

The Byres Cottages, 84 Westbrook, Bromham, Chippenham. SN15 2EE

PLANNING, DESIGN AND ACCESS STATEMENT

Change of use of the three units known as Byres 1-3 to Class C3 dwellinghouses, with minor internal alterations to Byres 1 and 3 — submitted in support of a planning application

Prepared under the National Planning Policy Framework, August 2026

Project:	The Byres, Westbrook
Client:	Westbrook Farm Chippenham Ltd
Previous application:	PL/2025/09713
Related appeal:	6008204 (undetermined)
Issue date:	October 2026
Revision:	D — October 2026



The Byres, with Mead View and the wider group at the former Westbrook Farm

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*Westbrook Farmhouse, The Flat, Mead View and The Byres
an established group of buildings and houses*

APPENDICES

- A HOUSING LAND SUPPLY
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This statement supports an application for the change of use of the three units known as Byres 1, 2 and 3 from holiday accommodation to Class C3 dwellinghouses.

It is prepared under the National Planning Policy Framework published on 17 August 2026, and it answers each of the three objections the Council has previously stated in respect of this site.

The buildings already exist. They are built, serviced, connected and occupied. Nothing is built, nothing is extended and no land is taken. The only physical changes are minor internal alterations to Byres 1 and 3.

Under the 2026 Framework the proposal falls within three separate limbs of Policy S5(1) and benefits from a presumption in favour of approval which does not depend on the housing land supply position.

- **The site is previously developed land in active daily use**
- **No external alterations of any kind are proposed**
- **The access is existing — the Highway Authority raises no objection**
- **Bromham Parish Council supports the proposal unanimously**
- **No member of the public objected**
- **Wiltshire can only claim 2.8 years of housing land supply**
- **Three homes deliverable immediately, with no lead-in period**
- **The units sit within an established group of houses**
- **The garden land as previously submitted, exceeding the Design Guide**
- **The Council's housing land supply position is evidenced at Appendix A**

(the Council's own current figure, from its appeal Statement of Case — see §4.6)

- 1.1** This Planning, Design and Access Statement is submitted in support of an application for the change of use of three existing holiday units to three dwellinghouses (Class C3), together with minor internal alterations to Byres 1 and 3 to provide a double bedroom and built-in storage.
- 1.2** It is prepared on behalf of Westbrook Farm Chippenham Ltd and replaces the Planning and Sustainability Statement previously prepared, which was written against a National Planning Policy Framework that has since been superseded.
- 1.3** The statement is structured in accordance with Circular 01/2006 and the CABE guidance 'Design and access statements: how to write, read and use them'.
- 1.4** The Contextual Appraisal sets out the site, its surroundings and the policy context. The Design Principles section addresses use, amount, layout, scale, landscaping and appearance.
- 1.5** The Access Principles section covers vehicular and pedestrian access, inclusive access and parking provision.
- 1.6** The Planning Justification section examines the proposal against the statutory development plan and other material considerations, and answers in turn each of the three reasons for refusal advanced by the Local Planning Authority.
- 1.7** Because national policy changed materially on 17 August 2026, the policy section deals with the position both before and after that date and identifies what has changed for this site.

2.1 The site lies on the A3102 Westbrook Road, which connects Melksham to Calne and links to the A350 and A342.

It is approximately 2 miles from Melksham and 0.5 miles west of Bromham.

2.2 The Byres buildings were originally a barn forming part of Westbrook Farm. In 1987 the barn was granted permission for conversion to four holiday units under K/86/0690. Three self-contained units were built and have operated as holiday accommodation ever since.

2.3 The wider site is now predominantly residential. The commercial farm buildings that formerly fronted the road have gone.

2.4 The buildings form a natural courtyard group, set below and back from the road and not readily read from it.

That will not change.



The group of buildings at former Westbrook Farm, viewed from the south

2.5 The appeal building does not stand alone. The Council’s own case officer describes the immediate group as comprising Westbrook Farmhouse, a separate dwelling on the ground floor of the farmhouse known as The Flat, a further dwelling known as Mead View, and two other holiday cottages to the north.

2.6 The Flat and Mead View have both been the subject of successful certificate of lawfulness applications and are in lawful permanent residential use.

2.7 This matters. Policy S5(3) of the Framework provides 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.”

2.8 **The Byres lies within a group of houses. It is not isolated, and Policy HO11 is not engaged.**



The Byres, Mead View and the wider residential group

3.1 The relevant history is as follows.

K/86/0690 — Conversion of redundant farm building into four holiday cottages. Approved with conditions, 6 February 1987. Subject to a Section 52 agreement. Three self-contained units were built.

PL/2024/10608 — Removal or variation of condition 1 of K/86/0690. Withdrawn by the applicant, 20 May 2025.

PL/2025/07127 — Certificate of lawfulness, existing use — three self-contained holiday cottages. Refused 17 February 2026. The Council did not dispute that the holiday use itself was lawful, but, in their opinion, found insufficient evidence that the 1987 permission had not been implemented.

PL/2024/11043 — Removal of the Section 52 agreement associated with K/86/0690. Approved 9 July 2026.

PL/2025/09713 — Change of use of the three units to Class C3 dwellinghouses. Not determined. An appeal against non-determination was lodged on 6 May 2026 (appeal reference 6008204) and remains undetermined. This application is made in parallel with that appeal, as explained at paragraphs 3.6 to 3.13 below.

3.2 Two points follow from that history.

3.3 First, the Section 52 agreement attached to the 1987 permission has been discharged. Wiltshire Council's legal department issued the Deed of Discharge on 6 July 2026 and the Council approved the modification on 9 July 2026. There is no longer any occupancy restriction arising from that agreement (see Appendix C).

3.4 Second, the Council accepts that the lawful use of the building is the provision of tourist accommodation, and that the use has been ongoing for a considerable period. The principle of occupation of these buildings is not in dispute. What is in dispute is only whether that occupation may be permanent.

3.5 The Council also accepts that the building is structurally sound and that conversion to residential use would require no major rebuilding.

3.6 An appeal against the Council's failure to determine application PL/2025/09713 was lodged on 6 May 2026 and remains undetermined. No site visit has yet been arranged. An updated statement relating to the recent NPPF changes has been submitted to the Inspectorate.

3.7 This application is specifically made because the National Planning Policy Framework was replaced in its entirety on 17 August 2026 — after the earlier application was submitted to the Inspectorate, and after both parties had prepared their cases on the appeal.

3.8 The Council's position was settled on 10 June 2026. It relies on paragraph 11(d), footnote 7, paragraph 84 and paragraph 135 of the December 2024 Framework. Each of those provisions has been revoked. Regrettably, the Council has not revisited its position since.

3.9 The applicant invites the Council to determine this application on its merits under the Framework now in force. To do otherwise would be unreasonable.

3.10 Section 70B of the Town and Country Planning Act 1990 confers a power, not a duty, to decline to determine an overlapping application. It would not be a reasonable exercise of that power to decline to determine an application made in direct response to a change in national planning policy which the Council has not itself addressed.

3.11 Determining this application would also allow the Council to resolve the matter without the further cost and delay of the current or a further appeal, and without the costs application that would naturally accompany it.

3.12 The appeal may be withdrawn upon the grant of planning permission.

In summary, the policies against which this proposal is addressed are not the policies against which the Council formed its previous view.

