger than 0.5 hectares.
22. It is necessary to secure the proposed homes as custom/self-build housing firstly because it would reflect what has been applied for, but also because it enables the demand for this type of housing to be met, and because this type of housing is an exemption to the mandatory provision of 10% BNG that must be secured at outline stage if it is required rather than through a later reserved matters application¹.
23. The appellant says that the provision of custom/self-build housing can be secured through a planning condition and cites the Compton Nursery appeal decision in favour of that approach. However, such a condition would not satisfy the tests of 'enforceable' and 'precise' as it would not require compliance in accordance with the legal definition of custom/self-build homes as found in section 1(A1) of the 2015 Act. My view is broadly consistent with the findings in the appeal decisions at 59 Manor Road and land adjoining the Causeway. Therefore, I conclude that the most appropriate way of securing the necessary certainty is through UU SB.
24. UU SB would secure the provision as it defines the dwellings to be provided to the legislative definition. Hence, the homes could not be acquired from a person who builds homes wholly or mainly to plans or specifications decided or offered by that person. The outline nature of the proposal would also enable the initial homeowner to have primary input into its final design and layout and secure reserved matters approval for it if I were minded to allow the appeal. Hence, UU SB satisfies the

¹ PPG Paragraph: 003 Reference ID: 74-003-20240214

three tests found in Framework paragraph 58 and is material to my decision. I conclude, therefore, that there is a valid exemption to the otherwise mandatory 10% BNG, and no conflict would arise with LP Policy EE2, NP Policy T8, Section 15 of the Framework, and Schedule 7A of the Act.

SAC

Appeal A

25. The SAC is made up of nine separate sites, and the appeal site lies within the 12.6km Zone of Influence of the SAC. The qualifying features of SAC are beech forests (beech forests on neutral to rich soils), semi-natural dry grasslands and scrubland facies on calcareous substrates (dry grasslands and scrublands on chalk or limestone), and the stag beetle. The SAC is the most extensive area of native beech woodland in England, and the stag beetle is the UK's largest terrestrial beetle. The Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) is part of the SAC.
26. Although the proposal is not directly connected with or necessary for the nature consideration of the SAC, the cumulative effects of housing growth will have a likely significant effect due to the recreational pressures on the SSSI due to its public accessibility, and that pressure can impact the site's designated features and thus its integrity. The proposal would contribute to an in-combination adverse effect on the SAC's qualifying features, owing to its proximity to the SAC because of the likely extra recreational pressures arising from future occupants of the proposed dwellings.
27. Mitigation and avoidance measures are therefore necessary. Among others, these seek to deflect visitors away from the SSSI, to reduce recreational impacts, and to better manage visitor distribution and numbers within the SAC. To achieve the measures, contributions towards the Strategic Access Management and Monitoring (SAMM) and Strategic Alternative Natural Greenspace are necessary. The UU SAC secures the contributions that satisfy the tests for doing so in Framework paragraph 58.
28. As such, the effect of the additional recreational disturbance arising from the proposal would be appropriately mitigated to ensure that the proposal will not adversely affect the integrity of the SAC. The proposal would therefore accord with LP Policy EE3 and section 15 of the Framework, as no adverse effect would be created with the mitigation secured.

Appeal B

29. The PPG² clearly explains that PiP must not be granted for development which is habitats development. It sets out that for sites where development is likely to have a significant effect on a qualifying European site without any mitigating measures in place, the competent authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the competent authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the PiP process, it can grant PiP. While the effect on the SAC was not specifically put forward by the Council as a reason for the refusal, I am the competent authority, and given the duty placed upon me, I sought

² Paragraph: 005 Reference ID: 58-005-20190315

the parties' comments and have had regard to them in reaching my decision.

