

APPLICATION FOR FULL-PLANNING PERMISSION (MINOR DEVELOPMENT) CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/02227
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Kington Langley Stud, Ashes Lane, Kington Langley, Chippenham, SN15 5NP
DEVELOPMENT DESCRIPTION:	Conversion of mixed equestrian / residential building to dwelling
RECOMMENDATION:	Approve with Conditions

1 SITE DESCRIPTION/CONTEXT

The application site is at Kington Langley Stud which is located immediately to the west of the built form of the village. Kington Langley is identified within the development plans as a Small Village and it is located north of Chippenham and to the east of the A350.

The development relates to 2no. existing barns set back from the frontage of the site, as illustrated with the red line at Figure 1; the buildings shown as 'The Stables' to the frontage of the site were granted change of use to 2no. residential dwellings on 28/11/2025 (under PL/2025/05337):

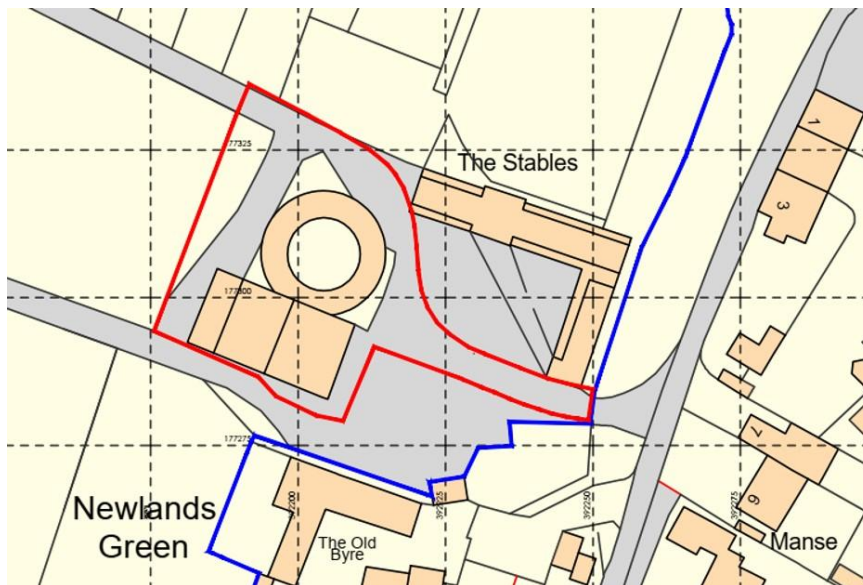


Figure 1: Location Plan (extract)

The site has a rural character and until recently had a mix of uses in the immediate area with the equestrian activity at the wider site sitting alongside surrounding and neighbouring residential uses. However, with the equestrian activity coming to an end, and the conversion of The Stables to residential use, the character is becoming predominantly rural residential.

The Stables form the eastern boundary to the site, to the north and west is open land of equestrian appearance and character, and to the south is the residential dwelling of The Old Byre. Access to the site is existing onto Ashes Lane, shared with The Stables.

The site is subject to the following key constraints and designations: partly within the designated conservation area for Kington Langley (the frontage of the site, access and frontage of the building itself) and on the opposite side of Ashes Lane is the grade II listed dwelling 'Newlands'. The nearest Public Right of Way is KLAN35, which runs west of Ashes Lane some 70m to the north of the site. The site is within flood zone 1 and not showing as being at risk from flooding of any other source.

2 PROPOSAL

The application seeks to 'convert' the entirety of the existing building(s) – which is formed of two visually distinct separate but adjoining elements – into a single dwelling, with an integrated 'self-contained annexe' of living accommodation. Although stated as a conversion, it is clear from the plans that the rear element of the building is to be demolished and re-built, with the plans showing a different floorplan and different elevation and roofline profile. In particular, the re-built element, which will form the family and living space, is to be set away from the larger building with a single-storey link inserted.

Further information was provided during the course of determination of the application to demonstrate and evidence that the historic use of the building contained residential units (2no. flats), as stated in the submitted Design & Access Statement.

