

WILTSHIRE COUNCIL

Town and Country Planning Act 1990

Appeal on behalf of Stuart Emms

Planning Inspectorate Appeal Reference: 6012702

Local Planning Authority Reference: PL/2026/00450

1. Details of the appeal

- 1.1 The appeal is against the decision of Wiltshire County Council to refuse to grant Planning Permission, for the Residential conversion of former agricultural building into one dwelling, further to Class Q consent (PL/2025/07492).
- 1.2 This statement is to be read in conjunction with the Delegated Report and Decision Notice, which are provided at **Appendix A** and **Appendix B** and supplements, rather than substitutes that report.

2. The Council's Case

- 2.1 The appeal proposal sought planning permission for the conversion of the existing barn to a residential dwelling with car parking, private amenity space and vehicle access taken from the adjacent public right of way.
- 2.2 The Local Planning Authority's (LPA) reasons for refusal are set out in the Decision Notice. The attached Delegated Report adequately addresses the planning merits and application of policy to the case. However, it is considered necessary to further address some of the points raised in the appellant's grounds of appeal.
- 2.3 It is also necessary to address the implications of the 2026 Framework which was published after the decision under appeal. It is a material consideration and one of 'critical importance'. The statutory starting point remains the development plan.

3. Status of the Development Plan

- 3.1 The development plan comprises the Wiltshire Core Strategy (WCS) and the Cricklade Neighbourhood Plan (CNP). Whilst the Council accepts that it is currently unable to demonstrate a five-year housing land supply, it does not automatically follow that all development plan policies should be afforded

reduced weight. Under Annex A of the 2026 Framework, policies that remain consistent with national policy continue to attract significant weight. Development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the 2026 Framework.

- 3.2 Annex A states that development plan policies (or parts of policies) which are materially inconsistent with the national decision-making policies of the 2026 Framework should be given very limited weight.

The Wiltshire Core Strategy

- 3.3 The settlement hierarchy in Core Policy 1, and the strategy of directing development according to a settlement's role, services and capacity, remains consistent with Policies S3, S4 and S5. The 2026 Framework continues to support this plan-led, settlement-based approach.

- 3.4 The Council accepts that parts of Core Policy 2 and Core Policy 19 cannot be said to be entirely consistent with the Framework. The basis for calculating housing requirements which informed these policies has been superseded by the standard method as the measure of need. It is accepted by the Council that the principle of exceeding homes in a community area is not considered to be contrary to the development plan, particularly where there is a housing land supply shortfall.

- 3.5 There is some inconsistency between the restriction in Core Policy 2 of development to land within settlement boundaries which could exclude development which policy S5(1) of the 2026 Framework provides should be approved. It is therefore acknowledged in so far as this aspect conflicts with the 2026 Framework provisions at S5 it would be agreed as having very limited weight. However, Core Policy 2 criteria in relation to proposals outside the limits of development, requiring that development should respect the existing character and form of the settlement, should not elongate the village or impose development in sensitive landscape areas, and should not consolidate sporadic development, should be read as local articulation of Framework policies DP3(1) and S4.

- 3.6 Core Policy 19 does not operate solely to restrict development outside settlement limits. It is very clear from reading this policy that when assessing development under this key policy of the adopted local development plan, that proposals '*must demonstrate that they address issues and considerations listed in supporting text to that policy at paragraph 5.102*'.

- 3.7 Para 5.102 contains a range of specific issues to be addressed in planning for the Royal Wootton Bassett and Cricklade Community Area which include

the need to deliver infrastructure and protect the distinct character and identity of settlements. These parts of Core Policy 19 do not prohibit development outside boundaries per se but instead seek to prevent settlement coalescence, protect local distinctiveness, retain village identity and character which remains consistent with the provisions of decision-making policies DP3 & N2 (relating to design principles and natural environment) of the 2026 Framework.

- 3.8 Core Policy 48 provides for a range of development to support rural life including through the reuse and conversion of rural buildings which echoes provisions with S5, E4 & HO11. This policy is considered to carry full weight.
- 3.9 Core Policies 51, 57, 60 and 61 use materially the same operative language as policies N2, DP3, TR3 and TR4 respectively. The Council considers that all of these remain entirely consistent with 2026 Framework. As such these policies retain full weight.

The Neighbourhood Plan

- 3.10 The Cricklade Neighbourhood Plan was made in March 2018. It is therefore older than five years at the time of writing and no new Neighbourhood Plan has yet been made. It therefore does not benefit from the protections set out in policy S6 of the 2026 Framework.
- 3.11 Policy H1 of the Neighbourhood Plan is not supportive of development outside the settlement boundaries unless specifically allowed by policies within the development plan. This policy continues to carry weight so far as it echoes parts of the WCS which remain consistent with the 2026 Framework.

4. Presumption in favour of sustainable development

- 4.1 A key change is that the presumption in favour of sustainable development is now expressed by reference to location and the so called 'tilted balance' test does not appear. Instead, Policy S3 provides for a presumption in favour of sustainable development. It directs that policy S4 be applied within settlements and policy S5 outside them.
- 4.2 The appeal site is outside the settlement of Cricklade, and so policy S5 is relevant. The principle of development on this site falls to be determined under policy S5 which expects certain forms of development to be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

- 4.3 S5(2) explains that in applying this policy the circumstances in which the benefits of approving the development proposals are likely to be substantially outweighed by the adverse effects including those where the development fails to comply with a national decision-making policy which states that development proposals should be refused in specific circumstances.
- 4.4 S5(3) states that development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11.
- 4.5 The absence of a five-year housing land supply now operates as a route into the closed list of development which policy S5(1) provides should be approved outside settlements, at policy S5(1)(j). In this case the proposal would not be physically related to any existing settlement so does not fall within to be considered under this part.
- 4.6 The proposal may initially appear to fall partly within part S5(1)(c), which relates to the reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and that any extension or alteration would not result in a disproportionate increase in size when compared with the existing building. It is however necessary to consider S5(2) which requires consideration of other decision-making policies and S5(3) which refers directly to policy HO11 when considering isolated homes in the countryside.
- 4.7 HO11 provides the circumstances where the creation of isolated homes in the countryside should be supported. This includes where the development would reuse a redundant or disused building and enhance its immediate setting.
- 4.8 In this case, there is no evidence that the modern agricultural building is genuinely redundant or disused. This should be assessed independently of the current owners' wish to convert it to a dwelling. The building is relatively modern, well-constructed, located on agricultural land, and remains capable of and suitable for continued agricultural use. It therefore retains clear potential for ongoing agricultural use in this open countryside location.
- 4.9 Furthermore, residential use of the building and site would not enhance its immediate setting as required by HO11. To the contrary, further domestication of the external areas could have an urbanising effect on the locality. The Council's Reason for Refusal 3 relates to the harm to the character of the area caused through the introduction of a new dwelling and

its potential for domestic paraphernalia failing to achieve a high standard of design or respond positively to its landscape context. The Council's position on this matter is set out clearly in the attached Delegated Report.

