

## **APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT**

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| <b>APPLICATION REFERENCE:</b>   | PL/2026/01476                                                                                                            |
| <b>APPLICATION TYPE:</b>        | Full planning permission                                                                                                 |
| <b>SITE ADDRESS:</b>            | South Farm, Water Eaton, Swindon, SN6 6JU                                                                                |
| <b>DEVELOPMENT DESCRIPTION:</b> | Retrospective application for engineering operations comprising alterations to land levels and formation of hardstanding |
| <b>RECOMMENDATION:</b>          | Refusal                                                                                                                  |

### **SITE DESCRIPTION/CONTEXT**

South Farm comprises a former farmstead situated approximately 1 mile to the southwest of the village of Castle Eaton, on the eastern side of the road connecting Castle Eaton (to the northeast) with the A419 (to the southwest). The site lies approximately 4 miles from the urban edge of Swindon. Access is gained via a concrete track which passes The Lodge and the associated Prestige Cars business before running alongside agricultural land and serving the South Farm complex.

The wider South Farm site comprises 'The Cottage, South Farm' and 'South Farm farmhouse', and commercial uses occupying former agricultural buildings, with many of the commercial units having been established through previous planning permissions and prior approvals. The buildings vary in scale, appearance and design across the site. Based on the information submitted with the application, no agricultural land forms part of the South Farm site. The application site is located on the edge of the developed complex between the access track and existing buildings and currently comprises an area of raised hardstanding, eight storage containers, palisade fencing and land formerly identified as Priority Habitat Deciduous Woodland

The site lies outside any defined settlement boundary and is therefore located within the open countryside for planning purposes. The site is not subject to any statutory or local landscape or heritage designation. However, it falls within the 4.2km recreational buffer zone of the North Meadow and Clattinger Farm Special Area of Conservation (SAC), and part of the site also lies within a Priority Habitat Inventory Area. The site is located within Flood Zone 1, which has the lowest probability of fluvial flooding. The Environment Agency surface water flood mapping indicates that parts of the site may be susceptible to a limited degree of surface water flooding.

### **PROPOSAL**

This application seeks retrospective planning permission for engineering operations comprising alterations to land levels and the formation of a hardstanding at South Farm covering 0.22ha. The works have involved levelling the site and laying a compacted crushed stone surface to provide the hardstanding. The reprofiling of the ground has given rise to a rise in level to approximately 500mm above the adjacent access road level within the existing yard. A boundary hedge has been proposed as part of the works, and access is demonstrated to be taken via the existing parking and turning around on land fronting the containers. It is stated that the area has been formalised to provide continued use of the land for storage of

agricultural machinery and produce. Palisade fencing has been erected along the site perimeter but does not form part of this application.

## PLANNING HISTORY

The same area of development is subject to two previous applications. Application PL/2023/10620 sought permission for the change of use of agricultural land, the laying of hardstanding, the siting of 20 self-storage containers, and the erection of palisade fencing and gates for a self-storage use (Use Class B8). The application was refused on 5 April 2024 because the development was considered unacceptable in principle in the open countryside, would have harmed the character and appearance of the rural area through the introduction of an urbanising form, and insufficient ecological information had been provided to demonstrate that priority habitat and biodiversity interests would not be adversely affected.

Subsequently, application PL/2025/08929 was submitted as a revised scheme seeking the change of use of the site for 8 self-storage containers (Use Class B8). This application was also refused as the proposal remained unacceptable in principle due to its unsustainable countryside location and lack of compliance with rural employment policies. In addition, the application failed to demonstrate compliance with biodiversity and Biodiversity Net Gain requirements, and the development was considered to have an unacceptable impact on the character and appearance of the countryside.