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 The development plan comprises the Wiltshire Core Strategy, adopted January 2015. There is no made neighbourhood plan for Bromham.

4.3 The emerging Wiltshire Local Plan was withdrawn following the resolution of Full Council on 19 May 2026. It carries no weight.

4.4 The policies the Council relies upon are Core Policies 1, 2, 12, 48, 57, 60 and 61.

4.5 The Core Strategy is eleven years old. It was drafted against a different national framework, and its housing policies have not delivered the required numbers of housing and have not for many years.

4.6 Wiltshire Council's own Appeal Statement of 10 June 2026 (§1.2) records, and does not dispute, a housing land supply of 2.8 years at unitary authority level; its attached delegated report gives the underlying calculation (see Appendix A). This supersedes the 2.42-year figure previously quoted to this practice, which does not appear in the Council's Appeal Statement or delegated report.

Even 2.8 years is well below the nationally required five-year supply and still falls short of

the four-year benchmark.

4.7 The Council accepts in terms that the most important policies for determining this application are out of date, and that this includes Core Policies 1 and 2.

4.8 **Significantly Reduced weight therefore attaches to the settlement strategy on which the Council's first reason for refusal depends upon.**

4.9 The Council's appeal case — its Statement of Case in appeal 6008204 — was written on 10 June 2026, under the National Planning Policy Framework of December 2024.

4.10 Under that Framework the analysis ran as follows. Paragraph 11(d) engaged a tilted balance where the policies most important for determining the application were out of date. Footnote 7 treated policies as out of date where the authority could not demonstrate a five year housing land supply. Permission was then to be granted unless adverse impacts would significantly and demonstrably outweigh the benefits.

4.11 Paragraph 84 restricted isolated homes in the countryside to a closed list of circumstances. Paragraph 135 dealt with design and amenity.

4.12 Every one of those provisions is relied upon in the Council's Statement of Case, and every one of them has been revoked.

4.13 The Council's planning balance is conducted expressly under paragraph 11(d)(ii) and footnote 7. Its principle of development conclusion rests on paragraph 84. Its third reason for refusal cites paragraph 135.

4.14 The Council has not revisited its position since 17 August 2026, has not amended its Statement of Case and has not corresponded with the appellant or the Inspectorate on the point.

4.15 The consequence is that the objections advanced against this proposal were framed against a policy structure that simply no longer exists.

4.16 The Framework published on 17 August 2026 restructures national decision-making policy and replaces the December 2024 Framework in full.

4.17 The presumption in favour of sustainable development is no longer expressed through paragraph 11 and a tilted balance triggered by the currency of the plan. It is expressed through Policies S3, S4 and S5, and it is permanent.

4.18 Policy S3 directs that Policy S4 applies within settlements and Policy S5 outside them.

4.19 Policy S5(1) of the Framework provides that “only certain forms of development should be approved outside settlements, as set out in the following list. These 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 this Framework.”

4.19A Policy S5(1)(j) requires, among other things, that the development “be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate)”. Should it be necessary to rely on the alternative under S5(1)(j), the site is physically well-related to Bromham: it lies approximately 0.5 miles from the village on the A3102, within an established group of houses that includes Westbrook Farmhouse, The Flat and Mead View, all in lawful permanent residential use. The site is not a standalone rural exception remote from any settlement, and the physical-relationship limb of S5(1)(j) is completely satisfied on that basis.

Three consequences follow for this site.

4.20 First, the test has changed. The question is no longer whether adverse impacts significantly and demonstrably outweigh the benefits. It is whether the benefits are substantially outweighed by the adverse effects.

The starting point is approval.

4.21 Second, the presumption no longer depends on the housing land supply position. It attaches to the category of development. The shortfall in supply is now an additional supporting consideration rather than the foundation of the case.

4.22 Third, isolation is defined differently. The Framework treats isolated homes as those lying outside settlements or groups of houses. A dwelling within a group of houses is not isolated, wherever that group lies.

The proposal engages at least three limbs of Policy S5(1), and a fourth in the alternative.

S5(1)(c)

Reuse of an existing building

The limb applies to the reuse of an existing building of permanent and substantial construction which is lawful in planning terms. The Council accepts the building is structurally sound and that its use is lawful. No extension or alteration is proposed at all.

S5(1)(d)

Previously developed land

The limb covers the redevelopment of previously developed land, including a material change of use to residential. That parenthesis is decisive. The Council's objection that this is a conversion rather than a redevelopment of PDL no longer holds.

S5(1)(e)

Limited infilling within groups of houses

Three units within an existing group comprising Westbrook Farmhouse, The Flat, Mead View and further holiday units, in buildings that already stand, is limited infilling on any reading.

S5(1)(j)

Evidenced unmet need

In the alternative, the limb extends the presumption to housing where the authority cannot demonstrate a five-year supply. Wiltshire records 2.8 years on its own appeal evidence.

Development within Policy S5(1) should be approved unless the benefits would be substantially outweighed by any adverse effects.

Use

A barn converted in 1987 to three self-contained holiday units, to become three dwellinghouses.

Amount

Three small dwellings. No increase in floorspace.

Layout

As existing, save that in Byre 3 the stud partition between the bedroom and lounge is removed to form one bedroom of 14.7 sqm with built-in wardrobes either side of the window; the former lounge door is blocked to form a hall store; and the kitchen/dining

room becomes the kitchen/living/dining room. In Byre 1 the lobby alcove is fitted with doors as a store (drawing 24-1035/001 E).

Architectural style

Unaltered. The conversion retains the form, fabric and openings of the barn.

Scale and bulk

Single storey with a pitched roof. Unchanged.

Landscaping

Mainly laid to lawn. The garden land is retained in the arrangement previously submitted, as shown on

drawing 25-1137/303 AF Rev B. It is not re-apportioned.

Amenity

Every unit is provided with external amenity space and with allocated parking.

Appearance

No external alterations of any kind are proposed. The Council accepts there would be no unacceptable impact on the character and appearance of the site or the surrounding landscape.

Access

- 6.1 Pedestrian and vehicular access remain identical to the existing lawful arrangement, which serves the same number of units.
- 6.2 The access is existing, is shared, and provides sufficient visibility in both directions. Wiltshire Council's Highway Authority raises no objection to the proposal.
- 6.3 The ground is level throughout and inclusive access is unaffected.
- 6.4 Parking is shown on drawing 25-1137/303 AF Rev B as allocated spaces for each unit together with additional flexible space.

Parking standards and policy

- 6.5 The minimum residential parking standards in the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy require one allocated space for a one-bedroom dwelling, with 0.2 unallocated spaces per dwelling for visitors.
- 6.6 **Each proposed dwelling has at least one allocated space, and additional space is available. The proposal complies with the standard set by the Local Planning Authority.**
- 6.7 The Council does not dispute this. Its delegated report concludes that the proposed car parking, access and turning provision on site is acceptable in highway terms, which was also confirmed by their Highways Officer.

The Council's stated objection, from its Statement of Case of 10 June 2026:

"The proposed residential development, by reason of the location of the site, would be contrary to the settlement, delivery and community area strategies of the Wiltshire Core Strategy ... contrary to Policies CP1, CP2 & CP10 ..."

7.1 The reason cites the wrong policy. CP10 is the spatial strategy for the Chippenham Community Area. This site lies in the Devizes Community Area, governed by CP12 — as the Council's own officer report and planning balance both confirm.