- 4.10 On consideration of the above the Council does not consider that the proposal benefits from support via policy HO11 relating to the creation of isolated homes in the countryside.
- 4.11 On the basis of the above the appeal proposal does not comply with policy S5 therefore policy S5(4) applies, meaning the proposal should be approved 'only in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement'.
- 4.12 It is not considered that any exceptional circumstances exist in this case; and The proposal raises conflict with one of the matters highlighted in this policy, being to promote sustainable patterns of movement.
- 4.13 Reason for Refusal 2 relates to accessibility and the relevant conflict with WCS policies Core Policies 57, 60 & 61. Core Policy 60 seeks to ensure development occurs in accessible locations and Core Policy 61 expands on this by requiring new development to be located to encourage the use of sustainable transport alternatives. It also requires that transport assessments should demonstrate that the needs of transport users have been considered. Core Policy 57 expects development to meet the requirements of Core Policy 61. As set out above, the Council considers that these policies continue to attract full weight
- 4.14 Given the location outside of a settlement in an isolated countryside location it is expected that future occupants would be entirely dependent on use of the private car use for day-to-day needs, and thus the proposal would be in conflict with Core Policies 57, 60 and 61 of the WCS as well as policies TR3 & TR4 of the 2026 Framework.
- 4.15 The Delegated Report sets out the reasons WCS exception policy Core Policy 48 should not apply to a building which is not redundant or disused. It is further explained that even if tested against the relevant criteria of this policy it would not garner support. In particular, the proposal would not be compatible with the character and appearance of the landscape and the site lacks reasonable access to local services. Please refer to the Delegated Report for the full assessment.

5. The fall back position

- 5.1 In relation to the appellant's claim that the site benefits from the "fall back" position of Class Q, the LPA maintains that despite non-determination of the original application, ref: PL/2025/07492, the appellant's case is built almost entirely on the assertion that a lawful Class Q permission exists through deemed approval.
- 5.2 It is considered that deemed approval can only arise where a valid application was capable of benefiting from Class Q in the first place. It is maintained by the LPA that the building in question does not satisfy the statutory requirements of Class Q and that no lawful fallback exists, regardless of procedural circumstances.
- 5.3 As detailed within the Delegated Report the Council refers to appeal decision APP/P1045/W/24/3357582, **Appendix C**, which is considered to support the Council's conclusion on this matter in that it cites very similar circumstances as to whether the land comprising the appeal site is part of the established agricultural unit.
- 5.4 An 'established agricultural unit' for the purposes of the GPDO is defined in Schedule 2, Part 3, paragraph X as 'agricultural land occupied as a unit for the purposes of agriculture, and, for the purposes of Class Q, on, or before 20 March 2013, or for 10 years before the date the development begins'.
- 5.5 The Council maintains that the relationship between the current holding and the original unit was changed when the current owner purchased the land in 2018, as stated in paragraphs 3.1 of the appellant's Statement of Case and further confirmed in paragraph 3.6. These circumstances directly align with those in the appeal case mentioned.
- 5.6 In relation to the evidence provided by the appellant, the existence of CPH numbers, livestock records and other associated activities on the land in question, does not prove compliance with Class Q. Such evidence serves to demonstrate agricultural activity, but not satisfaction of the requirements of Class Q, in particular whether the land operated as an 'established agricultural unit' in line with the relevant definition within the GDPO.
- 5.7 It is accepted that the LPA granted permission for an agricultural building in relation to the 2019 application, but this should not be taken as a guarantee of future eligibility for Class Q. It does not prevent future scrutiny for where the relevant criteria of Class Q is met. Furthermore, it does not confirm that the building formed part of an 'established agricultural unit' on the requisite dates for the purpose of Class Q permitted development rights. The planning merits of constructing an agricultural building and the tests for Class Q conversion should not be compared.
- 5.8 The application subject of this appeal relates to the submission of a full planning application, with no realistic fall back position, and the LPA is

therefore entitled to assess the appropriateness of residential development in the open countryside, its sustainability credentials and the visual impact on the character of the area.

- 5.9 The appellant infers in their Statement of Case, Section 6 paragraph 6.5 and paragraph 4.2, that the dwelling is required in relation to upkeep of the land and associated livestock. However, at no time during the application has the Council been provided with a case that the proposed dwelling should be considered as an agricultural worker dwelling. No evidence was submitted to demonstrate an employment requirement or an essential need for a rural worker to live permanently at the site. As such, the LPA have quite reasonably considered the proposal would result in an open market dwelling on the site.

6. North Meadow and Clattinger Farm Special Area of Conservation (SAC)

- 6.1 As stated in the Delegated Report, the site lies within the Inner Zone of Influence of the North Meadows and Clattinger Farm Special Area of Conservation (SAC), which is subject to pressures from recreational disturbance. Wiltshire Council and neighbouring authorities have therefore prepared a joint Interim Recreation Mitigation Strategy (**Appendix D**).
- 6.2 The site is eligible to secure appropriate mitigation via financial contributions towards the Strategic North Meadows Interim Mitigation Strategy which has been agreed in consultation with Natural England. At the time of the application subject of this appeal, the applicant did not commit to providing a mitigation payment and it was not requested by the Council at the time as it was considered that the proposal could not be supported. Should the Inspector be minded to allow the appeal, it would be necessary for appropriate mitigation to be secured prior to determination of the application in order for adverse effects upon the protected site to be ruled out.
- 6.3 Within Section 5 of the appellants Statement of Case, the appellant opines that the Council treated the presence of the SAC as a “definitive block” to refuse. This position is not accepted. As set out in the preceding paragraph, the Council were fully cognisant of the implications of the SAC and the availability of the relevant mitigation mechanism. However, given the prevailing circumstances, the Council considered it neither necessary nor proportionate to progress with a legal agreement to secure the mitigation contribution.
- 6.4 The appellant claims that on a different planning application reference PL/2026/01073, the Council took a pragmatic approach and that an entirely inconsistent threshold has been applied to the appeal site. In response to this point, it is relevant to consider that the application considered under PL/2026/01073 was an application for prior approval under the Town and

Country Planning (General Permitted Development) (England) Order 2015 Order, Part 3, Class Q.