The wider site has been the subject of a number of approvals facilitating the diversification of former agricultural buildings. Under application 19/06241/PNCOU, prior approval was granted for the change of use of agricultural buildings to five dwellinghouses under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. Subsequently, prior approvals were granted under Class R through applications 21/00972/CLASSR and PL/2021/05142, allowing the change of use of agricultural buildings to office and other flexible commercial uses. Further approvals were granted under applications PL/2022/05824, PL/2024/10954 and PL/2025/03472 for the change of use and alteration of former agricultural buildings to Class E(g)(i)-(iii) commercial uses, whilst application PL/2023/07605 granted planning permission for the demolition of an agricultural building and its replacement with a building for Class E(g)(i)-(iii) use. The planning history therefore demonstrates that parts of the wider site have previously been approved for residential and commercial redevelopment through a combination of permitted development rights and planning applications.

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| 15/10707/PNCOU Notification of Prior Approval - Proposed Conversion of Agricultural Building to Form Two Dwelling Houses – prior approval refused and then dismissed at appeal 17/12/2015 |
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| 15/01332/PNCOU Prior Notification under Class MB - Conversion of Agricultural Buildings to 2 Dwellings – prior approval refused and then dismissed at appeal 09/04/2015 |
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| 19/06241/PNCOU Notification for Prior Approval under Class Q(a) only for a Proposed Change of Use of Agricultural Buildings to 5 no. Dwellinghouses (C3 Use) – prior approval granted 21/08/2019 |
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| 21/00972/CLASSR Prior Notification under Class R for a Proposed Change of Use of Building no Bigger than 150 Square Metres to B1(a) Office Use to Start on the 1st February 2021 – decision date 04/02/2021                                                                                                                                                                              |
| PL/2021/05142 Application for Prior Approval for Change of Use e from Agriculture to Flexible Commercial Use under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) (Order) 2015- approved 18/05/2021                                                                                                                              |
| PL/2022/05824 Change of use and extension of agricultural buildings to Use Class E (g) (i) - (iii) together with associated external alterations and car parking and external alterations to adjoining building which is subject to a change of use under Schedule 2, Part 3, Class R of the General Permitted Development Order (GPDO)- Prior Approval Granted decision date 04/05/2023 |
| PL/2023/07605 Demolition of agricultural building and replacement with building for Use Class E (g) (i) - (iii), Approve with Conditions, 19/04/2024                                                                                                                                                                                                                                     |
| PL/2023/10620, Change of use of existing agricultural land for laying of hardstanding (part retrospective) for the siting of 20 storage containers and erection of palisade fencing and associated gates for self-storage use (Use Class B8). Refuse 05 April 2024                                                                                                                       |
| PL/2024/10954 - Prior approval Part 3 Class R: Agricultural buildings to a flexible commercial use Decision - Prior Approval Not Required Date: 13/2/2025 – Change of use of agricultural buildings to flexible commercial use Class E (g) (i)-(iii)                                                                                                                                     |
| PL/2025/03472 - Full planning permission Decision - Approve with Conditions Date: 5/6/2025 – Application for external alterations to facilitate the use of a building to a flexible commercial use (Class E (g) (i)-(iii)) following confirmation prior approval is not required under application reference: PL/2024/10954                                                              |
| PL/2025/08929 - Change of use of the application site to provide 8 storage containers for self-storage use (Use Class B8). (resubmission of PL/2023/10620), Refuse                                                                                                                                                                                                                       |

## RELEVANT LEGISLATION, POLICIES AND GUIDANCE

### National Planning Policy and Guidance:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

### Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;

- Core Policy 19 Royal Wootton Bassett and Cricklade Community Area
- Core Policy 34 Additional Employment Land
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;

#### Draft Wiltshire Local Plan Policies

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

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2026, on 30th June 2026 Wiltshire Council published a notice of intention to prepare a new local plan for Wiltshire. The next stage is a Scoping Consultation which commences on 2nd September 2026. This plan is at a very early stage and carries no weight for decision making.

#### Neighbourhood Plan:

None Made

#### Supplementary Planning Documents and other Guidance:

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

### **ISSUES**

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

- Whether the proposal constitutes EIA development
- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the development meets the criteria for Additional Employment Land (CP34)
- Whether the development supports rural life CP48
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67)

- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)

## **CONSULTATION RESPONSES**

WC Public Protection: No comment

WC Ecology: No comments received

WC Drainage: No objection subject to conditions.