7.1A Policy S5(1)(d) itself supports "the redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential)".

Annex B of the Framework defines previously developed land as "land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it...", excluding only land "that is or was last occupied by agricultural or forestry buildings".

The Byres was last — and for the past 39 years only — lawfully occupied by a holiday-letting use, not an agricultural one. The agricultural-building exclusion accordingly has no application, whatever the building's origin in 1987.

7.2 The substance of the objection is that the site lies outside a settlement boundary. Under the 2026 Framework that is where the analysis begins, not where it ends. Policy S5 exists to identify what is acceptable outside settlements.

7.3 The Council's reliance on Core Policy 48 is misplaced. It argues both that CP48 does not apply because the building is not redundant, and that if it did apply the criteria are not met. The appellant does not need CP48. The presumption arises under national policy.

7.4 No countryside is lost. No building is erected. No infrastructure is required. No landscape harm arises — the Council accepts each of those propositions.

7.5 **The conflict is technical, and attracts limited weight against a settlement strategy the Council accepts is now out of date.**

The Council's stated objection, from its Statement of Case of 10 June 2026:

"The development proposed would result in the creation of a dwelling in a location that is remote from any settlement ... The dwelling would be situated in an unsustainable location ..."

7.6 The reason is drafted throughout in the singular, for one dwelling. The proposal is the change of use of three existing units. It seems it was not written for this application, simply copied and pasted.

7.7 On the substance, the appellant accepts future occupiers would use a car for some journeys. That is true of most rural households in Wiltshire and is not, without more, a reason to refuse. *(Source: Census 2021 car-availability data for Wiltshire's rural output areas.)*

7.8 The correct comparison is with the lawful use of the same buildings, not with a highly accessible urban site. Those buildings are occupied now. Holiday occupiers arrive, travel and depart by car and often create more traffic movements than a C3 use. This is natural as they are tourists with potentially multiple visits per day, require shopping and potential evening restaurant visits.

7.9 The Council's own conclusion records that the harm associated with anticipated vehicle movements is reduced because it must be considered against the baseline of the existing holiday-let use.

7.10 The Council asserts a materially different and more frequent pattern of travel demand, but offers no trip generation data, no TRICS analysis and no occupancy figures for the existing use.

7.11 The Highway Authority, the body qualified to assess it, raises no objection.

7.12 **Nothing in Policy S5 imposes a general accessibility threshold on development within limbs (c), (d) or (e).**

This is not advanced as a fallback. No fallback weight is claimed and Mansell does not arise.

7.13 Class Q permits the conversion of agricultural buildings to dwellinghouses. It requires the building to have been in agricultural use on 24 July 2023, or to have been part of the unit for at least ten years.

7.14 This barn ceased to be agricultural in 1987, when it was converted to holiday accommodation under K/86/0690.

7.15 Class Q is therefore unavailable for one reason only: the owner put the building to a productive use nearly forty years ago.

7.16 Had the barn been left standing and unused, its conversion to three dwellings today would have been permitted development.

7.17 Units of 46.7, 45.7 and 50.2 sqm sit comfortably within the Class Q limits of 150 sqm per dwelling, ten dwellings and 1,000 sqm cumulatively.

7.18 The prior approval matters are transport and highways, noise, contamination, flooding, whether siting makes residential use impractical or undesirable, design and external appearance, and natural light.

7.19 Sustainability of location is not among them. Accessibility to services is not among them. Reliance on the private car is not among them.

7.20 Parliament has decided that the conversion of rural buildings to dwellings in exactly this kind of location is acceptable in principle, and that car dependence is no basis for withholding consent.

7.21 Policy S5(1)(c) has since generalised that logic to any lawful building of permanent and substantial construction.

A derelict barn on this site would convert to three houses by prior approval. This barn, because it was converted and used, was refused.

Unit	Gross internal area	Bedroom	Council's own conclusion
Byre 1	46.7 sqm	9.5 sqm	Meets the standard
Byre 2	45.7 sqm	9.0 sqm	Meets the standard
Byre 3	50.2 sqm	14.7 sqm (was 6.8)	Now meets the standard (1 bed, 2 person: 50 sqm)

7.22 Two of the three units already comply in full. The only internal objection was a 0.7 sqm shortfall in the Byre 3 bedroom, and this application removes it. The partition between that bedroom and the lounge is taken out, forming one bedroom of 4.90 m x 3.00 m (14.7 sqm, against the 11.5 sqm minimum), with built-in wardrobes either side of the window so that its full 3.0 m width is kept. The former lounge door is blocked to form a hall store. Byre 3 becomes a one-bedroom, two-person home needing 50 sqm; it has 50.2 sqm, with about 1.9 sqm of built-in storage against 1.5 sqm required (drawing 24-1035/001 E; schedule of accommodation at page 20).

7.23 In any event, the Council describes the nationally described space standard as statutory guidance. It is not. It is an optional technical standard, and national guidance provides that an authority

Council's measurements (delegated report); Byre 3 bedroom as amended: wishing to require it should do so by reference in its Local Plan.

7.24 The Wiltshire Core Strategy was adopted in January 2015, before the standard was published, and contains no such reference. Core Policy 57 does not adopt it. The Wiltshire Design Guide is a supplementary planning document and cannot supply a policy requirement absent from the development plan.

7.25 On amenity space, this application answers the objection on the face of the plans. The Wiltshire Design Guide requires, for single storey houses, a garden equal to the footprint of the dwelling or 50 sqm, whichever is the larger — 50 sqm for Byre 1, 50 sqm for Byre 2 and 50.2 sqm for Byre 3, a total of 150.2 sqm. The garden land available comfortably exceeds that aggregate requirement, and nothing in the Design Guide requires it to be

apportioned unit by unit.

7.26 The garden land is retained in the arrangement previously submitted, as shown on drawing 25-1137/303 AF Rev B. It is not subdivided into separate private gardens.

7.27 The shared arrangement is not in itself objectionable, as the appeal decision at 3 The Lane confirms — see page 21.

7.28 On privacy, noise and light: the courtyard exists, the parking exists and the windows exist. The building has functioned in this arrangement since 1987. No noise assessment and no lighting assessment has been called for.

7.29 Three small households produce fewer and more predictable movements than a holiday let receiving a different party every week.

Byre 1 — 1 bed, 1 person		Byre 2 — 1 bed, 1 person		Byre 3 — 1 bed, 2 person	
Room	sq m	Room	sq m	Room	sq m
Bedroom	9.5	Bedroom	9.0	Bedroom (incl. built-in wardrobes)	14.7
Lounge	9.1	Lounge	8.7	Kitchen/living/dining	25.4
Kitchen/dining (incl. hall)	23.1	Kitchen/dining (incl. entrance)	21.6	Hall	6.6
Shower room	3.8	Bathroom	5.0	Shower room	3.3
Store	0.9	Store	1.2	Store	0.4
Total of room areas	46.4	Total of room areas	45.5	Total of room areas	50.4
Gross internal area (NDSS)	48.6	Gross internal area (NDSS)	47.8	Gross internal area (NDSS)	52.2
NDSS minimum gross internal area	39.0	NDSS minimum gross internal area	39.0	NDSS minimum gross internal area	50.0
Built-in storage	1.3	Built-in storage	1.5	Built-in storage	1.9
NDSS minimum built-in storage	1.0	NDSS minimum built-in storage	1.0	NDSS minimum built-in storage	1.5
Council's figure (delegated report)	46.7	Council's figure (delegated report)	45.7	Council's figure (delegated report)	50.2

As amended, every unit meets the nationally described space standard in full: gross internal area, bedroom size and width, and built-in storage. Byre 3's bedroom keeps its full 3.0 m width.