30. The reasons set out above in relation to this main issue and Appeal A also apply to the proposal subject of Appeal B; hence, it is 'habitats development' having regard to Article 5B(5) of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended). Habitats development means development which is likely to have a significant effect on a qualifying European site, as defined by regulation 8 of the Conservation of Habitats and Species Regulations 2017 (the Regulations), either alone or in combination with other plans or projects. Therefore, despite the approach set out in the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest, an appropriate assessment is required.
31. I cannot be satisfied that there would not be any significant adverse effects on the integrity of the SAC. The PPG³ also explains that planning obligations cannot be secured at the PiP, yet they may be needed at the TDC stage. However, adopting this approach would mean that I would not have the necessary certainty in carrying out the appropriate assessment that an adverse effect on the SAC's integrity would be avoided, nor am I sure that the mitigation would be forthcoming. The appellant has therefore submitted the UU PiP, given that there is no legal reason why an obligation cannot be entered into at any time to provide certainty that the necessary mitigation will be forthcoming at the TDC stage.
32. The UU PiP would secure the appropriate mitigation for the proposal's effect on the SAC, and it satisfies the tests set out in Framework paragraph 58. Thus, the effect of the additional recreational disturbance arising from the proposal would be appropriately mitigated to ensure that the proposal would not adversely affect the integrity of the SAC. On this basis, the proposal would accord with LP Policy EE3 and section 15 of the Framework, as no adverse effect would be created with the mitigation secured.

Other Matters

33. I note the concerns about the proposal's effect on the character and appearance of the area, but the appeal site provides opportunity for suitably designed schemes to come forward whilst respecting the rural character that abuts the site. Furthermore, the likely layout could be broadly consistent with local developments that project southwards from Castle Hill Road.
34. The design of the proposed dwellings is not a matter before me, but detailed designs could ensure that neighbouring and future occupiers' privacy could be maintained. I am also content, given the residential uses adjoining the site, that a comparable use would not give rise to unacceptable noise and light pollution, bearing in mind the likely number of vehicle movements.
35. I understand the concerns regarding visibility at the junction of the proposed access and Castle Hill Road, but subject to the imposition of conditions on Appeal A, adequate visibility can be secured. Those same provisions could be secured at TDC for Appeal B. Revisions made to both schemes show that the dwellings proposed subject of Appeals A and B could be accessed using an access wide enough for an initial section to allow for two-way movements off the highway. Furthermore, given the outline nature of Appeal A and the need for TDC approval for Appeal B, I consider the site could accommodate each scheme's dwellings with

³ PPG Paragraph: 022 Reference ID: 58-022-20180615

adequate parking provision and suitable turning space.

36. I have no reason to disagree with the Council's assessment that the Council's District Licence for Great Crested Newts would secure the favourable conservation status of this species. Planning conditions could be imposed, including at the TDC stage, to secure integrated bat and bird bricks, which would be alongside the retention of existing vegetation around the site. Other ecological measures could potentially be included as part of a reserved matters scheme or at the TDC stage.
37. Despite concerns about the proposed type of housing, NP Policy T2 supports self- and custom-build housing like that proposed here. This policy also supports the delivery of smaller one-, two-, and three-bedroom homes for specific parts of the community. The proposals would be able to achieve all these objectives given the indicative detail submitted and as self- and custom-build housing in Appeal A has been secured. Furthermore, the Framework establishes that the provision of self- and custom-build homes should be viewed in the context of delivering against the minimum number of homes needed rather than a maximum.

Conditions – Appeal A

38. Along with the standard conditions when granting outline planning permission, I have imposed a condition to secure full details of access/junction arrangement in the interests of highway safety and a condition regarding the approved plans. Conditions are also necessary to help inform the reserved matters submission so that satisfactory details are secured for parking, turning, and refuse receptacles and collection, in the interests of highway safety, and so that a written archaeological scheme of investigation is secured, in the interests of archaeology. A condition is necessary to secure biodiversity enhancements through new wildlife features. To minimise construction impacts, conditions are necessary so that the development accords with the Council's codes of practice.
39. Conditions requiring electric vehicle charge points and a scheme of fire safety measures are not necessary, as they are addressed through building regulations.

Conclusions

40. I conclude that the proposal subject of Appeal A accords with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, I conclude that Appeal A should be allowed.
41. In respect of Appeal B, having considered the matters of location, the proposed land use and the amount of development, I have not identified conflict with the development plan, and having considered all other material considerations, including the Framework, I conclude that Appeal B should be allowed. It is not possible for conditions to be attached to a grant of PiP. The default duration for permission is three years. Any other matters can be addressed at the TDC stage.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS – APPEAL A