Whilst the site lies within Flood Zone 1 and is at low risk of flooding, insufficient information has been provided regarding the drainage of the hardstanding area. A condition is recommended requiring a surface water drainage strategy to demonstrate that runoff will be appropriately managed and that the development will not increase flood risk to neighbouring land.

Parish/Town Council: Objection on the following grounds

The Parish Council advises that the proposal raises concerns which mirror those identified in the refusals of applications PL/2023/10620 and PL/2025/08929. It considers the development to represent an unjustified commercial use in the open countryside, contrary to the settlement strategy and rural employment policies, and argues that it would contribute to the incremental industrialisation of the rural area. Concerns are also raised regarding harm to landscape character through the presence of storage containers, hardstanding and fencing, together with the loss of Priority Habitat and the absence of sufficient ecological information or Biodiversity Net Gain evidence. Further objections relate to flood risk and drainage, citing historic land raising, hard surfacing and alterations to drainage features without a robust drainage strategy being provided. The Parish Council additionally raises highway safety concerns in relation to the rural road network and site access and questions whether planning conditions would be effective given the history of unauthorised works on the site. The Parish Council therefore recommends refusal of the application.

## **REPRESENTATIONS**

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site;

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this

application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

- Development in the open countryside.
- Harm to rural character and appearance.
- Loss of trees, habitat and biodiversity.
- Flood risk and drainage concerns.
- Increased traffic and highway safety concerns.
- Unsuitable site access and concerns regarding the C114/A419 junction.
- Commercial intensification of the site.
- Previous refusals and whether the identified harms have been addressed.
- Alleged unauthorised works already undertaken on the site.
- Applicant's motives or intentions.
- Criticism of the applicant's behaviour.
- Opinions that the applicant should not be allowed to reapply.
- General complaints about planning enforcement.
- Speculation about future development plans.
- Personal views that the development is "cynical" or "tactical".

## **ASSESSMENT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

### **Environmental Impact Assessment (EIA) Screening**

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the local planning authority has considered whether the proposed development constitutes EIA development.

The proposal comprises retrospective engineering operations involving the raising of land levels and formation of hardstanding. Whilst the applicant states that the works are intended to support agricultural activities, the scale and nature of the development are such that the Local Planning Authority is satisfied that the proposal is not likely to give rise to significant environmental effects by virtue of its size, nature or location. The development is therefore not considered to constitute EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

### **Principle of Development**

### *Policy Context*

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in:

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises:

- Sustainable patterns of growth, reducing the need to travel and supporting local services.
- Development should be plan-led, aligning with the settlement strategy and supported by infrastructure.
- Windfall development (not allocated in plans) must still comply with the principles of sustainable development.
- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Together, CP1 and CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

Core Policy 34 Additional Employment Land supports development outside settlements where it supports sustainable farming and food production by allowing development required to adapt to modern agricultural practices and diversification, subject to meeting specific criteria.

NPPF Policy S5 supports certain forms of development outside settlements, including development for agriculture, unless the benefits would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. Policy E4 supports the sustainable growth of businesses in rural areas related to rural leisure and tourism, sustainable farming, or the development and diversification of agriculture and other land-based businesses.

### *Assessment*

The application site lies outside any defined settlement boundary and is therefore located within the open countryside. In accordance with Core Policies 1 and 2 of the Wiltshire Core Strategy, development in such locations is strictly controlled unless it can be demonstrated to accord with a specific policy exception. Core Policy 34 supports employment development in the countryside where it supports sustainable farming and food production, including development required to adapt to modern agricultural practices and diversification.

The application seeks retrospective planning permission for engineering operations comprising the raising of land levels to form an area of hardstanding of 0.22ha and proposed

associated soft landscaping. The applicant states that the hardstanding is required to support agricultural activities, including storing machinery, hay bales, and equipment used by a local farmer, and that the land will remain in agricultural use.