Built-in storage: Byre 1, the new lobby store (0.86) and two cupboards (0.14 and 0.27); Byre 2, the store (1.18) and bathroom cupboard (0.33); Byre 3, the hall store (0.43), kitchen and shower room cupboards (0.49 and 0.24) and the bedroom wardrobes in excess of the 0.72 sqm counted within a double bedroom (0.73). Areas are measured from drawing 24-1035/001 E at 1:50 and rounded to 0.1 sqm. The kitchen/dining figures for Byres 1 and 2 include the open-plan hall and entrance areas. The Council's figures correspond to the total of the room areas; gross internal area as the standard defines it is measured to the internal face of the external walls and includes internal walls, so it is higher.

Appeal APP/V1260/W/23/3335632 — 3 The Lane, Lowther Gardens, Bournemouth — Inspector E Worley — 25 October 2024

(original application ref 7-2023-16806-C)

7.30 A one-bedroom dwelling whose internal floor area fell below the NDSS, served by a shared courtyard, with windows looking onto a shared access. On the space standard the Inspector held:

“Its use is not required by any policies of the development plan ... the use of these optional standards should be required through policies in the development plan and must be to address an identified need ... I have not been provided with such evidence in this case.”

7.31 And on the adequacy of the accommodation despite the shortfall:

“There is no substantive evidence that the accommodation, despite its modest proportions, would not provide accommodation of a suitable size to enable the provision of facilities and living space to meet the day-to-day needs of future occupants.”

7.32 On shared outdoor space, privacy and noise from a shared courtyard used for access — the very objection raised here — the inspector found there was

“no clear evidence that the shared domestic use of the space by a small number of residents would give rise to a significant loss of privacy or noise levels”.

7.33 His conclusion: the scheme,

“while modest in size, in terms of internal and external space, light, outlook and privacy, would be fit for purpose and would therefore provide suitable living conditions for future occupiers”.

7.34 That appeal was dismissed — but on an unrelated Habitats Regulations issue concerning the Dorset Heathlands, where no mechanism existed to secure the mitigation contribution.

No comparable constraint arises here.

Wiltshire asks for the opposite conclusion on a far weaker case: there the whole unit fell short; here, as amended, all three units meet the standard in full.

7.35 The Council contends that the appellant has not demonstrated the holiday use is no longer viable.

7.36 Core Policy 40 is directed at the loss of bed spaces in hotels, public houses and conference facilities. Three self-contained cottages are none of those things. They offer no ancillary services and play no wider role in the tourism economy. This claim is not supported by the wording of the policy.

7.37 Core Policy 48 is an exception policy governing the conversion of redundant rural buildings to employment, tourism, cultural and community uses. The Council's own position is that it does not apply here.

7.38 The premise that tourist accommodation must be retained unless proved unviable does not appear in the 2026 Framework.

Policy S5(1)(b) supports rural businesses including tourism where a rural location is necessary. It does not require existing tourism uses to be preserved indefinitely.

7.39 There is no evidence of a shortage of visitor accommodation in this part of Wiltshire. The growth of short-term letting platforms has substantially increased the supply of self-catering accommodation across the county.

Source: Visit Wiltshire or short-term-letting-platform figures.

7.40 Against the loss of three self-catering units sits a housing land supply of 2.8 years

This is the figure now given in the Council's own appeal Statement of Case for this site (Appendix A) — a slight increase on the 2.42 years this practice was earlier given by the Council's policy officers; both fall well short of the four- and five-year benchmarks.

Benefits

- Three permanent dwellings, deliverable immediately — no construction period, no lead-in, no infrastructure, no site preparation.
- Three small homes, the most constrained segment of the Wiltshire market.
- The most efficient possible use of an existing building: no embodied carbon, no construction waste, no land take.
- Permanent residents supporting local services year-round in place of seasonal occupation.
- Regularisation of a site on which every other unit is already in lawful permanent residential use.