- 6.5 Relevant to that particular type of application is Regulation 75 of the Conservation of Habitats and Species Regulations 2017 which places a condition on any works classed as permitted development that could have a significant effect on a European Site. The condition stipulates that works must not start until written approval is given by the local planning authority under Regulation 77. The regulations work together as follows:
- Regulation 75 states that development cannot begin if it could significantly affect a European Site (until the local planning authority has given approval)
 - Regulation 76 enables developers to seek advice from Natural England on whether their proposal may have a significant effect on a European Site (this step is optional but can help clarify whether Regulation 77 is required)
 - Regulation 77 requires developers to apply to the local planning authority for approval, with details of the development and any advice received from Natural England
- 6.6 Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 apply specifically to development that benefits from planning permission granted by a general development order.
- 6.7 Regulation 75 imposes a condition on such permitted development, requiring the developer to obtain the local planning authority's approval under Regulation 77 before commencing works where the proposal is likely to have a significant effect on a European Site.
- 6.8 The Regulations were introduced to address the fact that permitted development does not go through the normal planning application process and therefore requires a separate mechanism to ensure compliance with the Habitats Regulations.
- 6.9 In contrast, a full planning application (as subject of the appeal) is determined directly by the local planning authority under the Town and Country Planning Act 1990 (TCPA). In those circumstances, the authority is required to act as the competent authority and undertake the necessary Habitats Regulations Assessment, including screening and, where necessary, an Appropriate Assessment, before granting planning permission. Habitat Regulations 75 to 77 are not applicable and are not intended to provide an alternative route for assessing or mitigating the impacts of development submitted through the full planning application process.
- 6.10 The above context explains why it was appropriate for the LPA to accept the 'second stage' process when considering the Prior Approval application at

PL/2026/01073 (Barn at Farfield Lane, Cricklade, SN6 6HZ). The LPA has not applied a different or inconsistent threshold to the appeal site.

7. Conclusion

- 7.1 Overall, the Council maintains that the development would conflict with the development plan when read as a whole. In principle, the proposal falls outside the categories of development which policy S5(1) of the 2026 Framework provides should be approved outside settlements. In such cases, policy S5(4) will apply and in this case, it is not considered that any exceptional circumstances exist and in any event the benefits (associated with one dwelling and economic input during construction and occupation of one dwelling) would not substantially outweigh the adverse effects which include harm to the character of the area, poor accessibility and failure to promote sustainable patterns of movement.
- 7.2 Should the Inspector consider that policy S5(1)(j) is engaged, the Council considers that the benefits associated with one dwelling and economic input during construction and occupation of one dwelling would be substantially outweighed by its adverse effects in relation to the harm to the character of the area, the inaccessibility and inherent unsustainable location as set out within the officers report. Accordingly, the Inspector is respectfully invited to dismiss the appeal.

8. Conditions

- 8.1 Without prejudice, should the Inspector be minded to allow the appeal, the Council requests that the following conditions be imposed to ensure the development is acceptable in planning terms and in accordance with the national policy approach that planning conditions continue to meet the established tests.
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the plans and documents as approved.
FLCQ-LP1 Issue A. Location Plan
FLCQ-SP1 Issue A. Proposed Site Plan
FLCQ-PE1 Issue A. Proposed Elevations
FLCQ-PF1 Issue A. Proposed Floor Plan
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the plans hereby approved.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roof slopes of the development hereby permitted.
6. The dwelling shall not be occupied until details of all fences and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and have been erected in accordance with the details as approved. The approved boundary treatments shall be retained and maintained as such at all times thereafter
7. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of opportunities for bats and birds (e.g. bat and bird boxes) shall be submitted to the local authority for approval. The approved details shall be implemented before first beneficial occupation.
8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

9. The dwelling hereby permitted shall not be occupied until details of secure covered cycle parking has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall

accord with dimensions, access, location, design and security principles laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall be installed in accordance with approved details and thereafter be retained for use in perpetuity.

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/00450
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Land to South of Farfield Lane, Cricklade, SN6 6HZ
DEVELOPMENT DESCRIPTION:	Revised scheme- Residential conversion of former agricultural building into one dwelling, further to Class Q consent (PL/2025/07492)
RECOMMENDATION:	Refuse

SITE DESCRIPTION/CONTEXT

The application site comprises a tract of land on the southern side of Farfield Lane, Cricklade. Within the site is a barn which is in use for keeping animals on the site. This barn is typical of modern agricultural buildings with a fibre cement roof and vertical timber clad elevations. A large opening lies on the eastern side elevation. The barn is reached by way of an existing field entrance.

Lying outside of any settlement boundary, the site lies within the open countryside for the purposes of planning. There are no adjacent buildings or residential properties, other than a small field shelter to the south. The site does not lie within or adjacent to any heritage asset. The site is in Flood Zone 1 with some areas at risk of surface water flooding. The site is not within a designated Landscape. The site sits within the inner 'Zone of Influence' of the North Meadows Special Area of Conservation.

PROPOSAL

The proposal is described as a *Revised scheme- Residential conversion of former agricultural building into one dwelling, further to Class Q consent (PL/2025/07492)*. The application is made on the basis that the applicant considers that the site benefits from deemed approval prior approval under PL/2025/07492, which related to the conversion of the building by way of permission granted by the General Permitted Development Order, Schedule 2, Part 3, Class Q.

In terms of the proposed works, the external envelope of the building would remain, with domestic fenestration on the east, south and west sides, and solar panels on the western roof slope. Internally the conversion would provide for a three-bed property with bathrooms, utility and open plan kitchen/living area all on ground floor level. Access would be from the existing field access with the private amenity space incorporating a parking and turning area to the north of the main structure and a small, enclosed garden lying to the east and south of the site and segregated from the additional land on the holding by a post and rail fence. The only significant difference between the plans submitted for the Class Q proposal and this current proposal is the addition of an external flue for a wood burning stove, which would be positioned on the southern end of the western side elevation.

PLANNING HISTORY

Proposal / Summary
19/06952/FUL - Full planning permission Decision - Withdrawn Date: 11/10/2019 – Agricultural barn
19/11916/FUL - Full planning permission Decision - Approve with Conditions Date: 2/4/2020 – Proposed agricultural barn, re-submission of application 19/06952/FUL.
PL/2025/07492 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses – Proposed agricultural barn conversion to dwelling house

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy:

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

Development Plan:

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

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

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

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 19 Spatial Strategy: Royal Wootton Bassett & Cricklade Community Area
- Core Policy 45 Meeting Wiltshire's Housing Needs;
- Core Policy 48 Supporting Rural Life
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 64 Demand Management

Draft Wiltshire Local Plan Policies

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.

Cricklade Neighbourhood Plan: Made March 2018

Policy H1: The Settlement Boundary

Development will not be supported outside the settlement boundary unless specifically allows by policies in the development plan.

Supplementary Planning Documents and other Guidance:

- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030
- Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)

ISSUES

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

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Highways Impacts and Parking
- Ecology and Biodiversity
- Drainage and Flood Risk

CONSULTATION RESPONSES

Cricklade Town Council: Object

with no official deemed consent for Class Q given, this application is therefore still for residential development in the open countryside

WC Highways: Comment

Site is outside a settlement boundary, raising concerns in relation to sustainability. Farfield Lane has a bridleway and therefore Countryside Access Team should be consulted. The development would see a slight alteration in trip generation but rely heavily on private motor transport. Other than sustainability there would not be any other considered reason to object. Therefore a condition is recommended if the proposal is found acceptable for cycle parking.

WC Rights of Way: No Objection subject to informatives for;

No works to commence without consultation with the PROW Officer, that the applicant will require private rights for vehicular access, and that the applicant should note that it is a criminal offence to obstruct a public right of way. The applicant should also note that no construction or demolition vehicles may access CRIC15 without prior consultation with the rights of way officer.