During the assessment of the application, the applicant has been given the opportunity to provide information which justifies the need for the development. Whilst it has been stated that the hardstanding would be used in connection with agricultural activities undertaken elsewhere, no substantive evidence has been provided to demonstrate the nature of those activities or why the scale of operational development now present on the site is required. The supporting information submitted with the application identifies only the application site and the residential dwelling/farmyard under the applicant's ownership.

The wider planning history is also significant material consideration. South Farm has undergone a substantial shift away from agriculture, with a number of former agricultural buildings having been approved for residential and commercial uses through Class Q and Class R prior approvals and subsequent planning permissions. Some of those permissions have been implemented, and commercial uses are now established across the site. Furthermore, the application site itself has been the subject of two previous planning applications seeking self-storage uses, both of which were refused. Other than this parcel of land which has been hard surfaces, no other agricultural land forms part of the South Farm site. It is not to say that this land cannot continue to serve some agricultural use in the future; it does remain lawful land for agriculture. This application is limited to considering whether the extent of operational development, in this case, involving the extensive hardstanding yard, is appropriate and justified.

Both Core Policy 34 and the NPPF are supportive of development which supports sustainable farming, food production and the diversification of agricultural and other land-based businesses. However, in this case insufficient information has been provided to demonstrate that the hardstanding is required for, or directly related to, any existing agricultural use or rural business. The Local Planning Authority is therefore unable to conclude that the development supports sustainable farming, agricultural diversification or any other rural enterprise in a manner which would attract support under Core Policy 34 of the Wiltshire Core Strategy, or Policies S5 and Policy E4 of the NPPF.

## **Design and Impact on the Landscape Character and Appearance of the Area**

### *Policy Context*

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

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

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

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

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

Policy 19 of the NPPF emphasises the need to contribute positively to the natural environment by considering the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply). Development is required to conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.

Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape

#### *Assessment*

The application seeks retrospective planning permission for engineering operations comprising raising land levels by approximately 500mm to form a substantial area of hardstanding within the South Farm complex, in addition to the implementation of proposed soft landscaping.

Whilst the site lies adjacent to existing buildings and forms part of the wider South Farm site, the application site occupies a transitional position between the established built form of the farm complex and the surrounding countryside. Prior to the works, the land comprised a vegetated edge-of-yard area containing scrub, ruderal vegetation and habitat features which contributed to a softer transition between the developed parts of the site and the adjoining rural landscape.

The engineering operations have fundamentally altered the physical characteristics of the land through the raising of ground levels, removal of vegetation and creation of an extensive engineered hardstanding. These works have replaced a semi-natural and undeveloped area with a formalised, engineered surface, resulting in the extension of the visual and physical influence of the developed farm complex into an area that previously retained a more rural and transitional character.

Whilst public views of the site are relatively limited and the land is not subject to any statutory landscape designation, the assessment of landscape effects is not confined solely to visibility. Consideration must also be given to the effect of development on the intrinsic character and condition of the landscape. In this regard, the development has introduced an engineered landform and surface treatment that is materially different from the character of the site prior to the works.

The raising of land levels has created a more prominent and artificial landform which, together with the extensive hardstanding, has reduced the distinction between the developed farm complex and the surrounding countryside.

The submitted ecological information confirms that vegetation was removed to facilitate the development. Whilst approximately 50 metres of native species-rich hedgerow planting is proposed, this would take time to establish and would not remove the underlying landform alterations or the extensive hardstanding that now occupies the site. The proposed landscaping may soften or partially filter views of the development but would not entirely mitigate the permanent change to the physical character of the land resulting from the development.

The wider planning context is also a material consideration. South Farm has experienced significant change in recent years through residential and commercial redevelopment of former agricultural buildings. Whilst those developments form part of the lawful planning baseline, the cumulative effect of successive physical changes has gradually reduced the agricultural character of the wider site. The current development contributes further to that by extending engineered development into an area which previously provided a softer edge to the complex.