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development shall be carried out in accordance with the following approved drawing insofar as it relates to site access: 22/453/01 REV E.
- 4) Any reserved matters application shall include full details of the access/junction arrangements shown on drawing number 22/453/01 REV E. No dwelling approved under any subsequent reserved matters application shall be occupied until such a time as the approved works, including the provision of visibility splays of 2.4m x 43.0m to the west and 2.4m x 39.0m to the east, clear of obstruction, have been implemented in accordance with the approved details.
- 5) Any subsequent reserved matters application shall include the following:
 - vehicle parking and garaging in accordance with the Council's standards applicable at the time of submission;
 - cycle parking and storage in accordance with the Council's standards applicable at the time of submission;
 - a refuse collection point located at the site frontage outside of the public highway and any visibility splays;
 - a vehicular turning area within the curtilage of all premises taking access directly from the public highway; and
 - a scheme for the provision of waste receptacles for each dwelling.
- 6) Any subsequent reserved matters application shall include an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences. The scheme, its aftercare and maintenance, shall be carried out in accordance with approved details.
- 7) The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors' or any subsequent document that replaces it.
- 8) The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice' or any subsequent document that replaces it.
- 9) PART A: No development shall take place until an archaeological Written Scheme of Investigation (WSI). The WSI shall contain the following components:
 1. a method statement for the investigation of any archaeological remains that will be affected by the development; and
 2. an outline strategy for post-excavation assessment, analysis, archive preparation and publication, including details of the timetable for each stage of the post-excavation works.

The development hereby permitted shall be carried out in accordance with the approved WSI.

Part B: This condition shall only be fully discharged when:

1. all elements of the archaeological fieldwork have been undertaken and the date of completion has been confirmed in writing by the Local Planning Authority.
2. the post-excavation assessment, analysis and final archaeological report has been submitted to and approved in writing by the Local Planning Authority. This shall be done within 12 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority.
3. the preparation of the site archives (including the production of an archive report) for deposition at stores approved by the Local Planning Authority has been undertaken and confirmed in writing by the Local Planning Authority. For the digital archive this will include confirmation of the intention to deposit with a CoreTrustSeal certified repository dedicated to storing archaeological archives.
4. the publication report text has been prepared for submission to a recognised archaeological journal, or an approved final archaeological report is submitted for inclusion in the Historic Environment Record, and this has been confirmed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, items 3, and 4 of Part B of this condition shall be completed within 2 years of the archaeological fieldwork date of completion.

END OF SCHEDULE

**Land at Southfield, Parsons Lane,
Crockerton, Warminster,
BA12 8AR**

Appendix V – APP/X1545/W/25/3367949

**Land adjacent The Old Forge and
Thornley Cottage, Burnham Road,
Althorne,
Essex CM3 6DP**



Appeal Decision

Site visit made on 7 November 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/X1545/W/25/3367949

Land adjacent The Old Forge and Thornley Cottage, Burnham Road, Althorne, Essex CM3 6DP

- 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 Mr R Thame against the decision of Maldon District Council.
 - The application Ref is 24/00912/FUL.
 - The development proposed is construction of new dwelling and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for construction of new dwelling and associated development at land adjacent The Old Forge and Thornley Cottage, Burnham Road, Althorne, Essex, CM3 6DP in accordance with the terms of the application, Ref 24/00912/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's second reason for refusal related to the lack of suitable mitigation in relation to European sites. An updated Unilateral Undertaking (UU1) was submitted with the appeal. I will return to this matter later in my decision.
3. Under paragraph 15 of the new Schedule 7A of the Town and Country Planning Act 1990, all developments are now required to achieve a 10% biodiversity net gain (the 'biodiversity objective'), unless one of the various exemptions applies. The appellant indicated on the planning application form that the proposal would be exempt from the biodiversity objective, due to the development being self-build. However, there was no mechanism submitted to secure the development as a self-build dwelling. The appellant submitted a revised Unilateral Undertaking (UU2) in this regard on the 28 November 2025, and the Council has had the opportunity to comment on it.

Main Issues

4. The main issues are:
 - whether the appeal site is in a suitable location for the development proposed when considering the Council's spatial strategy and the accessibility of services and facilities;
 - the effect of the proposal on the integrity of European sites; and
 - whether there are any other considerations, that might outweigh any harm arising from the appeal proposal.