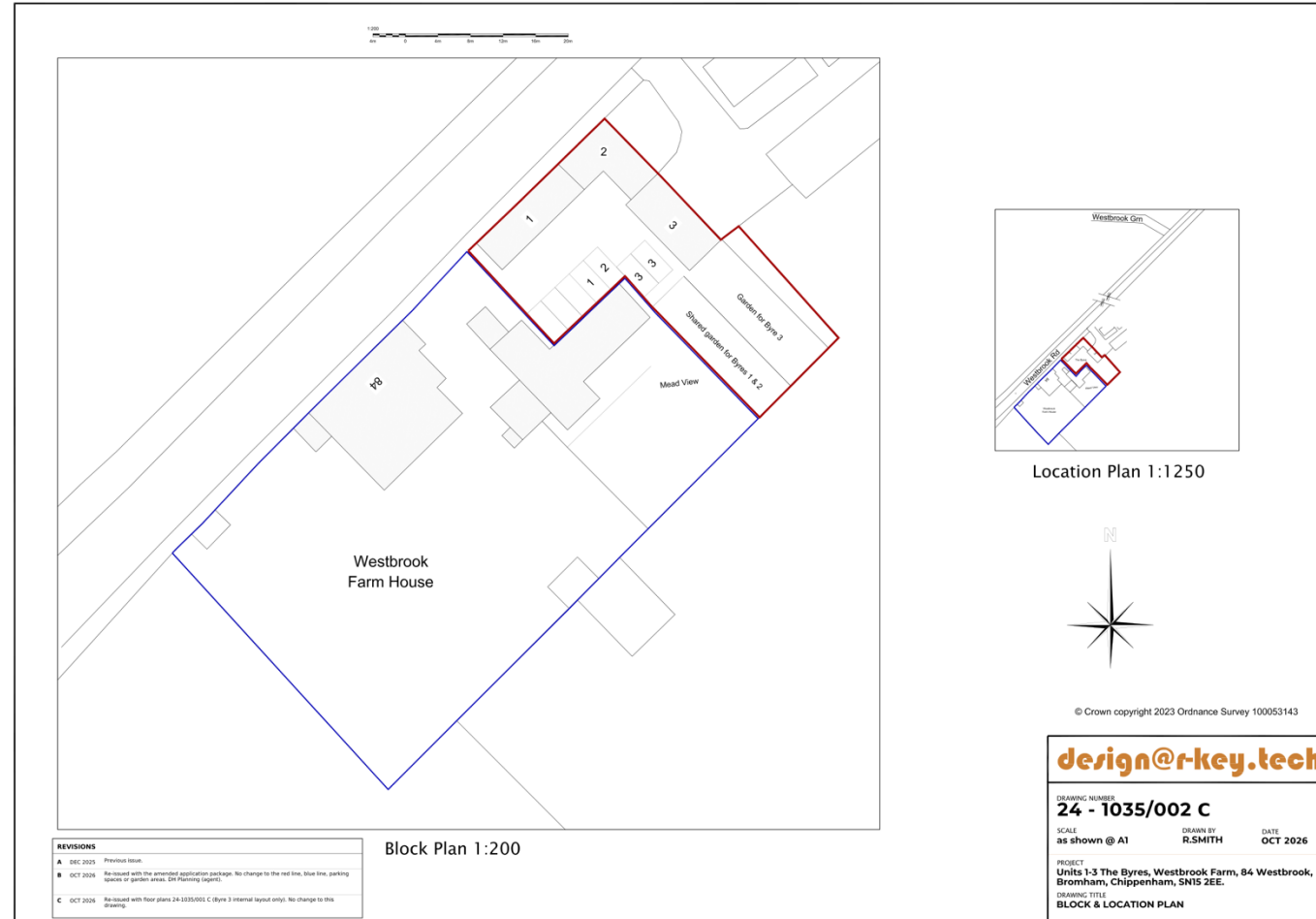
Adverse effects

- A technical conflict with a settlement strategy the Council accepts is now out of date.
- Reliance on the private car for some journeys, moderated by the existing lawful use.
- No internal space shortfall: as amended, all three units meet the space standard's floor area, bedroom and storage requirements.
- No shortfall in amenity space: the garden land exceeds the Design Guide requirement of 150.2 sqm.
- The loss of three self-catering units in a market where such accommodation is not scarce.

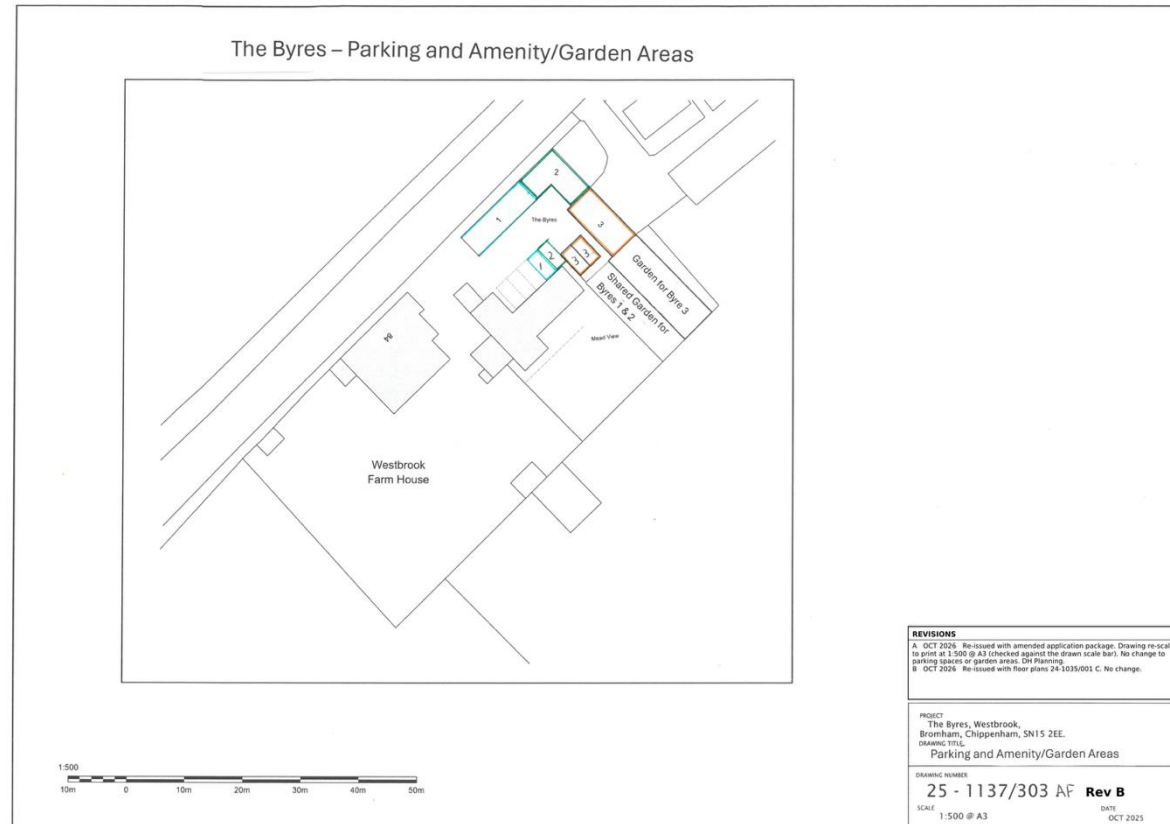
The benefits are not substantially outweighed by the adverse effects.

The presumption in Policy S5 is not displaced.

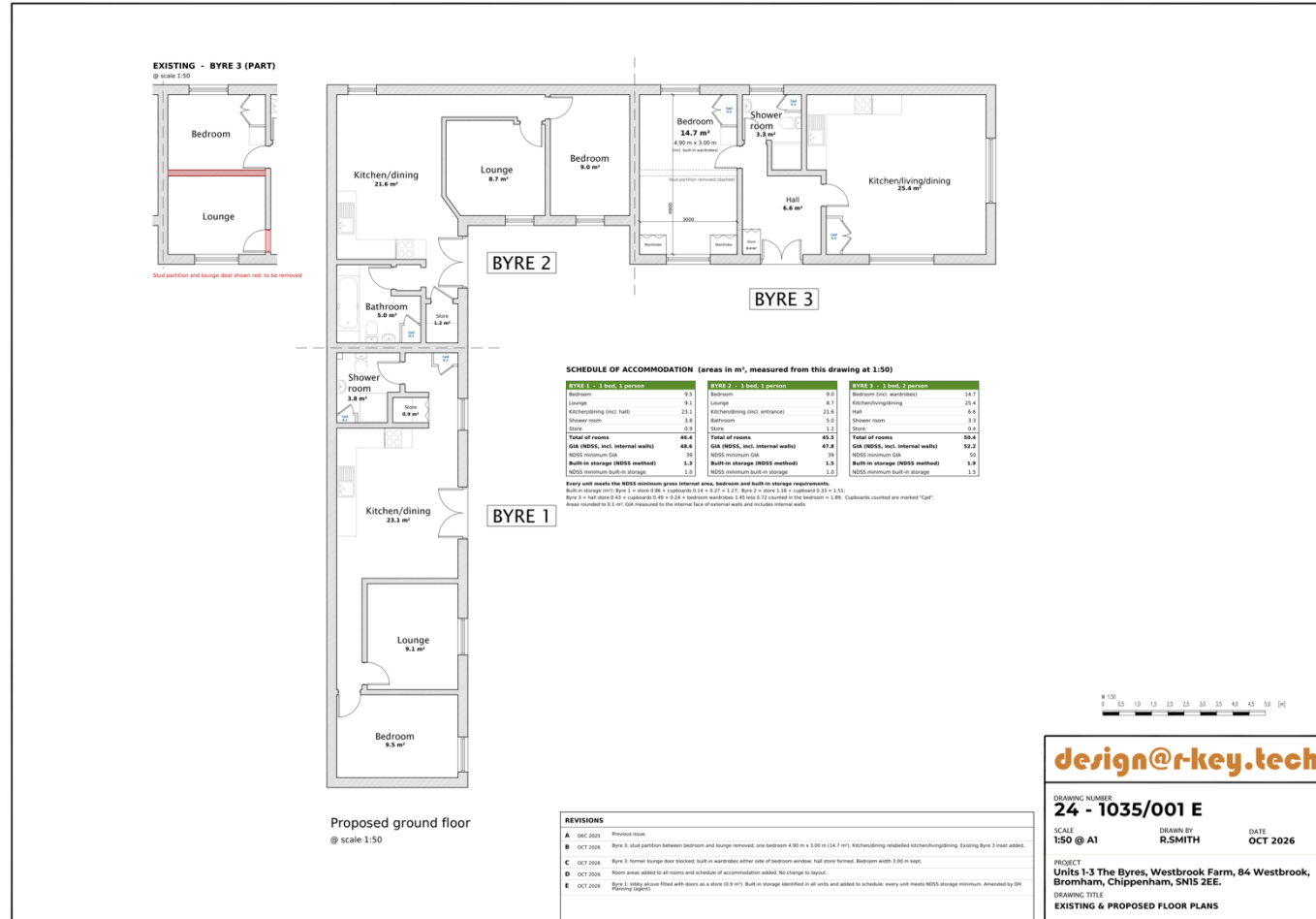
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|---|---|---|
| <p>8.1 This proposal allows three existing, built and serviced units to be lived in permanently rather than seasonally.</p> | <p>8.5 It therefore benefits from a presumption in favour of approval which does not depend on the housing land supply position.</p> | <p>outweighing the delivery of three immediately available homes in an authority demonstrating 2.8 years of housing land supply.</p> |
| <p>8.2 It requires no construction, harms no landscape, damages no heritage asset and raises no highway objection.</p> | <p>8.6 The site lies within a group of houses and is not isolated as the Framework defines that term. Policy HO11 is not engaged.</p> | <p>8.9 The Council's housing land supply position is evidenced at Appendix A, comprising the extract from its own Appeal Statement of Case and delegated report on this application.</p> |
| <p>8.3 It attracted no objection from any member of the public and is supported unanimously by Bromham Parish Council.</p> | <p>8.7 The amenity objection is answered on the plans. The 0.7 square metre bedroom shortfall in Byre 3 is removed by combining its bedroom and lounge, with built-in storage added, so that all three units meet the floor area, bedroom and storage requirements of a space standard the development plan has never in fact adopted.</p> | <p>The Local Planning Authority is respectfully invited to grant planning permission.</p> |
| <p>8.4 Under the National Planning Policy Framework of August 2026 the proposal falls within Policies S5(1)(c), (d) and (e), and in the alternative (j).</p> | <p>8.8 Those matters come nowhere near substantially</p> | |