WC Public Protection: No objection

Ecology: No Objection. Subject to appropriate contributions being secured by way of a legal agreement to secure payments for the North Meadows SAC mitigation strategy.

BNG; the development on the site is considered to meet the criteria to be below the de minimis threshold. Conditions are recommended for ecological enhancements and for no external lighting. An Informative is also recommended to advise the applicant of their statutory duties with regard to protected species.

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.

No letters of representation were received in relation to the proposed development.

ASSESSMENT

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

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

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

Principle of Development

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

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.

- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

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

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

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

It is noted that the submission is reliant upon the assumption that permission already exists to convert the building to a dwelling as a result of preceding application for prior approval under Schedule 2, Part 3, Class Q of the General Permitted Development Order.

The LPA acknowledges that no decision was issued on that application, ref: PL/2025/07492, however the applicant has been advised that due to the qualifying criteria of Class Q, which go beyond the building simply being in agricultural use, the building does not benefit from the permitted development right in the first instance. The LPA does not agree that a Class Q “fall back” position exists as a realistic proposition in this case. With reference to the case law, *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, there must be a realistic prospect of a fallback position being implemented for it to attract weight.

It is accepted that a prior approval decision was not issued within the 56 day determination period, and that in such circumstances prior approval can be deemed as being “approved” by default. However, it is not the case that development can then lawfully begin in cases where it is not permitted development under Class Q in the first instance. In this particular case, the qualifying criteria of Class Q are not considered to be met, as despite the agricultural building being in agricultural use on the requisite date in 2023, as it was not part of an “established agricultural unit” with reference to the General Permitted Development Order (GPDO) definition below;

“established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture—

(a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or

(b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

The Planning Statement confirms that the land was purchased in 2018 and whilst an existing business is referenced, there was no evidence that the building formed part of an 'established agricultural unit'. In any event the facts stated in the statement clearly confirm that the land and building do not form part of the wider established agricultural unit it was part of before changing ownership in 2018. Consequently, it is the LPA's view that the development would not comply with the requirements of paragraph Q1. (a)(i) or (ii) and therefore does not benefit from Class Q permitted development rights. As such, the application submitted under PL/2025/07492 has no effect. A recent appeal from 2025, ref: **APP/P1045/W/24/3357582**, supports this Council's conclusion on this matter in that it cites very similar circumstances. The main issue in the appeal was whether the proposal would be permitted development, with particular regard to the requirements of paragraph Q1. (a)(i), namely, whether the appeal building was part of an established agricultural unit on 24 July 2023. In that case it was not demonstrated that the agricultural building was part of an 'established agricultural unit' due to a change in ownership of the appeal site in 2019.

As the asserted fall-back position on Class Q is not considered to be a realistic prospect in this case, no material weight can be afforded to its principle. The proposal is assessed as new residential development within the open countryside, where development is strictly controlled unless one of the local plan exception policies apply.

The policy that which applies to the conversion of existing buildings in the countryside is CP48 'Supporting Rural Life' which supports the Conversion and re-use of rural buildings for employment, tourism and cultural purposes and where these are not practical propositions, residential uses. The definition of rural buildings to which this policy applies is limited to those that are unused because they are no longer needed or suitable for their original or last lawful use, and for which there is no reasonable prospect of an alternative commercial use.

It is not considered that this definition is met in the present case. The proposal relates to a relatively modern, well-constructed agricultural building on agricultural land, that remains entirely capable of, and suitable for continued agricultural use. The building therefore retains clear potential for ongoing use within agriculture, irrespective of the current owner's preference or intentions. It is not considered that Core Policy 48 should apply in this case.

Notwithstanding the LPA conclusion that CP48 should not apply to a building which is not redundant or disused, the criteria have been considered below.

In considering criterion (i), no structural survey has been submitted. However, the LPA accepts that the building is structurally sound, in good condition and as a result the level of works would be reasonably considered as a conversion.

Criterion (ii) requires the proposed use to be compatible with the character and appearance of the landscape and to safeguard the amenities of resultant and nearby existing residential areas. The change of use of the site to residential and consequent need for garden space and parking creates the parking potential for a wide range of domestic paraphernalia including parked vehicles associated with the residential use to be introduced with a harmful urbanising effect in the open countryside.

With regards to the impacts on residential amenities, the assessment set out within the 'Amenities' section below concludes that the proposal would fail to provide acceptable living conditions for future occupiers of the dwelling.

With respect to criterion (iii), the site is served by an existing access directly onto the existing road. This matter is further discussed under the 'Highways' section below within the report, which concludes that the existing access arrangements, parking provision, and impacts on highways safety could be made acceptable, with no objections raised by the Council's Highways Officer on technical grounds.

With regards to criterion (iv), the site is not well served by services and facilities as one would within one of Wiltshire's identified settlements. As discussed in the 'Highways' section of the report, the site is not considered to be in a sustainable location due to the lack of access to alternative transport modes. Consequently, with consideration to the proposed residential use in this case, the application site is not considered to sufficiently meet what would constitute as having 'reasonable access' to local services and fails to satisfy criterion (iv).

It is noted that the proposal does not involve the conversion of a heritage asset and therefore criterion (v) is not relevant to this application.

In conclusion, the development represents the provision of one new dwelling, outside of the limits of development in a location which is entirely unsustainable. The dwelling is not advanced on the basis that it meets the essential need of an agricultural worker and no other exception policies are considered to apply in this case.

When considering paragraph 84 of the NPPF relating to isolated homes in the countryside, none of the provisions are considered to apply in this case. The proposal is not advanced as accommodation for a rural worker, the building is not a heritage asset, there is no evidence that the buildings are redundant or disused, or that the changes (which are limited externally) would enhance the immediate setting. To the contrary, further domestication of the external areas could have an urbanising effect on the locality. The proposal does not relate to the subdivision of an existing residential building. The proposal is not purported to be of exceptional design quality. The proposal is not supported by paragraph 84 of the NPPF.

5 Year Housing Land Supply

The Wiltshire Housing Land Supply Statement (June 2025) provides the latest position on the Council's ability to demonstrate a five-year supply of deliverable housing land, which is a material consideration in the determination of planning applications.

The National Planning Policy Framework was revised in December 2024. This has reintroduced the requirement to meet five years' worth of deliverable sites and a buffer to be applied to the five-year housing requirement in all circumstances, and has revised the Local Housing Need calculation to establish the five-year housing requirement. These factors have resulted in a substantial increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The resulting position shows that the Council can currently demonstrate a 2.8

years housing land supply of housing at a unitary authority level. This is considered to be a substantial shortfall.

The absence of a five-year housing land supply is a material consideration in the determination of this application. In accordance with Paragraphs 78 and 11(d) of the National Planning Policy Framework (NPPF), for applications involving the provision of housing, where there is a shortfall in the supply of deliverable housing sites, the most important policies for determining the application should be considered out of date. The current housing land supply shortfall is a factor that must be considered in the planning balance and in this case, as a five-year housing land supply cannot be demonstrated, the weight that can be applied to the most important policies for determining this application should be assessed and altered in the light of the shortage in housing land supply. The proposal must be assessed against the national policy context of the need to boost housing supply and the benefits of delivering new homes whilst having particular regard to the key policies set out in paragraph 11(d)(ii) and Footnote 9 of the NPPF.