Reasons

Location

5. There is no dispute between the parties that the appeal site is outside of any settlement boundary as defined in the Maldon District Approved Local Development Plan 2014-2029 July 2017 (LDP). Therefore, for the purposes of the development plan, the site is located within the countryside. Policy S8 of the LDP states that planning permission for development in the countryside will only be granted in specific circumstances and where the intrinsic character and beauty of the countryside is not adversely impacted. It has not been asserted that any of the permissible circumstances set out under Policy S8 are applicable in this case and thus the proposal would conflict with it.
6. Policy S2 identifies that strategic growth will be focused in the main settlements where it will be most accessible and in the case of rural villages, where it would support rural housing needs, local services and facilities and the rural economy. Neither the appeal site nor Althorne as a settlement is referred to under Policy S2 of the LDP.
7. Policy S1 of the LDP seeks, amongst other things, that housing is delivered in the most sustainable locations and that the need to travel is minimised and where travel is necessary, sustainable modes of transport are prioritised.
8. The appeal site sits between existing residential development along the northern side of Burnham Road and during my site visit I noted that whilst outside of the defined settlement boundary, it appears as being within the settlement of Althorne, visually and spatially. Althorne is a small village where I witnessed a playing field, village hall, public house and church during my site visit, that could be accessed on foot from the appeal site, using the pavement. Nevertheless, I recognise that the village benefits from a limited range of services and facilities that would not meet day to day needs.
9. I noted the bus stop within walking distance of the appeal site. The appellant asserts that there are fairly regular bus services to both Chelmsford and Burnham-on-Crouch which would provide access to larger settlements by means other than the private car. Nevertheless, I do not have a timetable of services before me and interested parties raise that the frequency of services has reduced and that the bus stop nearest to the appeal site is not served by the main bus service.
10. There is a railway station at Althorne, however, it is outside of the village and due to distance and the rural nature of the road that leads to it, it is likely that future occupants would drive to it. Cycling may be an option for some, but due to the rural, winding roads that are largely covered by the national speed limit, it is likely that it would not be an option accessible to many. Burnham-on-Crouch is around a ten minute drive from the appeal site where a wider range of facilities and services can be accessed. It is asserted that the nearest primary and secondary schools are also a short drive away of between five and ten minutes.
11. Based on the factors above, I find that future occupants would be reliant on the private car to access most of their day to day needs, meaning that whilst there may be some limited accessibility by sustainable modes of transport, it would not be prioritised, as required by Policy S1 of the LDP. My consideration of this matter

is consistent with two previous appeal decisions on the appeal site in 2017 and 2021 where the Inspectors came to similar conclusions.

12. The appellant has referred me to a planning application at a site opposite the appeal site before me now, which is for the delivery of a mixed use development of up to 750 dwellings and 1000 square metres of commercial space, early years facility, education provision, parks and allotments. Nevertheless, it is confirmed that this is currently pending consideration. Therefore, at this time it does not alter my conclusions set out above.
13. I therefore find that the appeal site is not in a suitable location for the development proposed when considering the Council's spatial strategy and the accessibility of services and facilities. The proposal would be contrary to Policies S1, S2 and S8 of the LDP, the relevant aims of which are set out above.

European sites

14. The appeal site is located within the zone of influence of Foulness Estuary Special Protection Area (SPA) and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site and Dengie SPA and Ramsar site. These European sites are recognised for their value as coastal habitats which support internationally important populations of bird species including breeding and non-breeding birds and are protected under the Conservation of Habitats and Species Regulations 2017. The proposed dwelling would be likely to increase disturbance to them through additional recreational pressure. In combination with other developments, the proposal would therefore lead to a likely significant effect on the European sites.
15. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document May 2020 (SPD) has been prepared. The SPD is endorsed by Natural England and sets out a strategic approach to mitigation which includes a tariff-based requirement to fund measures to mitigate the potential adverse effects on the qualifying features of the European sites.
16. The appellant has provided UU1 with the appeal. The Council has reviewed UU1 and confirmed that it is satisfied that it resolves the concerns raised under its second reason for refusal. I concur with the Council and find that appropriate mitigation has been secured through this legal agreement. Any potential adverse effects would therefore be mitigated and harmful effects on the European sites would be avoided. Following my appropriate assessment, I am satisfied that the proposal would not adversely affect the integrity of the European sites. The proposal would therefore comply with Policy N2 of the LDP which requires that an assessment in accordance with the relevant legislation is undertaken.