Accordingly, the development has resulted in a permanent and harmful alteration to the character of the site through the raising of levels, removal of vegetation and creation of extensive hardstanding. The development fails to conserve or enhance local landscape character and does not respond positively to its countryside setting.

### *Conclusion*

The engineering operations have resulted in a substantial alteration to the land through raising of levels and the creation of an extensive hardstanding. The development has introduced an engineered and urbanising form of development which fails to respect the site's rural character. The proposed landscaping would not overcome the fundamental character change that has occurred and, in the absence of any demonstrated agricultural justification, the proposal appears as an unjustified encroachment into the countryside. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy and the design objectives of the National Planning Policy Framework.

## **Highways Impacts and Parking**

### *Policy Context*

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

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

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local

Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

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

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

### *Assessment*

The application relates solely to retrospective engineering operations comprising alterations to land levels and the formation of hardstanding. It does not seek permission for the storage containers, any self-storage use, or any other change of use of the land. The assessment of highway impacts must therefore focus on the physical engineering works proposed and any potential increase in vehicle movements resulting from a change in the nature of use and level of activity.

No consultation response has been made with regard to the Highway Authority in respect of the current application. However, the Local Planning Authority notes that the same area of land has previously been assessed by the Highway Authority in relation to applications PL/2023/10620 and PL/2025/08929. On both occasions, no highway objection was raised.

The Parish Council and local representations have raised increased traffic and highway safety concerns.

In this case, the proposal does not seek permission for containers or any additional commercial use. The hardstanding has already been constructed, and the development does not involve the creation of a new access or any alteration to the local highway network.

The site is well served by an established access track which has historically accommodated agricultural traffic associated with the former farmstead and now serves a number of commercial units operating from South Farm. There is no evidence to suggest that the existing access arrangements are unsuitable for the trip generation associated with the proposed storage of agricultural produce and storage of farm machinery which reflects previous uses.

### *Conclusion*

Having regard to the scale and nature of the proposal, the existing lawful access arrangements, the historic use of the site for agricultural purposes, and the previous Highway Authority advice regarding vehicle movements associated with the wider development area, the Local Planning Authority considers that the development would not result in an unacceptable impact on highway safety or the operation of the local highway network providing the use remains contingent with the existing agricultural use of the land. The proposal would be acceptable with regard to Core Policies 60 and 61 of the Wiltshire Core Strategy.

### **Ecology and Biodiversity**

### *Policy Context*

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Section 19 of the NPPF requires that the planning authority ensures protection of important habitats and species in relation to development through minimising any adverse impacts on biodiversity and include features which support priority or threatened species. Proposals should use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: including for biodiversity.

Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024 (2 April 2024 for smaller sites) BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better quality natural habitat than there was before development.

### *Assessment*

A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application.

The PEA confirms that the site was cleared and developed prior to the submission of the application and that the land previously comprised woodland, scrub and ruderal vegetation. The report states that these habitats were largely removed to facilitate the raising of land levels and creation of the hardstanding area. Furthermore, the PEA acknowledges that woodland habitat was lost and that ecological connectivity between habitat parcels has been severed as a consequence of the development.

The site partially overlaps an area identified as Priority Habitat Deciduous Woodland under section 42 of the NERC Act (2006). In light of the policy emphasis placed on the protection of habitats of ecological importance by Core Policy 50 of the Wiltshire Core Strategy and National Planning Policy Framework, the Local Planning Authority must be satisfied that the development will not result in unacceptable harm to biodiversity and that any habitat losses have been appropriately addressed through mitigation and compensation. As the works have already taken place, this is a post-development assessment.

The Council's Ecologist comments state that the submitted information confirms woodland and associated habitats were removed to facilitate the development.

The PEA confirms that woodland and associated habitats present prior to development have been largely removed. Whilst the report concludes that the retained adjacent woodland does not qualify as priority habitat, it acknowledges that woodland onsite was lost or degraded to facilitate the development. Based on the available evidence, it is not possible to conclusively confirm whether this habitat met the classification for priority habitat prior to its clearance. In the absence of certainty, a precautionary approach must be applied and the cleared habitat is treated as priority habitat for assessment purposes.