Design and Impact on the Character and Appearance of the Area

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

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

Section 12 of the NPPF emphasises design that is:

- Visually attractive.
- Functionally effective.
- Contributes to the quality of the built environment.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

Building for a Healthy Life Framework promotes healthy, inclusive, and sustainable places. The document encourages:

- Walkability.
- Access to green space.
- Active design principles for well-being.

In this instance, the existing building is viewed as part of the working countryside and despite its bulk and scale, sits comfortably within that pastoral setting. Such buildings are not uncommon on farmed fields and are viewed as part of the agricultural backdrop of rural life. Whilst it is acknowledged that a dwelling of the same size would not increase the scale of built form on the site, and that additional built form could be controlled by way of appropriate planning conditions, it would necessarily attract attributes associated with a residential property.

This includes but is not limited to the proposed new fenestration, car parking, domestic garden and access, and the usual domestic paraphernalia connected with a residential plot and its private amenity space. These changes would be particularly visible within this rural and open landscape and are considered to negatively impact on the character and appearance of the landscape in this location. Whilst it is acknowledged that there are other residential properties within the wider landscape this urbanisation of an agricultural site is not considered to respond positively to the landscape character or context.

It is considered that the size of the residential garden was predicated on the limitation of Class Q and its criteria. However, in this particular instance, as this is not considered an appropriate fall-back position, the limited size of the garden is not considered to meet the standards adopted within the Wiltshire Design Guide. That SPD states that a new back gardens should comfortably serve the typical needs of those who will use it. An appropriate garden for an open market dwelling should have a useable footprint similar to the size of the property. Whilst this could be achieved by way of revised plans, an enlarged amenity space to meet those standards would further add to the domestication of the plot and further erode the countryside in this location with the additional intrusion. Whilst not considered to form a reason for refusal in this instance, this addition would add to the visual intrusion in this rural location.

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.
- Give particular weight to impacts on National Landscapes (formerly AONBs) and locally valued landscapes.

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

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

As previously described, the site lies within an open rural area, characterised by farmed fields and native hedgerows. The topography of the site and its environs is relatively flat with open views across the landscape. As an agricultural building, there would be limited light spill and day to day operations would be related to animal upkeep and husbandry. As a domestic property, the character of the site would be completely changed. The combination of lighting, formalised boundary treatments, parking and domestic paraphernalia would have an irreversibly urbanising effect on the character of the landscape. Whilst mitigation in the form of landscaping could screen these effects to some extent, given the flat open aspect of the surroundings, the urbanising encroachment into countryside would still be prominent and incongruous.

The proposal fails to respond positively to its landscape context, resulting in harm to the character of the area. The proposal is therefore considered contrary to Core Policies 51 (ii), (vii) and 57 (i) and (vi) of the Wiltshire Core Strategy and the National Planning Policy Framework paragraphs 135 and 187.

Residential Amenity

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users. These policies guide the assessment of amenity impacts.

In this instance, given the degree of separation to the nearest residential properties, the change of use to a domestic dwelling is not considered to result in overlooking, outlook, or overbearing impact upon those nearest to the site.

Highways Impacts and Parking

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.

The application site would be served by the existing farm gate that leads into the plot with a parking and turning area located on the site of an existing outbuilding and where there is an existing gravelled surface.

The Council's Highway Team were consulted on this proposal as a new, residential access would be formed. The site is located remote from any settlement raising concerns with the sustainability of the site, due to reliance on private motor transport for day to day needs. The site is approximately 1.4km south of Cricklade and is not served by safe or practical walking or cycling routes, nor is there access to public transport (the nearest public stop appears to be in Cricklade). The proposal is sited in an unsustainable location and there would be a full reliance on private car use to access services and facilities. The proposal is therefore considered contrary to Core Policies 60 and 61 and Section 9 of the Framework, which aims to reduce the need to travel by private car.

It is noted that the site has an existing access onto Farfield Lane, which is a metalled bridleway and public right of way, CRIC15 and is not an adopted highway and it is assumed that the applicant has vehicular rights of this asset.

Albeit concerns are raised in terms of sustainability, it is considered by that service that there is sufficient parking and turning, and that cycle parking can be achieved by way of a suitable condition.

As the adjacent lane comprises a bridleway and footpath, the Council's Public Right of Way Officer was also consulted. There is no overall objection but informatives are recommended to advise the applicant of their statutory and legal duties in relation to its use, free passage and permissions to carry out works.

Ecology and Biodiversity

The ecological impact of development is a key planning consideration, especially for larger schemes. Proposals must assess and address potential effects on:

- Protected species
- Priority habitats
- Ecological networks
- Green and blue infrastructure

Core Policy 50 of the Wiltshire Core Strategy requires development to:

- Avoid harm to ecological assets.
- Deliver measurable Biodiversity Net Gain (BNG), in line with the Environment Act 2021.
- Support habitat restoration and connectivity.
- Integrate biodiversity into site design.

The Green & Blue Infrastructure Strategy (2022–2030) promotes nature recovery, ecosystem services, and habitat connectivity through development.

Unless exempt, National policy requires a minimum of 10% Biodiversity Net Gain (BNG) for major developments, demonstrated via:

- Biodiversity Metric calculations
- Ecological assessments (e.g. PEAs, Phase 1 surveys, protected species surveys)

The Council's Ecology specialist has been consulted on the proposal and the Case Officer has had discussion with regard to the formal response received. In this instance, due to the existence of and the limited change to the building on the site and the presence of the existing access and gravelled forecourt area, it is considered and agreed that the development would meet the criteria to be classed as de minimus in this instance.

Nevertheless, the site lies within the Inner Zone of Influence for the North Meadows Special Area of Conservation (SAC). This is an exceptional example of a lowland meadow with world class populations of snakeshead fritillary flowers and is open to the public throughout the year. Visitor pressure is impacting the meadow and it is likely additional residential dwellings/overnight accommodation will lead to the site losing its special interest. Wiltshire Council and neighbouring authorities have therefore prepared a joint Interim Recreation Mitigation Strategy.

The site is eligible to secure appropriate mitigation via financial contributions towards the Council's Strategic North Meadows Interim Mitigation Strategy which has been agreed in

consultation with Natural England. This contribution would need to be secured by way of a s106 or s111 agreement entered into by the applicant and Wiltshire Council. The applicant has not committed to a mitigation payment at this stage, but should the LPA consider that the proposal could be supported, then this would need to be arranged prior to determination. Given the overriding concerns relating to the principle of development this has not been requested.