3 PLANNING HISTORY

The following historic applications at the site are of relevance to this application:

Proposal / Summary
PL/2025/05337 - Full planning permission Decision - Approve with Conditions Date: 28/11/2025 – Change of use of stables to 2 no.dwellings
21/01117/FUL - Full planning permission Decision - Approve with Conditions Date: 31/3/2021 – Clear span equestrian barn for keep of youngstock.
N/13/01696/FUL - Full planning permission Decision - Approve with Conditions Date: 10/10/2013 – Erection of Hay Barn & Hardstanding
N/12/03486/S73A - Full planning permission Decision - Approve with Conditions Date: 8/1/2013 – Dentistry Building and Horsewalker (Variations of Conditions 3,7,8 & 9 of Planning Permission 11/03807/S73A)
N/11/03928/FUL - Full planning permission Decision - Approve with Conditions Date: 5/4/2012 – Extension to Dwelling & Garage
N/11/03807/S73A - Full planning permission Decision - Approve with Conditions Date: 11/5/2012 – Dentistry Building and Horsewalker (Part Retrospective)
N/05/02382/FUL - Full planning permission Decision - Approve with Conditions Date: 9/11/2005 – Conversion to Dwelling Including Extensions
N/04/02616/FUL - Full planning permission Decision - Approve with Conditions Date: 21/10/2004 – REVISIONS TO 04.00956.COU – CONVERSION OF COW BYRE TO DWELLING

N/04/02613/FUL - Full planning permission Decision - Approve with Conditions Date: 29/12/2004 – RETENTION OF MOBILE HOME FOR TEMPORARY PERIOD AND ERECTION OF TEMPORARY BUILDING FOR USE AS AN EQUINE DENTISTRY UNIT
N/04/02275/FUL - Full planning permission Decision - Approve with Conditions Date: 29/12/2004 – EQUINE DENTISTRY FACILITIES INCLUDING TEACHING, HORSEWALKER AND GENERAL PURPOSE AGRICULTURAL BUILDING
N/04/00294/S73A - Full planning permission Decision - Refused Date: 25/3/2004 – TEMPORARY SITING OF MOBILE HOME AND TIMBER CABIN FOR AN EQUESTRIAN WORKER AND STORAGE OF HORSEBOX (RETROSPECTIVE)
N/04/00956/COU - Full planning permission Decision - Approve with Conditions Date: 12/5/2004 – CHANGE OF USE OF COW BYRE TO DWELLING
N/92/02152/FUL - Full planning permission Decision - Approved Date: 11/1/1993 – PROVISION OF ALL WEATHER TRAINING AREA ALL WEATHER TRAINING AREA
N/92/00542/FUL - Full planning permission Decision - Split Date: 14/5/1992 – 6No.STABLES(LOOSE BOXES),HORSEWASH ROOM & STORAGE BUILDING, OUTDOOR MENAGE AND REMOVAL OF CONDITION 1(TEMP. WORKERS ACC--OMMODATION) FROM N.90.2727.F EQUESTRIAN/ME'NAGE/D
N/89/03271/FUL - Full planning permission Decision - Withdrawn Date: 29/1/1990 – EXTENSION AND CONVERSION OF BARN TO DWELLING
N/88/01958/OUT - Outline Planning Decision - Refused Date: 1/9/1988 – OUTLINE APPLICATION FOR ERECTION OF ONE DWELLING

4 RELEVANT LEGISLATION, POLICIES AND GUIDANCE

4.1.1 Statutory Legislation:

4.1.2 National Planning Policy:

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

4.1.3 Development Plan:

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

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

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

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 10 Spatial Strategy for the Chippenham Community Area
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- 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 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;

4.1.4 Neighbourhood Plan:

There is no Neighbourhood Plan for Kington St Michael.

4.1.5 Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- National Design Guide

4.1.6 Other Relevant Policies and Documents

- Wiltshire Council's latest published Housing Land Supply Statement
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- Waste Storage & Collection: Guidance for developers (January 2017)
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030

5 ISSUES

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

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)
- Other planning matters and material considerations: lawful use of the building

6 CONSULTATION RESPONSES

The views of consultees are material considerations in the determination of the application. However, the decision-maker must exercise their own planning judgement. Where consultees raise concerns or recommend conditions, these have been considered and are addressed within the assessment section of this report.