Whilst the PEA proposes species-rich native hedgerow planting as mitigation, insufficient evidence has been provided to demonstrate that the proposed planting would adequately

compensate for the loss of woodland habitat, particularly given the potential loss of Priority Habitat Deciduous Woodland.

To achieve this, details setting out the habitat compensation strategy, demonstrating how replacement habitat would be established, managed, and monitored in the long term, including species composition, planting densities, management objectives, monitoring arrangements, and funding mechanisms, are required as necessitated by Policy N2 and N6 of the NPPF, which emphasises that development should contribute positively to the natural environment and support nature's recovery.

In the absence of this information, the Local Planning Authority cannot be satisfied that the proposed mitigation and enhancement measures would adequately compensate for the loss of woodland habitat or secure no net loss of biodiversity. Consequently, it has not been demonstrated that the proposal complies with the requirements of Core Policy 50 of the Wiltshire Core Strategy or the biodiversity objectives of the National Planning Policy Framework.

The ecology position has been established late in the application process and the applicant has not been given opportunity to provide additional information on this matter. In this case however given the overriding concerns with the proposal further information has not been requested in this regard.

#### *North Meadow and Clattinger Farm SAC*

The site lies within the 4.2km Zone of Influence of the North Meadow and Clattinger Farm SAC. A Habitats Regulations Assessment screening exercise has been undertaken by Wiltshire Council as the competent authority. Given that the proposal does not involve the creation of additional residential accommodation and would not generate recreational pressure on the SAC, it is concluded that there would be no likely significant effect on the integrity of the designated site, either alone or in combination with other plans or projects. The proposal is therefore screened out of Appropriate Assessment.

#### *Biodiversity Net Gain*

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application as the planning application relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

#### *Conclusion*

Having regard to the detail set out, the Local Planning Authority cannot be satisfied that the proposal would achieve no net loss of biodiversity or maintain the integrity of local ecological networks. The proposal therefore fails to demonstrate compliance with Core Policy 50 of the Wiltshire Core Strategy and the biodiversity objectives of the National Planning Policy Framework.

### **Flood Risk and Drainage**

#### *Policy Context*

Core Policy 67 of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Sustainable Drainage Systems (SuDS) are required for all major developments and must:

- Manage runoff near its source.
- Improve water quality.
- Support biodiversity and amenity.
- Be integrated into the site layout and green infrastructure.

Section 18 of the NPPF expects development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere. The sequential test should be applied to steer new development to areas with the lowest risk of flooding from any source. Application of the sequential test may be required in areas known to be at risk now or in the future from any form of flooding. The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test.

### *Assessment*

The site is located within Flood Zone 1 and is identified as being at low risk of fluvial, pluvial and groundwater flooding. No sequential test is required. The Council's Drainage Officer initially raised concerns because insufficient information had been provided regarding how surface water from the hardstanding would be managed and whether runoff could affect neighbouring land and recommended conditions be applied to any decision.

Given the retrospective nature of the development, a Drainage Strategy and plan have been submitted. The details demonstrate that the hardstanding is formed from semi-permeable crushed stone. Mitigation measures proposed in the report include low perimeter bunds around the site to prevent surface water runoff leaving the hardstanding area. The strategy concludes that rainfall would be contained within the site and allowed to drain gradually into the ground, avoiding increased flood risk elsewhere.

In assessing the proposal, the Local Planning Authority has also had regard to the site's history and observations made during site visits. Surface water ponding has been observed on parts of the wider site during periods of prolonged rainfall, particularly during the winter months. Representations have similarly raised concerns regarding surface water crossing the access track which runs alongside the development site and provides access to the commercial units within South Farm and agricultural land beyond. These concerns are acknowledged and are a material consideration.

However, evidence currently before the Local Planning Authority does not demonstrate that the observed surface water issues are solely attributable to the hardstanding subject of this application. Rather, they appear to reflect wider site characteristics, including local topography, existing drainage arrangements and the nature of the surrounding agricultural land. Furthermore, the proposal relates to engineering operations and hardstanding that are already in place and does not introduce significant additional impermeable surfacing beyond that which currently exists on the site.