While it is not expected that this development will result in significant loss of habitat, both CP50 and NPPF requires the inclusion of biodiversity enhancements, such as bird and bat boxes. Further details should be provided on the number and types of bird and bat boxes to be included, and the location of these enhancements must be included on the site plan drawings and will become an enforceable part of the planning permission. Bird/bat boxes will continue to be available for bats/birds for the lifetime of the development. Such requirements can be secured by way of a relevant condition should permission be granted. Additionally, it is recommended that a lighting condition would be required along with an informative advising the applicant of their statutory and legal obligations in relation to protected species.

Drainage and Flood Risk

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

- Avoidance of increased flood risk;
- Use of appropriate mitigation measures; and
- Application of the sequential and exception tests in areas at risk of flooding where appropriate.

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

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

The application site is location within Flood Zone 1 and the Council SFRA indicates ground water levels could be between 0.025m and 0.5m risk meaning a risk of groundwater emerging at the surface locally. The EA National Flood Map indicates some parts of the site affected by surface water, likely aligning with topographical low spots.

Given the scale of development and the fact the proposal relates to an existing building, without proposing any significant additional roof area or hardstanding, it is considered that risks can be appropriately controlled safely by a positive sustainable drainage system.

The LPA are satisfied that the proposed development would not result in an increase in flood risk on site or elsewhere. A detailed surface water drainage strategy can therefore safely be secured by condition.

PLANNING BALANCE AND CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies,

or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

Having regard to paragraph 11(d) of the National Planning Policy Framework and the provisions of footnote 7, the Local Planning Authority considers that the presumption in favour of sustainable development ('tilted balance') is engaged. This is because the Housing Land Supply figure is below 5 years at 2.8years meaning the relevant policies of the development plan are considered out-of-date. In weighing the planning balance, the following factors have been considered:

Planning Balance

Benefits of the Proposal

The delivery of new homes is a significant benefit, particularly in the context of Wiltshire's current housing land supply position.

- **Benefit:** Provision of one new dwelling.
- **Weight:** Limited weight.

The proposal will generate limited economic benefits during construction and occupation. This includes direct employment in the construction sector, supply chain benefits, and increased local spending by future residents. These benefits align with paragraph 85 of the NPPF, which supports the role of housing in promoting economic growth and resilience.

- **Benefit:** Economic uplift through construction jobs and post-occupation local expenditure.
- **Weight:** Limited weight.

Identified Harms

Departure from the development plan

Whilst Wiltshire Council cannot currently demonstrate a five-year supply of deliverable housing land, this does not render development plan policies relating to the principle of development irrelevant; such policies remain capable of attracting significant weight where they align with the National Planning Policy Framework in directing growth to the most sustainable locations. This is the case here.

- **Harm:** Departure from the development plan.
- **Weight:** Significant weight.

Unsustainable location – accessibility

The proposal is sited in an unsustainable location and there would be a full reliance on private car use to access services and facilities.

- **Harm:** Reliance on private car, increase in unsustainable journeys
- **Weight:** Significant weight.

Landscape and Visual Impact

The proposal would result in an unacceptable change to the character and appearance of the site and its surroundings, particularly where development encroaches into open countryside and in a visually sensitive area.

- **Harm:** Erosion of rural character and visual intrusion into the landscape.
- **Weight:** Significant weight

Neutral Impacts

In assessing the overall planning balance, it is also important to identify those aspects of the development that are considered to be policy-compliant and acceptable, but which do not result in either a net benefit or harm. The following elements are afforded neutral weight in the planning balance, as they represent the baseline expectation for sustainable development in accordance with the development plan and national policy: These include highway impact, ecology, flood risk and drainage.

Financial contributions secured through Section 106 agreements or the Community Infrastructure Levy (CIL) are required to mitigate the impacts of development and ensure that it is acceptable in planning terms. As such, they are generally considered to be neutral in the planning balance, as they are necessary to make the development policy compliant.

Conclusion

Having regard to the above, the proposed development is considered unacceptable in planning terms. It is concluded that the proposal represents unsustainable development with its conflict with Core Policies 1, 2, 19 and 48 of the Wiltshire Core Strategy. The proposal would result in an increase in unsustainable journeys by private motor vehicle, a harmful impact on the character of the surrounding rural landscape, as well as the unjustified loss of a fit-for-purpose, modern agricultural building. The benefits afforded to the proposal in the form of one market dwelling and economic benefits are limited.

Despite the lack of five-year housing land supply, the harms identified as a result of the proposal would significantly and demonstrably outweigh the benefits of delivering one new dwelling. With circumstances being insufficient to warrant otherwise, the application is recommended for refusal for the reasons set out below.

RECOMMENDATION:

That Planning Permission be REFUSED.

1. The development would be in an isolated location outside any recognised development limits, resulting in the creation of a new dwelling in the open countryside. This is contrary to the National Planning Policy Framework, and Policies CP1, CP2 & CP19 of the Wiltshire Core Strategy, which set a presumption against development outside of the towns and villages in rural areas except in a number of exceptional circumstances, none of which apply in this instance. The proposal does not fall to be considered as the conversion and reuse of a disused and redundant rural building for the purposes of exception policy CP48 (Supporting Rural Life) and in any event it is not demonstrated

that the relevant criteria of CP48 are met, including whether preferential uses are practical propositions, whether the site is well served by services and facilities and whether the development is compatible with its surroundings. The proposal fails to accord with Core Policies 1, 2, 19 and 48 of the Wiltshire Core Strategy, Saved Policy H4 of the NWLP and National Planning Policy Framework para. 84.

2. The development proposed would result in the creation of a dwelling in a location that is remote from any settlement, services, facilities and access to public transport. The site is not suitably located to allow residents to walk or cycle to reach any services and employment opportunities. As such future occupants would be entirely dependent on use of the private car use for day-to-day needs. The dwelling would be situated in an unsustainable location contrary to the aims of National Planning Policy Framework 110 & 115 and Wiltshire Core Strategy Core Policies 57 (xiv), 60 (i) and 61 of the Wiltshire Core Strategy.
3. The introduction of a new dwelling and its potential for domestic paraphernalia to be introduced to the site, fails to achieve a high standard of design or respond positively to its landscape context, resulting in harm to the character of the area. The proposal is contrary to Core Policies 51 (ii), (vi), (vii) & (viii) and 57 (i) & (vi) of the Wiltshire Core Strategy, the Wiltshire Design Guide and National Planning Policy Framework paras 135 & 187.