WC Highways: No objection subject to conditions

WC Conservation: No comment (no objection)

WC Ecology: No comment at time of determination

Kington Langley Parish Council: Support

The consultee responses have been carefully considered. Whilst significant weight is afforded to specialist technical advice, the decision remains a matter for the Local Planning Authority and the officer assessment below reaches an independent planning judgement on the issues raised.

7 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;
- An advertisement placed in the local press.

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.

Each material planning issue raised is addressed within the assessment below.

7.1.1 Letters of Objection

Total letters of objection received: 0

7.1.2 Letters of Support

Total letters of support received: 0

8 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 NPPF (NPPF) as a material consideration in the assessment.

The assessment below considers each of the main issues identified above. Each topic is assessed in turn with reference to the relevant policy context, the evidence submitted, consultee responses, and all other material considerations, before a conclusion is reached.

8.1 Principle of Development

8.1.1 Policy Context

Core Policies 1 and 2 of the Wiltshire Core Strategy establish the overarching spatial strategy for Wiltshire and provide the primary Development Plan framework for determining whether development is appropriately located. Together, these policies seek to direct growth towards the most sustainable locations whilst protecting the intrinsic character and beauty of the countryside. The strategy prioritises development within Principal Settlements, Market Towns, Local Service Centres and larger villages, whilst development in the countryside will only be supported where it accords with specific development plan policies or where material considerations indicate otherwise.

The NPPF also contains national policies relating to the location of development. Policies S3-S5 distinguish between development within settlements and development in the countryside, support sustainable patterns of growth, and require decisions to have regard to the role and function of settlements, accessibility to services and facilities, and other site-specific considerations.

The principle of development should be assessed having regard to the Development Plan as a whole, the NPPF and all other material considerations. The weight afforded to individual policies will depend upon the nature, scale and location of the development proposed.

8.1.2 Assessment

Kington Langley is designated as a Small Village within the Core Strategy, and as such has no defined settlement boundary. CP1 and CP2 set a framework for new development and in Small Villages this shall be limited to that needed to help meet the housing needs of settlements; and should take the form of limited infill within the existing built area where it respects the existing character and form of the settlement, does not elongate the village and does not consolidate an existing sporadic loose knit area of development related to the village. In this case whether the proposal complies with these requirements is a finely balanced assessment. The alternative in development plan terms is to consider exception policies including CP48.

As recently as August 2026 the new NPPF provided the following definition of a settlement, which has significance in the interpretation of the development plan. 'Settlements' are defined

in the latest NPPF as Annex B: Glossary), which states that: *“Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan.”*

In this instance, it is the case that Kingston Langley is specifically defined as a settlement, albeit without a defined boundary. Whilst the application site is on the western periphery of the village, the stables represent an existing built form and there is a context for residential development on Ashes Lane and Day's Lane. On balance the proposals are considered to be within the settlement of Kingston Langley, albeit on the very limits of this.



Google aerial image of the application area and relationship to the settlement's built form

Core Policy 48: Supporting Rural Life is relevant and relates to the conversion and re-use of rural buildings. This is the policy relied upon by the applicant. However, they have not provided suitable information to satisfy the policy for the following reasons. Importantly, this policy does not allow for demolition and re-building, and it also prioritises re-use for use for employment, tourism, cultural and community uses before conversion to residential. In this case, whilst the application proposes conversion of part of the building, it is clear that a significant part of the building is to be demolished and re-built. Furthermore, no information has been provided as to the consideration of other uses, and why these do not represent practical propositions. As such, it is not considered that the principle of the development in this specific case is justified under the exemption policy CP48.

Returning to CP1 and CP2 the proposal is considered to have some limited conflict if considered as a type of infill development. The equestrian centre is sited on the periphery of the village and is not enclosed by the residential uses with a clear rural character to the north and west. This has evolved to some extent with the recent approval for the frontage stables to be used as 2 dwellings. However, the proposals arguably would elongate the village and consolidate what is evolving (from a equestrian centre) into a loose knit area of development related to the settlement. On balance it is concluded that there is some conflict with CP1 and CP2 of the development plan.

It is also necessary to have regard to wider other material considerations including the NPPF which has critical importance and the current demonstrable shortfall in housing land supply (2.8yhl against the 5 years and buffer requirement). As set out above the site lies within the

defined settlement of Kington Langley and Policy S4 of the NPPF is therefore a recent and critical other material consideration.