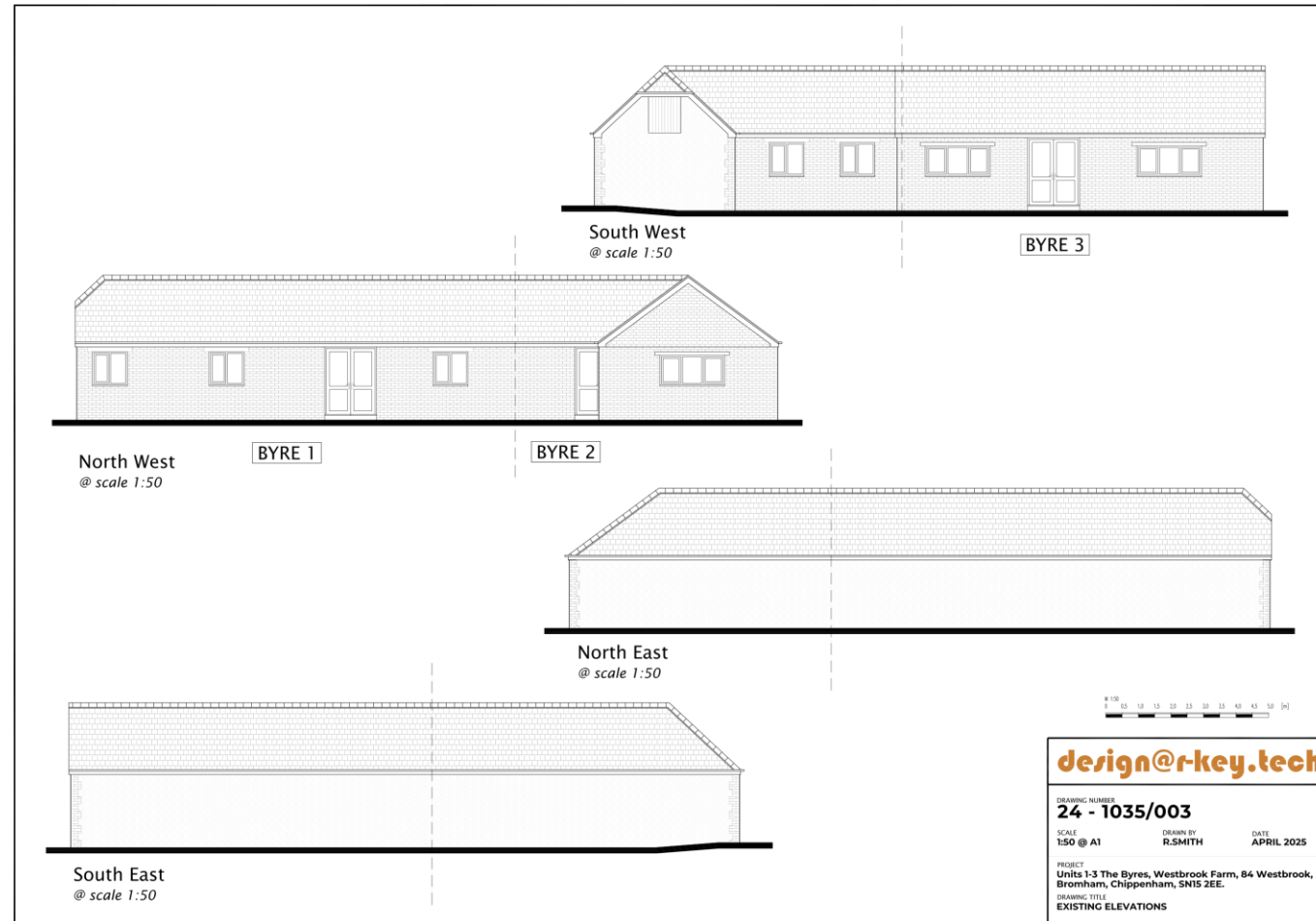
Location and block plan, drawing 24-1035/002 C, October 2026.



Parking and amenity/garden areas, drawing 25-1137/303 AF Rev B, October 2026.



Existing and proposed floor plans, drawing 24-1035/001 E, October 2026.



Existing elevations, drawing 24-1035/003, April 2025. Unchanged: no external alterations are proposed.

This appendix confirms Wiltshire Council's own position on its five-year housing land supply, referred to at §4.6, §7.40 and in the Executive Summary of this statement.

The extract below is taken from Wiltshire Council's Appeal Statement of Case, 10 June 2026 (appeal ref 6008204 / LPA ref PL/2025/09713): its covering letter (§1.2), confirming the shortfall is not disputed, and its delegated report's "5 Year Housing Land Supply" section, giving the Council's own calculation of 2.8 years. The relevant passages are highlighted.