Informative

Plans relating to the assessment of the development and reason for refusal:

Application Form
Planning Statement, Dated 17th January 2026
FLFP-LP1 Rev A. Location Plan
FLFP-SP1 Rev A. Site Plan
FLCQ-EF1 Rev A. Existing Floor Plans
FLCQ-EE1 Rev A. Existing Elevations
FLFP-PF1 Rev A. Proposed Floor Plan
FLFP-PE1 Rev A. Proposed Elevations
(all received on 21 January 2026)

The Town and Country Planning Act 1990
Refusal of Full Planning Permission
Application Reference Number: PL/2026/00450
Decision Date: 12/06/2026

Applicant:	Mr Stuart Emms 4 Limes Place, Latton, Swindon, SN6 6DR
Particulars of Development:	Revised scheme- Residential conversion of former agricultural building into one dwelling, further to Class Q consent (PL/2025/07492)
At:	Land to South of Farfield Lane, Cricklade, SN6 6HZ

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

- 1 The development would be in an isolated location outside any recognised development limits, resulting in the creation of a new dwelling in the open countryside. This is contrary to the National Planning Policy Framework, and Policies CP1, CP2 & CP19 of the Wiltshire Core Strategy, which set a presumption against development outside of the towns and villages in rural areas except in a number of exceptional circumstances, none of which apply in this instance. The proposal does not fall to be considered as the conversion and reuse of a disused and redundant rural building for the purposes of exception policy CP48 (Supporting Rural Life) and in any event it is not demonstrated that the relevant criteria of CP48 are met, including whether preferential uses are practical propositions, whether the site is well served by services and facilities and whether the development is compatible with its surroundings. The proposal fails to accord with Core Policies 1, 2, 19 and 48 of the Wiltshire Core Strategy, Saved Policy H4 of the NWLP and National Planning Policy Framework para. 84.

- 2 The development proposed would result in the creation of a dwelling in a location that is remote from any settlement, services, facilities and access to public transport. The site is not suitably located to allow residents to walk or cycle to reach any services and employment opportunities. As such future occupants would be entirely dependent on use of the private car use for day-to-day needs. The dwelling would be situated in an unsustainable location contrary to the aims of National Planning Policy Framework 110 & 115 and Wiltshire Core Strategy Core Policies 57 (xiv), 60 (i) and 61 of the Wiltshire Core Strategy.
- 3 The introduction of a new dwelling and its potential for domestic paraphernalia to be introduced to the site, fails to achieve a high standard of design or respond positively to its landscape context, resulting in harm to the character of the area. The proposal is contrary to Core Policies 51 (ii), (vi), (vii) & (viii) and 57 (i) & (vi) of the Wiltshire Core Strategy, the Wiltshire Design Guide and National Planning Policy Framework paras 135 & 187.

Informative

- 4 Plans relating to the assessment of the development and reason for refusal:

Application Form

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FLFP-LP1 Rev A. Location Plan

FLFP-SP1 Rev A. Site Plan

FLCQ-EF1 Rev A. Existing Floor Plans

FLCQ-EE1 Rev A. Existing Elevations

FLFP-PF1 Rev A. Proposed Floor Plan

FLFP-PE1 Rev A. Proposed Elevations

(all received on 21 January 2026)

Nic Thomas - Director of Planning, Economy and Regeneration

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - [Appeal a planning decision: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appeal-a-planning-decision-overview)).

Appeal Decision

Site visit made on 29 April 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/P1045/W/24/3357582

Hay Barn, Upper Lane, Biggin DE6 3FH

- The appeal is made under section 78 of The Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr McCabe against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00917/PDA.
 - The development proposed is Change of use of agricultural building to 1 no. dwellinghouse (Use Class C3) and associated building operations.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The refusal of the appeal application followed two earlier Council decisions to refuse prior approval, both of which were subject to a subsequent appeal. The first¹, of these was refused due to a lack of evidence that the building was solely in agricultural use as part of an established agricultural unit. The appeal was dismissed in 2021 for the same reason. The second² of these considered that the extent of redevelopment works undertaken to the appeal building as part of a previous planning permission³ meant that the site had been brought into use after 20 March 2013 and therefore had not been in agricultural use for a period of at least 10 years. It was dismissed at appeal in 2023 for this reason.
3. Since the determination of the previous applications and appeals, Schedule 2, Part 3, Class Q of the 2015 The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) has been amended by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 which came into effect on 21 May 2024. It was on this basis that the appeal application was made.

Main Issue

4. The main issue is whether the proposal would be permitted development, with particular regard to the requirements of paragraph Q1. (a)(i), namely, whether the appeal building was part of an established agricultural unit on 24 July 2023.

¹ Ref APP/P1045/W/21/3271492.

² Ref APP/P1045/W/22/3299235.

³ Ref 19/01286/FUL.

Reasons

5. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of buildings on agricultural units and former agricultural buildings to dwellinghouses. Under paragraph Q1. development is not permitted by Class Q if: (a) in the case of a site that is part of an established agricultural unit, the site was not part of that unit (i) on 24 July 2023 or (ii) where the site became part of the unit after that date, for a period of at least ten years before the development under Class Q begins.
6. An agricultural building is defined by the GPDO as a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business. 'Agricultural use' refers to such uses. An 'established agricultural unit' for the purposes of the GPDO is defined in Schedule 2, Part 3, paragraph X as 'agricultural land occupied as a unit for the purposes of agriculture, and, for the purposes of Class Q, on, or before 20 March 2013, or for 10 years before the date the development begins'.
7. The appellant is of the firm belief that the appeal building was in use on 24 July as part of the 'established agricultural unit'. However, I have been provided with very little evidence as to what the appellant considers to be the established agricultural unit. It is understood that the land comprising the appeal site was previously owned and farmed by the occupiers of Church Cottage Farm. However, the appellant purchased the land and building in 2019. The redevelopment works took place following the grant of planning permission in 2020.
8. The current relationship between any agricultural business operated from Church Cottage Farm and the appeal site is unclear. Whilst there may be an arrangement to use the building on occasion to store fodder as is stated in letters provided by the appellant, this is not the same as occupying the land as part of the same agricultural unit. I have not been provided with details of the precise extent of the land holdings that comprise the agricultural unit that was in operation on 20 March 2013, in line with paragraph X. Moreover, I would note that the application form states that the appeal site is not currently subject to any agricultural tenancy and no agricultural tenancy agreements were terminated in the year preceding the application.
9. I acknowledge the appellant's argument that there is no limitation to the size of an established agricultural unit set out in the GPDO. Be that as it may, I am required to be satisfied that the site was agricultural land occupied as a unit for the purposes of agriculture on 20 March 2013 and that it remained part of that 'established agricultural unit' on 24 July 2023. Owing to the lack of evidence, it is difficult to conclude that the building was part of that established unit on 24 July 2023.
10. Schedule 2, Part 3, Paragraph W(10) sets out that the local planning authority must, when determining an application, take into account any representations made to them as a result of amongst other things, consultation by way of a site notice or notice served on adjoining occupiers. A number of letters of objection received at the application and those representations received at appeal, including from the Biggin Parish Meeting, call into question the use of the building for agricultural purposes. Letters cite a lack of any agricultural activity around the building since its change in ownership. This adds to my doubts as to whether the appeal site formed part of the established agricultural unit on the required date.