Policy S4 establishes a presumption in favour of housing development within settlements. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF. The non-exhaustive list of examples set out at S4(2) have been given careful consideration. This is considered to be a case where the NPPF is supportive in principle subject to detailed considerations.

8.1.3 Conclusion

The proposal conflicts with the Development Plan when read as a whole. However, on balance the site lies on the very periphery (albeit within) a defined settlement and Policy S4 of the NPPF is therefore relevant.

The proposal is capable of being supported in principle under Policy S4, subject to detailed assessment against the Development Plan, the NPPF and all other material considerations.

Whether the benefits of the proposal are substantially outweighed by any adverse effects is considered within the planning balance section of this report.

8.2 5 Year Housing Land Supply

The Council's latest Housing Land Supply Statement provides the most up-to-date position regarding the availability of deliverable housing land within Wiltshire and is a material consideration in the determination of planning applications.

The NPPF requires local planning authorities to identify and maintain a supply of specific deliverable housing sites. Housing need, housing requirements, and the supply of deliverable sites are addressed through Policies HO1 to HO6 (for plan-making) and HO7 to HO13 (for decision taking) and Annex D of the NPPF. Annex D sets out the methodology for calculating housing need, assessing land supply, the application of housing land supply buffers using the latest Housing Delivery Test results, and establishing a five-year supply of deliverable housing sites.

The Council's current housing land supply position demonstrates a supply of 2.8 years of deliverable housing land against the relevant housing requirement. This position is a material consideration when assessing proposals for residential development. Where a shortfall exists, this indicates that the Council is unable to demonstrate a full five-year supply of deliverable housing sites and this is capable of attracting significant weight in favour of proposals which would contribute towards meeting identified housing needs.

In determining this application, regard has been had to the Council's current housing land supply position, the relevant housing policies of the development plan, the housing objectives of the NPPF, and all other material considerations. The extent to which the Council's housing land supply position affects the weight to be afforded to housing delivery and other material considerations has been considered as part of the planning balance set out below.

The contribution that this proposal would make towards meeting housing needs, together with any other benefits and harms arising from the development, is assessed within the overall planning balance and conclusion sections of this report.

8.3 Design and Impact on the Character and Appearance of the Area

8.3.1 Policy Context

Core Policy 57 of the Wiltshire Core Strategy requires development to achieve a high standard of design that responds positively to local character, context and distinctiveness.

Policies DP1-DP4 of the NPPF seek to ensure that development is well-designed, visually attractive, sustainable and responsive to its surroundings. Development should contribute positively to local character, create high quality places and support healthy and inclusive communities.

The Wiltshire Design Guide provides further guidance on achieving high quality, context-led design and should be taken into account where relevant.

8.3.2 Assessment

In assessing this aspect of the proposal, regard has been had to the site context, the details of the proposed development, the relevant development plan policies, and all other material considerations. The envelope of the larger existing element of building is proposed to be retained as existing and the changes proposed are relatively minor in scope: infilling of door openings at ground floor level on the principal elevation, and new window and door openings on the side elevation. The materials and appearance of this element of the building remain as existing.

In terms of the element of the building to the rear (west), the proposed re-built element is smaller in footprint than the existing building. Whilst the ridge-line is higher, this is only by a magnitude of just under 1.0m, and it would remain set well below the ridge line of the retained built form. The materials proposed match the retained built form at ground floor level (Cotswold re-con stone), to the rear is an oak frame structure and at first floor level the elevation is vertical metal clad, with roof material to match.

There is thus some visual separation of the two built elements and the re-built element overall has a more overtly residential appearance than the larger retained element. However, in terms of any policy conflict arising from this altered form and appearance, it is not considered that the changes proposed are of an extent such as to conflict with the relevant design policies (CP57, WCS / DP3 and DP4, NPPF), or warrant any reason for refusal on these grounds.

The boundary treatments, as shown on the Site Plan, comprise of stone wall (0.9m) and post and rail fencing. The former is shown to be materials which match the host dwelling and, mindful that this frontage overlaps with the designated Conservation Area – albeit not very visible from the street, this is considered to be acceptable. The post and rail boundary treatment elsewhere is in keeping with the wider site in terms of character and appearance.