Other considerations

17. There is no dispute between the parties that the Council cannot currently demonstrate a sufficient housing land supply with the supply currently identified as 2.7 years. I find this to be a significant shortfall.
18. The application of policies in the National Planning Policy Framework (the Framework) that protect areas or assets of particular importance do not provide a clear reason for refusing the proposal. Consequently, Paragraph 11 d ii. of the Framework is engaged, which states that permission should be granted unless the

adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole, whilst having particular regard to key policies, including directing development to sustainable locations.

19. The proposal would contribute one self-build dwelling to the housing supply, which would be a small but important contribution, in light of the current housing land supply position. This attracts significant weight in favour of the proposed development. There would also be some modest economic benefits through the construction phase and after with future occupants spending in the local area. Paragraph 83 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. The Framework also recognises that development in one village may support services nearby. Whilst one dwelling is a limited contribution it would still add a new home which would appear as being within the village of Althorne. This would provide some social benefits to the existing rural community. Cumulatively, I attribute significant weight to the benefits.
20. In terms of harms, the appeal site would be located outside of the defined settlement boundary. I recognise that the planning system should be genuinely plan led, nevertheless, the absence of a sufficient housing land supply indicates that housing requirements are not currently being met within settlement boundaries. This tempers the harm related to the location of the site outside the defined boundary, particularly given the site appears as being within the village on the ground. I therefore attribute limited weight to the conflict with the spatial strategy.
21. Paragraph 110 of the Framework states that the planning system should actively manage patterns of growth in support of objectives including the promotion of sustainable transport modes. Whilst some services and facilities could be accessed from the appeal site by sustainable modes of transport, these would be limited. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, even when considering this approach, the accessibility of the site utilising sustainable modes of transport would be limited. I therefore attribute significant weight to the conflict with this Framework objective.
22. Accordingly, I find that in the specific circumstances of this case, the cumulative adverse impacts of the proposal would not significantly and demonstrably outweigh the cumulative benefits. This is a material consideration that indicates the appeal should be determined otherwise than in accordance with the development plan.

Other Matters

23. Concerns are raised by interested parties about the effect of an additional access, with regard to highway safety, due to the higher traffic frequency and speeding that occurs. Whilst the Highway Authority may have objected to previous schemes on visibility grounds, the details of those proposals are not before me nor are the full consultation responses or the policies or guidance in place at that time. The Highway Authority do not object to the appeal proposal before me now, subject to conditions being imposed. There is no compelling evidence before me which suggests I should take a different view on this matter.

24. An objection is raised regarding the effect of the proposal on the daylight reaching windows in the side elevation of Thornley Cottage and the level of privacy that would be maintained. The side elevation of the proposed dwelling would run parallel to the side elevation of Thornley Cottage, extending further to the rear. Nevertheless, the proposed dwelling would be set off from the side boundary and would be limited in height to one storey with accommodation in the roofspace. The main roof would slope away from the side boundary. The proposed dwelling would drop in height to single storey only at the rear.
25. Obscure glazing is proposed for both windows in the side elevation which would both serve bathrooms, and the obscuration of the first floor window could be secured by planning condition. The condition of the rooflights could also be subject to a planning condition to prevent issues of overlooking. Overall, whilst I understand the neighbour's concerns given the outlooks from the windows in the side elevation of the neighbouring property, across the open and undeveloped area adjacent, would be lost, I concur with the Council's assessment that there would be no unacceptable harm in relation to the effects on the living conditions of neighbouring occupiers, that would warrant the refusal of the scheme.
26. I note that there have been a number of applications refused by the Council at the appeal site since 1990 and I have considered the previous appeal decisions referred to me. When the 2021 appeal was dismissed, the housing land supply shortfall was marginal, at 4.9 years. In the 2017 appeal decision there was no shortfall in the housing land supply identified. The housing land supply shortfall is much more significant currently and therefore it weighs differently in the planning balance when compared to the circumstances in those previous decisions. I must consider the appeal before me on its individual merits at the current point in time.