11. Nevertheless, on my site visit I saw that a wire fence defining the edge of the appeal site with the adjacent land had been pulled back and sheep were able to move between the appeal site and the adjacent field. In the appeal building there were several items of agricultural machinery that appear similar to those shown in photographs provided in a letter of support from a local resident in November 2024. However, I am aware that these are snapshots in time and are not clear indicators that the site formed part of an established agricultural unit on these occasions or at the required dates.
12. I recognise that there were some letters of support received as part of the application, however, similarly, these do not provide me with any clear definition of the established agricultural unit, nor do they give me a clear indication that the appeal site forms part of it.
13. The appellant references the 2023 appeal decision which sets out that, on the basis of the evidence before the Inspector at that time, there was an established historical agricultural use of the appeal site and that the building was in use as an agricultural building at the time of the appeal site visit in December 2022. However, the Inspector at that time was assessing the proposal against the earlier iteration of the GPDO which simply required that the building formed part of an established agricultural unit on 20 March 2013. Moreover, I also note the Inspector in the 2021 appeal determined that there was insufficient evidence to conclude that the building was in agricultural use at the time of the application. The comments of the Inspector in the 2023 appeal decision therefore carry limited weight in my assessment as to whether the building formed part of the established agricultural unit on 24 July 2023.
14. Schedule 2, Part 3, Paragraph W(3) of the GPDO sets out that the decision maker may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question.
15. For the reasons set out above I have not been provided with sufficient information to enable me to establish that the proposed development would comply with the requirements of paragraph Q1. (a)(i), and I am unable to conclude that the appeal building was part of an established agricultural unit on 24 July 2023.

Conclusion

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

Paul Martinson

INSPECTOR

Section 111 Agreement Process for Ecological Mitigation Contributions

Notes

Section 111 agreements are generally only used for 10 properties or less. Section 106 and Unilateral Undertakings are options for larger applications.

Legal charges— £275 for five properties or less. £375 between six and ten properties.

Applicant of less than 10 properties needs to pay Ecological Mitigation Contribution for one or more of these strategies

- [River Avon Phosphorus Mitigation](#)
- [Solent \(River Test\) Nitrogen Mitigation](#)
- [New Forest Protected Sites Recreational Disturbance](#)
- North Meadow Recreational Disturbance

Case officer to send *section 111 agreement form(s)* to applicant for completion with information on contributions payable.

- Information of mitigation contributions required
- The relevant section 111 form(s) for completion
- Invoicing table for completion

Applicant to return signed section 111 and invoice table to case officer.

When ready for invoicing, Case Officer to email these docs to Ecology —
(Natalie.Matthee@wiltshire.gov.uk)

1. Applicant signed section 111 form
2. Completed invoice table
3. Signed Record of Officer Decision

Ecology to log applicant on tracking system and invoice applicant

Once payment confirmed by accounts, section 111 form and Record of Officer Decision will be sent by Ecology to Legal for counter signing, copying in Case Officer

Legal to share completed section 111 form with Case Officer (so that permission can be granted) and Ecology



NORTH MEADOW AND CLATTINGER FARM SPECIAL AREA OF CONSERVATION

Recreational Impacts Mitigation Contribution for the INNER ZONE: TO 4.2 KM

AGREEMENT UNDER S.111 of LOCAL GOVERNMENT ACT 1972

Please submit a signed copy of this agreement with your planning application or on request from the Council. Failure to do so could delay the determination of your planning application.

Guidance notes for this agreement are available on the Council's website and should be referred to before completing the form below.

To Development Management
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8 JQ

I. Application Details

Date	
Application reference number: (if known)	
Address of property	
Description of development	
Full Name(s) of applicant(s) (add contact name if applicant is an organisation)	

Correspondence address of applicant	
Number of new residential / holiday units within the inner zone of influence (up to 4.2 km from North Meadow SAC) £331.75/unit	
Recreational Impacts Mitigation Contribution [Number of units x £331.75 Cost centre – 71133	
Section III Legal Fee	
Total Fee	

2. Applicant's agreement

2.1 I hereby acknowledge and agree that:

2.1.1 I will pay the Recreational Impacts Mitigation Contribution and administration fee towards the delivery of the mitigation measures set out in the *North Meadow and Clattinger Farm SAC interim recreation mitigation strategy 2023-2028 (May 2023)* on receipt of the relevant invoice and prior to determination of the Application.

2.1.2 I have read the *North Meadow and Clattinger Farm SAC interim recreation mitigation strategy 2023 – 2028 (May 2023, as may be amended from time to time)* and I am making this payment as contribution to mitigation of the significant effect of the development set out in the Application on the North Meadow SAC as referred to by the Strategy.

2.1.3 This contribution has been made pursuant to Conservation of Habitats and Species Regulations 2017 (as amended) and Section III of the Local Government Act 1972.

2.1.4 I have been informed of the opportunity to complete a unilateral planning obligation in accordance with Section 106 Town and Country Planning Act 1990 to make the

Recreational Impacts Mitigation Contribution when development commences, and I have chosen to make the direct payment as an expeditious alternative to relying on such a unilateral planning obligation.

2.2 I understand that:

- 2.2.1 No refund of this Recreational Impacts Mitigation Contribution will be made unless the Application does not receive approval (whether or not with conditions) or is withdrawn.
- 2.2.2 In respect of any refund including where the Application is withdrawn, I acknowledge that:
 - 2.2.2.1 The total amount refunded will be the sum of the original Recreational Impacts Mitigation Contribution payment less the administration fee.
 - 2.2.2.2 No interest will accrue to be refunded.
 - 2.2.2.3 No refund will be made until the period for appeal has passed without an appeal being made or an appeal has been dismissed or six months has elapsed since the date of withdrawal.
 - 2.2.2.4 If an appeal against refusal is made and is allowed by the Planning Inspectorate no refund will be made.
- 2.2.3. Refunds will only be made if a request for a refund is received in writing (sent to cilands106@wiltshire.gov.uk) and made within 12 months of the date of determination of the application (but not before the period set out under 2.2.2.3) or within 12 months of the date of any appeal decision, whichever is the later.
- 2.2.4 If the planning permission is varied by a section 73 application or amended, then the contribution may be used to cover the *North Meadow and Clattinger Farm SAC interim recreation mitigation strategy 2023-2028 (May 2023)* due for that application.

3. Wiltshire Council's Agreement

- 3.1 In consideration of the Applicant's agreement, Wiltshire Council will apply the Recreational Impacts Mitigation Contribution in accordance with the *North Meadow and Clattinger Farm SAC interim recreation mitigation strategy 2023-2028 (May 2023)*, as may be amended from time to time).
- 3.2 For the avoidance of doubt, this Agreement does not: (i) constitute advice on the merits of the Application or the viability of the development referred to in the Application, (ii) guarantee that the Application will be successful or that objections or conditions will not be made, or (iii) bind or commit Wiltshire Council in any way in respect of any planning application.

4. General

This legally binding agreement shall be governed by the laws of England and each party submits to the exclusive jurisdiction of the English courts.

Signature of applicant

(digital signature is acceptable)

Application reference number

Received on behalf of Wiltshire Council

By (authorised officer)

Of (name of department)

on (date)

This receipt signifies the agreement on behalf of Wiltshire Council to this s.I I I Agreement.

A copy signed by both the applicant and on behalf of the Council will be sent to the applicant. Please retain the copy for your records as it is an important legal document.