Finally, to avoid the proliferation of external lighting at this edge of settlement site, and to safeguard neighbour amenity, a condition requiring submission of any external lighting details prior to their installation is considered to be appropriate and necessary.

8.3.3 Conclusion

Having regard to the above, it is considered that there is no conflict arising with Core Policy 57 (WCS), or policies DP3 and DP4 of the NPPF.

8.4 Impact on Heritage Assets

8.4.1 Policy Context

From the point of view of the historic environment, the main statutory duties are set out within the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66(1) requires special regard to be given to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess.

Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Core Policy 58 of the Wiltshire Core Strategy seeks to conserve and, where appropriate, enhance the significance of designated and non-designated heritage assets and their settings. Core Policy 57 requires development to respond positively to local character and historic context through high quality design.

Policies HE4-HE10 of the NPPF recognise heritage assets as an irreplaceable resource and require proposals affecting heritage assets to be assessed having regard to their significance and the contribution made by their setting.

8.4.2 Assessment

In assessing this aspect of the proposal, regard has been had to the site context, the details of the proposed development, the relevant development plan policies, and all other material considerations. The key considerations are set out below.

In accordance with the heritage policies of the NPPF, any harm to the significance of a heritage asset must be clearly identified and assessed. Where harm is identified, it should be categorised having regard to the relevant heritage policies and weighed against any public benefits arising from the proposal.

Given the nature of the proposal, and in particular that there are no substantive changes proposed to the frontage of the building (i.e. the east elevation which fronts the designated Conservation Area), there is not considered to be any material impact or harm caused to the designated Conservation Area or the listed building on Ashes Lane.

8.4.3 Conclusion

Having regard to the above, it is considered that the application does not cause any harm to the significance of any designated heritage assets, and as such there is no conflict arising with Core Policy 58 (WCS) and Policies HE5, HE6 and HE9 of the NPPF.

8.5 Amenity

8.5.1 Policy Context

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.

Policy P3 of the NPPF requires development to be appropriate for its location, taking account of its likely effects on health, living conditions and the environment. In particular, Policy P3(2)(b) requires development to avoid giving rise to unacceptable impacts on the living conditions of neighbouring residents and occupiers. In assessing amenity impacts, regard should be had to matters including daylight and sunlight, outlook, privacy, overbearing impacts and other effects on residential amenity.

These policies guide the assessment of amenity impacts. Each of the below matters has been assessed having regard to the specific site context and layout of the proposal.

8.5.2 Assessment and Conclusion

The proposal introduces a residential use on to the remaining part of the site which has been in equestrian use. With the use of the adjacent 'Stables' building having been approved for residential use, there is not considered to be any particular amenity issues arising from the use of this building(s) for residential use.

In terms of direct neighbours, there are no changes proposed to the southern elevation of the building which is to be converted and faces the Old Byre, with the existing external steps and door opening proposed to be retained. Whilst the intensity of use of this access may change, it is noted that there appears to have been a residential use on-going at this first floor level (see below). There is a new opening proposed at first floor level on the re-constructed element of the building, and given that this faces onto the Old Byre – although recognised as an oblique angle – it is considered appropriate that this is obscure glazed to minimise any overlooking.

With such a condition it is not considered that any amenity impact would conflict with CP57 (WCS) to such an extent as to warrant a reason for refusal.

8.6 Highways Impacts and Parking

8.6.1 Policy Context

Policies TR3-TR8 of the NPPF seek to ensure that development is supported by safe, suitable and sustainable transport arrangements. Development should provide appropriate access,

promote sustainable travel choices where possible and avoid unacceptable impacts on highway safety and the operation of the transport network.

Core Policies 60-64 of the Wiltshire Core Strategy require development to provide safe access, promote sustainable transport, minimise transport impacts and provide appropriate parking arrangements.

Where relevant, regard should also be had to the Wiltshire Local Transport Plan, the Council's parking standards and any applicable Local Cycling and Walking Infrastructure Plans (LCWIPs).

8.6.2 Assessment

In assessing this aspect of the proposal, regard has been had to the site context, the details of the proposed development, the relevant development plan policies, and all other material considerations.