Conditions and Planning Obligations

27. The Council has suggested 18 conditions in the event that the appeal be allowed. I have considered these in light of the requirements of the Framework and the advice set out in the Planning Practice Guidance, and made minor amendments to their wording if and where appropriate. In addition to the standard time limit, a condition setting out the approved plans is necessary to provide certainty.
28. Conditions are imposed to require external materials, finished level details and hard and soft landscaping to ensure an appropriate visual appearance. These are necessary before works above slab level take place to ensure a cohesive scheme. I have also identified other boundary treatment details as a requirement in the interests of neighbouring amenity. Two additional conditions are imposed relating to the obscuration of a window at first floor level in the side elevation and rooflight details in the interests of preventing overlooking of the neighbouring property.
29. Conditions requiring surface and foul water drainage schemes are necessary to ensure the site is properly drained. A Biodiversity Enhancement Strategy, lighting details and a requirement that mitigation and works are carried out in accordance with the submitted Ecological Survey and Assessment are necessary in the interests of biodiversity.
30. Conditions requiring that visibility splays are provided, that the access point is of a suitable width and material and that the highway is kept clear of materials during the construction phase are necessary in the interests of highway safety. A condition requiring cycle parking is necessary in the interests of promoting

sustainable transport. A condition setting out what is required in the event that contamination is found during the course of construction is reasonable in the interests of the environment.

31. I have not imposed the suggested condition restricting permitted development rights for extensions and outbuildings. Whilst the Council refer to character and appearance and neighbouring residential amenity, I have not been provided with any significant justification for this condition, nor has any evidence been provided which details why the limitations imposed by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) would not be sufficient to avoid any significant harm in this case. This approach is in accordance with paragraph 55 of the Framework which is clear that permitted development rights should not be withdrawn unless there is clear justification to do so.
32. I have not imposed a condition relating to the provision of a Travel Information Pack due to the development being a self-build dwelling.
33. I am content that the submitted UU1 would provide appropriate mitigation in respect of European sites and that UU2 would secure the scheme as a self-build development which is necessary to comply with the biodiversity objective exemptions. I find that both UU1 and UU2 would be necessary to make the development acceptable, that they are directly related to the development and fairly and reasonably related in scale and kind. I have therefore taken both of them into account in my consideration of the appeal.
34. Two informatives are suggested by the Council. I have not attached these to the list of conditions as they would have no legal weight. Nevertheless, I am satisfied that the appellant has seen these, given they were included in the Council's list of suggested conditions.

Conclusion

35. I have found above that limited weight should be attributed to the conflict with the spatial strategy. Nevertheless, given the aim set out under Policy S1 of the LDP to minimise travel and where travel is necessary, that sustainable modes of transport are prioritised aligns with the aims of the Framework, I attach significant weight to the conflict with this element of the policy. Consequently, the proposal would be contrary to the development plan taken as a whole.
36. However, given the current housing land supply position, I attribute significant weight to the provision of a dwelling which would appear as being within the settlement and which would add to the vitality of an existing rural community. As a result, I find that the cumulative weight of adverse impacts would not significantly and demonstrably outweigh the cumulative benefits, when assessed against the Framework taken as a whole.
37. I therefore find that material considerations indicate that the appeal should be determined otherwise than in accordance with the development plan. The appeal is therefore allowed subject to conditions.

G Dring
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: 200 Rev 00, 201 Rev 00, 202 Rev 01 and 203 Rev 00.
- 3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to development above slab level of the dwelling hereby approved, full details of both the finished levels, above ordnance datum, of the ground floor of the proposed building and of the finished garden levels and hard and soft surfaces in relation to existing ground levels shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above slab level shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works:

- 1) Details of walls with brick types, construction design and dimensions.

- 2) Details of all other boundary treatments including location, materials and specifications.
- 3) Details of paved surfacing, with materials finishing and edgings.
- 4) Timing for undertaking the works.

The hard landscape works shall be implemented in accordance with the approved details.

- 6) No development works above ground level shall occur until details of the rooflights in the western facing roof slope are submitted to and approved in writing by the local planning authority. The details shall include the height of the rooflight above the floor of the room in which it is being installed and the glazing and opening specifications. The development shall be completed in accordance with the approved details prior to occupation and retained as such thereafter.
- 7) The dwelling hereby permitted shall not be occupied until the window at first floor level in the western elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is being installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

The Applicant is advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network the Applicant will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 9) No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed

in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

- 10) No development works above ground level shall occur until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs or product descriptions to achieve stated objectives;
 - c) Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) Timetable for implementation demonstrating that works are aligned with the development;
 - e) Persons responsible for implementing the enhancement measures;
 - f) Details of initial aftercare and long-term maintenance (where relevant).