Taking account of the submitted Drainage Strategy, the advice of the Council's Drainage Officer and the proposed mitigation measures, it is considered likely that the surface water impacts arising from the development can be appropriately managed through mitigation measures.

### *Conclusion*

Given the detail set out, the proposal is deemed to be in accordance with Core Policy 67 and the NPPF.

### **Other Matters**

A number of representations raise concerns regarding the applicant's motives and intentions, criticism of the applicant's conduct, views that the applicant should not be permitted to submit further applications, general dissatisfaction with planning enforcement processes, speculation regarding future development of the site. Whilst these comments have been noted, they are not raising material planning considerations and therefore cannot be afforded weight in the determination of this application. The assessment of the proposal must be based on the planning merits of the case, the relevant provisions of the development plan, national planning policy and other material planning considerations relating to the use and development of land.

### **CONCLUSION AND PLANNING BALANCE**

The proposal has been assessed against the Development Plan as a whole and the material considerations relevant to the site and development proposed. No overriding concerns have been identified in respect of highway safety, drainage or protected species. However, significant concerns remain regarding the principle of development and the impact of the engineering operations on the character and appearance of the countryside which are not justified.

The engineering operations have materially altered the character of the land through the raising of ground levels, removal of vegetation and formation of a substantial engineered hardstanding. Whilst the proposed hedgerow planting is welcomed, it would not overcome the fundamental change in character arising from the development. The proposal therefore fails to conserve or enhance the landscape character and visual qualities of the countryside. This is in conflict with CP 51 & 57 of the WCS as well as Section 19 of the NPPF.

The applicant has not provided sufficient evidence to demonstrate that the hardstanding is required to support an existing agricultural enterprise, rural business or any other activity that would attract support under Core Policy 34 of the Wiltshire Core Strategy. As a result, the development is not considered to represent agricultural development, agricultural diversification or rural employment development for the purposes of the development plan. The proposal therefore amounts to unjustified operational development in the open countryside. Furthermore, the works have resulted in the loss of vegetation and associated habitat, the impacts of which have not been satisfactorily demonstrated to be acceptable or adequately mitigated. The development is consequently contrary to Core Policies 1, 2, 34, 50, 51 and 57 of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework. Planning permission should therefore be refused

## **RECOMMENDATION:**

### **That Planning Permission be REFUSED for the following reasons.**

1. The application site lies within the open countryside where development is strictly controlled in accordance with Core Policies 1 and 2 of the Wiltshire Core Strategy and Section 4 of the National Planning Policy Framework. It is not demonstrated that the development is required for the purposes of agriculture, food production or any other purpose relating to supporting a rural business or community. The proposal is therefore contrary to Core Policies 1, 2, and 34 of the Wiltshire Core Strategy and Sections 4 and 7 of the National Planning Policy Framework.

2. The development comprising the raising of land levels and formation of extensive hardstanding and enclosure have permanently altered the landform and character with the creation of harmful urbanising development in the open countryside. The proposed landscaping would not adequately mitigate the visual harm arising from the development. development therefore fails to conserve or enhance the character and appearance of the countryside, is not adequately justified for the purposes of agriculture, supporting rural life or other rural business and is therefore contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy and Section 19 of the National Planning Policy Framework.

3. The development has resulted in the loss and degradation of woodland and associated habitats, including land identified as Priority Habitat Deciduous Woodland. Insufficient information has been submitted to demonstrate that the ecological impacts of the development have been adequately avoided, mitigated or compensated, or that the proposal would achieve no net loss of biodiversity and maintain the integrity of local ecological networks. In the absence of a satisfactory habitat compensation strategy the development would not safeguard biodiversity interests or adequately compensate for habitat losses. The proposal is therefore contrary to Core Policy 50 of the Wiltshire Core Strategy and Section 19 of the National Planning Policy Framework.