The proposal is relatively limited in scope and, on the basis that the building has been used in part for residential purposes for a number of years (see below), there is not considered to be any materially harmful transport or highway impacts arising. The Highway Officer has been consulted on the application and has confirmed no objection, subject to a Condition relating to the provision of cycle parking. In response, an updated Site Plan was submitted which shows bin and cycle storage such that the Condition can be worded as a compliance Condition rather than requiring further details.

8.6.3 Conclusion

There is no reason to disagree with the overall conclusion of the Highway Officer and there is no material policy conflict in terms of highways. Having regard to the above, it is considered that the application complies with Core Policies 60, 61 and 62 (WCS), and TR3 – TR8 of the NPPF.

8.7 Ecology

8.7.1 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. Policy N2 of the NPPF seeks to ensure that development contributes positively to the natural environment and supports nature's recovery. Development proposals should conserve and enhance biodiversity, minimise adverse impacts on habitats and species, strengthen ecological networks where appropriate, and identify opportunities for biodiversity enhancement.

Proposals must assess and address potential effects on:

- Protected species;
- Priority habitats;
- Ecological networks; and

- Green and blue infrastructure.

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.

The Wiltshire Green & Blue Infrastructure Strategy (2022–2030) encourages habitat connectivity, nature-based solutions, and integration of biodiversity within site design; these principles guide the assessment of detailed proposals.

8.7.2 Assessment and Conclusion

The site does not fall within any designated ecological protection area. The Ecology Officer has been consulted but at the point of determination has not provided a response on the application.

The application has been submitted with a Preliminary Ecological Appraisal dated May 2026 which has been carried out by reportedly suitably qualified professional individuals. As such this is afforded weight in any planning assessment. This concludes that:

- No significant adverse effects on local habitats or wider ecological networks are anticipated as a result of the proposed development.
- Under the current proposals, the conversion of the structure (Building B1) will comprise internal works only. No works are proposed to the roof covering, external timber cladding, soffits, fascias, or any other external building fabric associated with the identified Potential Roost Features (PRFs). Furthermore, no alterations to external access points or external lighting affecting these features are proposed as part of the scheme. On this basis, the proposals do not include works that would disturb, damage, obstruct, or otherwise affect features that could be utilised by crevice-dwelling bats.
- No evidence of bats, including droppings, feeding remains, staining, or live bats, was identified within Buildings B2, B3 or B4 during the survey. Owing to the absence of suitable roosting features, exposed Preliminary Ecological Appraisal internal conditions, and regular disturbance, these buildings are considered to offer negligible potential for roosting bats. Consequently, no further bat survey effort is considered necessary in relation to these structures.

The report sets out a number of caveats, limitations and recommendations. These should reasonably form the basis of a condition to any consent noting CP50 requirements to avoid harm and provide enhancements where possible.

The applicant has set out that the proposals should be exempt from BNG under the de minimis exemption. Based on the information available this is agreed. Whilst the application proposal is exempt from Biodiversity Net Gain (BNG) [classified as de minimis], in order to be compliant with Core Policy 50 (WCS) some biodiversity enhancement is required and none has been

shown on the plans. As such (and as noted above), a Condition requiring adherence to the enhancement measures set out in the submitted PEA is considered necessary and appropriate in this instance.

With such a Condition, the application complies with Core Policy 50 (WCS) and the relevant of the NPPF (N2).

9 Other planning matters and material considerations

9.1.1 Use of the building

The submitted Design & Access Statement with the application stated that the first floor of the larger of the buildings has been in residential use since 2014. This is in the form of 2no. flats, with Flat no.1 having been occupied since 2014 and Flat no.2 since 2018. Whilst the Council holds no formal record of such a use having been on-going, during determination of the application the Applicant provided a range of additional information which appears to evidence this claim¹.

It must be emphasised that the consideration of any such use as part of the assessment of this application does not amount to any confirmation of lawfulness, which can only be established through a formal Certificate of Lawfulness. However, this additional information, and potentially historic use of the building for residential use, does represent a material consideration, albeit of relatively limited weight without any formal Certificate.

10 PLANNING BALANCE AND CONCLUSION

10.1 Policy Context

In reaching a decision, all identified harms and benefits must be weighed in the overall planning balance, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the provisions of the Development Plan and the NPPF.