- not demonstrated that the preferential uses for redundant rural buildings are not practical propositions.
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 and Wiltshire Core Strategy Core Policy 60 (i)(ii).
 3. By reason of the inadequate internal floor space and the insufficient size of, and lack of privacy within, the associated private outdoor amenity areas, the development would result in substandard living conditions for future occupiers. Furthermore, the close proximity of the proposed dwellings to the shared gravelled parking area would give rise to unacceptable levels of noise and light disturbance. The proposal is therefore contrary to Core Policy 57 (iii) and (vii), Section 9.2 of the Wiltshire Design Guide and paragraph 135 of the National Planning Policy Framework.

The application was received on **11 December 2025** and validated on **18 December 2025**, at which point the statutory determination period commenced.

There has been some delay in the assessment of the application due to the interrelationship with a separate application for a Certificate of Lawfulness under the LPA's reference, PL/2025/07127, and work on this appeal application could not be progressed without resolution of this aforementioned application. The LPA sought an extension of time to allow for proper consideration of the issues arising, but this was not accepted by the appellant. The appeal on grounds of non-determination was submitted before the Council was able to conclude its assessment.

The application for a Certificate of Lawfulness was determined on 4 February 2026 and the delegated report and decision notice are attached (**Appendix 2**). The Council had expressed its position to refuse the appeal application to the Appellant on 27 March 2026. Notice of an intention to lodge an appeal was received 31 March 2026. Notification of the appeal was received 6 May 2026.

1 Reason for Refusal 1: Conflict with Spatial Strategy

- 1.1 Reason for refusal 1 relates to the unacceptable principle of development due to the proposal's conflict with the spatial strategic policies and exceptional policy within the Wiltshire Core Strategy and paragraph 84 of the NPPF.
- 1.2 **The LPA confirms that Wiltshire Council still cannot demonstrate a Five Year Housing Land Supply, and its position is detailed in the officer's report. The Appellant contends that this lack of supply should be afforded weight, and the LPA does not dispute this.**
- 1.3 The Appellant has used examples of appeals decisions of all major housing applications in order to support this argument. The examples of Land at Stones Farm for 140 dwellings; Land off Sherston Road for 55 dwellings, Old Sarum Airfield for 315 dwellings, raised by the Appellant are appeals that have been allowed with its significant housing contribution being afforded a significant contribution to the substantial shortfall. However, this proposal is merely for three dwellings, which is not comparable.

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.

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 buildings are already in residential use and no further subdivision is intended. The proposal is not purported to be of exceptional design quality. The proposal is not supported by paragraph 84 of the NPPF.

Conclusion

The principle of the proposal is contrary to the settlement strategy policies of the Core Strategy and is not considered to fall under within the criteria of any exception policies, including Core Policy 48. Having regard to the above, the LPA does not consider that the development falls within the remit of Core Policy 48 or NPPF paragraph 84 as a redundant or disused building. In any event the proposal fails to satisfy the criteria set out under Core Policy 48 and 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, which includes CP1 & CP2 in this case. 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

This appendix reproduces in full the Planning Inspectorate’s decision on Appeal APP/V1260/W/23/3335632, 3 The Lane, Lowther Gardens, Bournemouth (original application ref 7-2023-16806-C), decided by Inspector E Worley on 25 October 2024, and referred to at Section 7 of this statement.

The appeal was dismissed — but solely on an unrelated Habitats Regulations issue concerning the Dorset Heathlands, where no mechanism existed to secure the required mitigation contribution. No comparable constraint arises at The Byres.

The Inspector’s findings on the two issues relied on in this statement — the internal space standard shortfall, and the shared courtyard — were both resolved in the appellant’s favour and are not affected by the basis for dismissal.

The five pages of the decision are reproduced over the following three sheets, two pages to a sheet. The pages containing that reasoning are shown larger and highlighted; the remaining pages are shown smaller for completeness.

Highlighting key:

Yellow — the space-standard reasoning (paragraphs 6, 7 and 11)

Green — the shared-courtyard reasoning (paragraphs 9 and 10)

 The Planning Inspectorate

Appeal Decision

Site visit made on 1 October 2024

by **E Worley BA (Hons) Dip EP MRTPI**
an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/V1260/W/23/3335632

3 The Lane, Lowther Gardens, Bournemouth BH8 8NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Pow Property Investments Ltd against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is 7-2023-16806-C.
- The development proposed is the conversion of ground floor store (class B8) to a 1 bed dwelling with associated cycle storage, alterations and a single storey front extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form indicates that the description of development has not changed from that on the application form, nonetheless it includes an amended description which refers to aspects of the development not included in the original description. Accordingly, I have used the revised description taken from the Council's Decision Notice and the appeal form in the banner heading above as this more accurately describes the appeal proposal.

Main Issues

3. The main issues are:

- whether the proposed development would provide suitable living conditions for future occupiers;
- the effect of the proposed development on the living conditions of the occupiers of 3a The Lane (No 3a) having regard to outlook; and
- European sites

Reasons

Living conditions of future occupiers

4. The appeal building is a 2 storey brick building located to the rear of a row of terraced properties which front Holdenhurst Road. Pedestrian access to the site is gained through the undercroft of the adjoining residential properties on The Lane to the rear of the site. The surrounding area includes a mix of commercial and residential uses. The first floor of the building is in residential

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use, and there are existing residential units immediately to the front and rear of the building and a car parking area to the side, beyond the brick wall which runs along the side boundary of the site.

- The appeal proposal would see the change of use of the ground floor of the building, which the application form indicates was last used for Class B8 uses, to a one-bedroom dwelling, including alterations to the fenestration and a single storey lean to extension to the end of the building.
- The proposed living accommodation would comprise an open plan living/kitchen space, with a separate bedroom with an en suite shower room. I am satisfied that external cycle storage could be provided within the appeal site, details of which could be secured through a suitable planning condition. The internal floor area of the unit would fall below the minimum identified in the Technical housing standards – nationally described space standard, published 27 March 2015 (NDSS). However, its use is not required by any policies of the development plan. Moreover, footnote 52 of the National Planning Policy Framework (the Framework) is clear that the use of these optional standards should be required through policies in the development plan and must be to address an identified need for such properties or where it can be justified. I have not been provided with such evidence in this case.
- The Council contend that the failure to comply with the NDSS would result in poor living standards and that this would be exacerbated by the limited outlook, privacy and private amenity space to serve the dwelling. However, there is no substantive evidence that the accommodation, despite its modest proportions, would not provide accommodation of a suitable size to enable the provision of facilities and living space to meet the day-to-day needs of future occupants.
- The site is enclosed by a combination of fencing and a wall to the site boundaries. While the light and outlook to the windows in the side elevation of the building that serve the bedroom and living space would be curtailed to a degree, the wall to the side boundary of the site, and trellis above which is not itself a solid structure, is nevertheless set back a short distance from the windows and is not excessive in height. Consequently, it would allow views from these openings above it of the sky and would allow daylight to reach the windows. This arrangement would therefore not give rise to significant harm to the living conditions of future occupiers with regards to light and outlook.
- The occupiers of the property would share the courtyard area with the residents living on the first floor of the existing building. It would provide a communal outdoor area of an adequate size to accommodate usual leisure and household activities associated with residential accommodation, such as the drying of clothes or the siting of a table and chairs, and the storage of cycles to serve the occupiers of the 2 small residential properties, albeit shared by the occupants.
- While I note the Council's concern that access through the courtyard would be required for several neighbouring properties, the appellant indicates that the site would provide access to the adjoining residential property only, with access to the flats fronting Holdenhurst Road being provided to the front of the property. Given the modest scale of the neighbouring residential unit, it would be unlikely to result in a significant level of pedestrian movements that would make the outdoor space unpleasant for occupiers to use. Moreover, there is no

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clear evidence that the shared domestic use of the space by a small number of residents, including the transient use by the occupiers of the neighbouring property, would give rise to a significant loss of privacy or noise levels to the detriment of the occupiers of the proposed dwelling.