The strategy shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 11) Prior to the installation of any external lighting, a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 12) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, February 2025), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 13) Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 14) Notwithstanding the width of the access as shown on planning drawing no. 201 Rev 00, prior to first occupation of the development, the vehicular access

shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 3.6 metres wide and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

- 15) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 16) Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
- 17) Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
- 18) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the local planning authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the local planning authority for approval in writing.

END OF SCHEDULE

**Land at Southfield, Parsons Lane,
Crockerton, Warminster,
BA12 8AR**

**Appendix VI – River Avon SAC:
nutrient neutrality technical note**

Technical Note

Project:	Southfield, Parsons Lane, Crockerton, BA12 8AB	Date:	31 st July 2026
Subject:	River Avon SAC: nutrient neutrality	Reference:	N310726NF

Introduction

- 1.1. This note has been prepared following the refusal of an application for Permission in Principle for the erection of up to two dwellings and associated works on land at Parsons, Crockerton, Warminster, BA12 8AB (PL/2025/09180).
- 1.2. A consultation response from Wiltshire Council's ecology team objects on the basis that insufficient information was submitted to enable Appropriate Assessment to be carried out by the Council in respect of the River Avon (Hampshire Catchment) SAC. The objection specifies that

The calculations could demonstrate nutrient neutrality but some changes to the calculations are required and clarification on a number of issues as indicated below are necessary before the Appropriate Assessment can be completed:

1. The 'Nutrients from current land use' tab and 'Nutrients from future land use' tab of the existing septic tank nutrient calculation and the replacement PTP nutrient calculation has not been filled out. This information is required to ensure the nutrient calculation is accurate.
2. Water Usage: The provided nutrient budget for the replacement PTP uses a water usage rate of 150 litres per person per day. As stated on our website, 'the applicant can agree to a condition for water efficiency restricting water use to a maximum of 85 litres per person per day, or an alternative figure between 85 litres per person per day and 110 litres per person per day. Natural England require the nutrient calculator to include an additional 10 litres per person per day in the calculator. However, please note, this option can only be used for developments that drain to a main sewer network where the water company has a Total Phosphorus limit on the permit.' Therefore, this input is only permissible for developments connecting to a mains wastewater treatment works with a phosphorus permit limit. It cannot be applied to developments proposing to use a package treatment plant (PTP). If the development will be served by a PTP, the nutrient calculation must be revised accordingly to align with Wiltshire Council's published guidance.
3. The proposed location of the new PTP and replacement PTP has not been submitted in support of the application.

The calculations must be amended to address these issues, or suitable justification provided, and resubmitted to the Council for approval. The calculations must be approved by the council to enable the AA to be undertaken, which must be completed, and the conclusion agreed with Natural England prior to the application being determined.

- 1.3. Furthermore, the Case Officers report identifies that

Although the applicant proposes upgrading the septic tank to a package treatment plant, no satisfactory nutrient budget, operational specification, or long-term maintenance details have been provided. Without this information, an Appropriate

Assessment cannot determine whether adverse effects on the River Avon SAC can be ruled out. Therefore the LPA is unable to approve the development of the site due to its location within the Hampshire River Avon SAC and the potential for adverse effects on the habitats site.

1.4. This paper addresses the issues raised on a point-by-point basis.

Points raised: ecology objection

1.5. The reviewing ecologist is clear that the calculations for the scheme could show nutrient neutrality: this is an important point of principle. The scheme is in fact better than nutrient neutral – it reduces phosphorous to the environment as shown in the following table:

Scenario	Existing dwelling with existing septic tank	Proposed dwellings + existing dwelling, with new PTP	Difference in nutrient loading
Total phosphorous	1.53kg of TP/year	1.36kg of TP/year	Saving of 0.17 kg TP per year

1.6. There are therefore no adverse impacts to act in combination with other plans and projects and the scheme delivers a solution that is better than nutrient neutral.

1.7. The clarifications sought to permit this demonstration are minor and easily addressed as follows:

- Point 1:** The 'Nutrients from current land use' tab and 'Nutrients from future land use' tab of the existing septic tank nutrient calculation and the replacement PTP nutrient calculation has not been filled out. This information is required to ensure the nutrient calculation is accurate.
 The tabs were not filled out because there will be no change in land use associated with the upgrade of the existing septic tank such that these two tabs cancel out. However, for completeness, the enclosed calculator has been updated to include.
 The inclusion of the data makes no difference to the final calculation.
- Point 2:** The provided nutrient budget for the replacement PTP uses a water usage rate of 150 litres per person per day. As stated on our website, 'the applicant can agree to a condition for water efficiency restricting water use to a maximum of 85 litres per person per day, or an alternative figure between 85 litres per person per day and 110 litres per person per day. Natural England require the nutrient calculator to include an additional 10 litres per person per day in the calculator. However, please note, this option can only be used for developments that drain to a main sewer network

where the water company has a Total Phosphorus limit on the permit.’ Therefore, this input is only permissible for developments connecting to a mains wastewater treatment works with a phosphorus permit limit. It cannot be applied to developments proposing to use a package treatment plant (PTP). If the development will be served by a PTP, the nutrient calculation must be revised accordingly to align with Wiltshire Council’s published guidance.

This comment misunderstands the use of the 150 litres in the calculations. Box 1 of the submitted Nutrient Statement is clear that the calculations of total phosphorus loading relevant to the new dwelling is based on a water usage of 120 litres per person per day. This is consistent with Wiltshire Council’s guidance set out above. The 150 litres is relevant to the calculation of the existing loading from the existing septic tank. This will serve an existing residential dwelling that is very unlikely to have the water saving features required of new build by Building Regulations and is an approach that is accepted by Natural England and Wiltshire Council on many schemes previously e.g. PL/2024/03106.

No change to the calculation is required.

- **Point 3:** The proposed location of the new PTP and replacement PTP has not been submitted in support of the application.

A plan is now submitted.

Points raised: Case officers report

1.8. In addition to the ecology objection, the case officer records that no satisfactory nutrient budget, operational specification, or long-term maintenance details have been provided for the upgrade of the septic tank to a Package Treatment Plant. In response:

- The issues around the nutrient budget are addressed above with respect to the comments provided by the Council’s ecology team.
- The specification of the Package Treatment Plant is clearly set out in the Nutrient Statement, with the calculations based on upgrade to a Graf One2Clean Package Treatment Plant. Furthermore, the PIA certification is included with the Nutrient Statement at Appendix 1 to evidence the figures used within the calculations.
- A Maintenance Plan to address the installation and long-term maintenance of the PTP will be secured by the unilateral undertaking proposed. The UU will secure installation of a certified PTP at ≤ 1.6 mg/l TP serving Southfield and each new dwelling. The PTP will be installed and verified before first occupation and will be serviced and desludged annually under a maintenance contract in perpetuity. All records of service will be submitted to Wiltshire Council.

- 1.9. Additionally, percolation testing, groundwater depth, drainage field design, PE sizing and EA general binding rules compliance will be addressed at the Technical Details Consent stage.

Conclusion

- 4.1. A nutrient budget calculated in line with the current Natural England guidance and calculator for x2 new residential dwellings at Southfield, Parsons Lane, Crockerton, BA12 8AR shows that the proposed scheme will generate a surplus of 1.11 kg TP. To mitigate this additional loading, an existing septic tank that serves the adjacent property within the same family ownership and which is currently discharging 1.53kg of TP per year to the water environment, will be upgraded to a new PTP. The increased efficiency of nutrient stripping of the new PTPs in treating the foul from all properties will mean that the overall nutrient loading to the environment will reduce, such that the scheme inclusive of mitigation, will achieve a better than nutrient neutral net budget.
- 4.2. The new PTP arrangements will be installed and functional for all properties prior to the first occupation of the new dwelling and will be secured through a UU.
- 4.3. The UU will be used to secure the PTP arrangements to serve the three dwellings, the requirement to secure a full and functioning system for first occupation of the new dwelling, and to ensure that the PTP is regularly maintained according to the manufacturers recommendation thereafter.
- 4.4. This will ensure that the proposal will not adversely affect the integrity of the River Avon SAC, either alone or in combination with other plans and projects, allowing Inspector to conclude a positive appropriate assessment under the provisions of the Habitats Regulations.

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