The NPPF contains a presumption in favour of sustainable development. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The weight to be afforded to any identified benefits must be considered alongside all other material considerations, including whether the proposal accords with the Development Plan and whether any other policies of the NPPF indicate that development should be refused or that substantial weight should be attributed to identified harms.

The proposal conflicts with the Development Plan when read as a whole. Accordingly, the statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission be refused unless material considerations indicate otherwise.

¹ Including tenancy agreements, photographs, utility bills.

The application site is located within a defined settlement and Policy S4 of the NPPF is therefore relevant. As set out within the Principle of Development section of this report, the proposal is capable of being supported in principle under Policy S4.

Policy S4 establishes a presumption in favour of development within settlements. In these circumstances, planning permission should be granted unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies of the NPPF.

In applying Policy S4, particular regard should be had to:

- whether any national decision-making policy indicates that planning permission should be refused in the circumstances of the case;
- whether national policy requires substantial or particular weight to be attributed to identified harms; and
- whether the adverse effects identified substantially outweigh the benefits arising from the proposal when assessed against the NPPF as a whole.

The assessment therefore requires consideration of whether the adverse effects identified are sufficiently significant to substantially outweigh the benefits arising from the proposal when assessed against the NPPF as a whole.

10.2 The Balance

In this case, any adverse impacts have been minimised through the use of planning conditions and are not of a nature to 'substantially outweigh' the benefits arising such as the delivery of housing. Set alongside this is consideration that a change of use to residential has, potentially at least, been on-going for some time. The benefits include the economic benefits and construction employment, which are afforded moderate weight, along with the securing of formal residential use of the site and contribution (albeit minor) to housing delivery.

The principle of development has been assessed elsewhere within this report having regard to the Development Plan, the National Planning Policy Framework and all other material considerations.

For clarity, the principal harms and benefits identified through that assessment are weighed in the overall planning balance. In this instance no material planning harm has been identified following the assessment of the proposal.

Any technical matters arising can be appropriately addressed through planning conditions where necessary.

10.3 Conclusion

The proposed development is considered acceptable in planning terms. Having regard to the Development Plan, the NPPF and all other material considerations, the proposal is considered to conflict with the Development Plan at CP1 and CP2 but found to be acceptable for the reasons set out above.

Accordingly, planning permission should be granted.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to conditions:

All conditions imposed have been assessed against the tests set out in Policy DM6 of the NPPF and are considered to be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 71855-02 – 001 A: Location Plan and Existing Site Plan
 - 71855-02 – 002 A: Existing Floor Plans
 - 71855-02 – 003 A: Existing Elevations
 - 71855-02 – 101 B: Proposed Site Plan (08/09/2026)
 - 71855-02 – 200: Proposed Plans & Elevations
 - 71855-02 – 004: Proposed Cycle & Bin Stores (08/09/2026)(received 19/04/2026 unless otherwise specified)

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

3. The cycle parking facilities shown on the hereby approved Site Plan shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for use thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

4. The development shall be carried out in strict accordance with the details set out in the Preliminary Ecological Appraisal by Cotswold Environmental dated May 2026 at Section 4 'Discussion and Recommendations'. This shall include but not necessarily be limited to the biodiversity enhancements for bats and nesting birds, and recommendations for external lighting and hedgehogs.

REASON: To provide mitigation / enhancement for biodiversity.

5. No external lighting shall be installed on the site or affixed to any buildings unless full details of the lighting scheme have first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:
- A layout plan showing the exact location of all external light fittings.
 - Full technical specifications, including the type, lux levels, and light spillage (iso-lux contour plans).
 - Measures to minimize light pollution, including the use of hoods, cowls, or shields.
 - The hours of operation for the external lighting.

The external lighting shall be installed, maintained, and operated strictly in accordance with the approved details and shall not be altered without prior written approval from the Local Planning Authority.

REASON: To safeguard the visual amenities of the area, protect the amenities of neighbouring residential properties, and prevent disturbance to protected species and wildlife.

6. Before the development hereby permitted is first occupied, the window at first floor level in the south elevation shall be glazed with obscure glass only to an obscurity level of no less than level 2 and permanently maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

INFORMATIVES

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as

amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.