11. In light of the above considerations, the proposal, while modest in size, in terms of internal and external space, light, outlook and privacy, would be fit for purpose and would therefore provide suitable living conditions for future occupiers. Accordingly, it would not conflict with the combined aims of Policies CS6, CS21 and CS41 of the Core Strategy, adopted October 2012 (CS) and the Council's Residential Development: A design guide, adopted September 2008 (SPD) which seek high quality design that provides a suitable standard of amenity for future occupants, Policy 6.8 of the Bournemouth District Wide Local Plan adopted February 2002 (DWLP), which expects development to provide a high standard of layout and design that ensures adequate privacy for the occupants of the building, and the aims of the National Planning Policy Framework that seek to ensure a high standard of amenity for existing and future users.

Living conditions of the occupiers of No 3a

12. There is an existing boundary fence immediately to the rear of No 3a which, due to its proximity to the building, already has an effect on the outlook from the rear ground floor window that looks towards the appeal property. The proposal would extend the existing building closer to No 3a than the current situation. However, given the short distance the extension would project from the existing building, the limited extent of the additional built form would nevertheless maintain a degree of separation between the buildings. While the proposed extension would be visible from No 3a above the existing boundary fence, it would be modest in scale and height, and would be viewed against the backdrop of the existing 2 storey gable situated to the rear of No 3a. Consequently, it would not appear as an unduly dominant feature and as such would not have a tangible effect upon the outlook from No 3a.
13. My attention has been drawn to advice in the Council's SPD with regard to the minimum separation distances between buildings. This relates to overlooking of neighbouring properties, and specifically the minimum front to front distances for 2 storey dwellings and is therefore not directly applicable to the appeal proposal. Nonetheless, in the case of the proposed development, given the presence of the existing boundary fence between the properties, the ground floor windows in the extension that would face towards No 3a, would not result in any overlooking or loss of privacy.
14. For the foregoing reasons I find that the proposal would not harm the living conditions of the occupiers of No 3a having regard to outlook. As such, it would not conflict with Policy CS41 of the CS, in so far as it seeks well designed development of a high quality having regard to the amenities of neighbouring residents, and the provisions of the Framework with regard to creating places with a high standard of amenity for existing users.

European sites

15. The site is within 5km of the Dorset Heathlands Special Protection Area and Ramsar Site, and part of the Dorset Heaths Special Area of Conservation (the Dorset Heathlands European sites). As the competent authority, I must

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therefore have regard to The Conservation of Habitats and Species Regulations 2017 as amended (the Regulations). These regulations require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.

16. The Dorset Heathlands European sites host protected priority habitats and species. The qualifying features include the Dartford Warbler, Nightjar, Woodcock, Hien harrier and Merlin as well as other typical species of lowland heathland, wetlands and dunes. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (DHPF) indicates that additional population arising from new residential development, either alone or in combination with other proposals, is likely to lead to increased recreational pressure on the Dorset Heathlands European sites, including an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets.
17. The DHPF sets out that the implementation of measures to avoid likely effects upon the Dorset Heathlands European Sites can be achieved through the delivery of Heathland Infrastructure Projects (HIPs) and Strategic Access, Management and Monitoring (SAMM). The Council confirms that in the case of the appeal scheme, a financial contribution is required to fund SAMMs, which is to be collected through planning obligations, in accordance with the DHPF.
18. I note the appellant's willingness to pay the financial contribution, which it is suggested could be paid directly or secured by a condition, should the appeal be allowed. However, Planning Practice Guidance¹ sets out that conditions should not be used to require the payment of money. It is also clear that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases².
19. In the absence of a mechanism to secure the required contribution towards appropriate mitigation, I am unable to conclude, beyond all reasonable scientific doubt, that the proposed development, in combination with other development, would not have an adverse effect on the integrity of the Dorset Heathlands European Sites. As such, the Regulations preclude the proposal from proceeding unless there are no alternative solutions, or the project must be carried out for imperative reasons of overriding public interest. It has not been put to me that such circumstances apply in this instance.
20. For the foregoing reasons, the proposal would conflict with Policy CS33 of the CS which sets out that development will not be permitted unless it can be ascertained that the development will not lead to an adverse effect upon the integrity, directly or indirectly, of the Dorset Heaths international designations and the DHPF.

Planning Balance and Conclusion

21. The proposal would provide housing in an area where there is an inadequate supply of housing land, which is a significant benefit. However,

¹ paragraph 005 Reference ID: 21a-005-20190723

² Paragraph: 010 Reference ID: 21a-010-20190723

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notwithstanding the Council's lack of housing land supply, my conclusion in relation to the likely effect on the Dorset Heathlands European sites is such that policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Therefore, under paragraph 11 d) i) of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.

22. There is no substantive evidence that the fallback position of the lawful use of the building for B8 storage purposes would not be resumed and is therefore a legitimate fallback position. Nonetheless, it would not result in the potential harm to the Dorset Heathlands European sites as in the case of the appeal scheme, and in that regard is not comparable in respect of the decisive issue. I therefore attribute the fallback position very limited weight.
23. My conclusions in relation to the scheme in terms of the first and second main issues is a neutral factor as opposed to a benefit to which I attach positive weight. While I acknowledge there are a number of other benefits, the determining factor in this case is the adverse effect on the Dorset Heathlands European sites, in the absence of appropriate mitigation. The Regulations prevent me as the competent authority from allowing the development if I cannot ascertain that it will not adversely affect the integrity of the European site, despite my findings on the other main issues and the benefits of the scheme.
24. In light of the above considerations, the proposal would conflict with the development plan read as a whole and there are no other material considerations, including benefits associated with the supply of additional housing, that indicate that permission should be granted.
25. For the foregoing reasons, I conclude that the appeal should be dismissed.

E Worley

INSPECTOR

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This appendix is Wiltshire Council's decision notice confirming discharge of the section 52 agreement attached to planning permission K/86/0690, referred to at §3.3 of this statement.

Notification of Modification of Planning Obligation, application ref PL/2024/11043, decision date 9 July 2026, to be read in conjunction with the Deed of Discharge dated 6 July 2026.

Wiltshire Council

The Town and Country Planning Act 1990
Notification of Modification of Planning Obligation
Application Reference Number: PL/2024/11043
Decision Date: 09/07/2026

Applicant:	Mr & Mrs Luke 84 1-3 The Byers Westbrook, Bromham, Wiltshire, SN15 2EE
Particulars of Development:	Removal of section 52 agreement associated with K/86/0690
At:	1-3 THE BYERS, 84 WESTBROOK, BROMHAM, SN15 2EE

In pursuance of its powers under the above Act, the Council hereby approve the application to modify the Section 106 Agreement attached to planning permission K/86/0690.

Informative

- 1 This decision should be read in conjunction with the Deed of Discharge dated 6th July 2026

Nic Thomas - Director of Planning, Economy and Climate

NOTES

- 1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.
 - 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (it is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
- 2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he 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 - <http://www.planningportal.gov.uk/planning/appeals>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk