



Appeal Decision

Site visit made on 23 January 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/Y3940/W/24/3352756

Land opposite Nos 6 and 7 Silver Street, Gastard, Corsham, Wiltshire SN13 9PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Peter Collier against the decision of Wiltshire Council.
 - The application Ref is PL/2024/01979.
 - The development proposed is the erection of 4 residential dwellings, access, footpath extension, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 residential dwellings, access, footpath extension, landscaping and associated works at Land opposite Nos 6 and 7 Silver Street, Gastard, Corsham, Wiltshire SN13 9PY in accordance with the terms of the application, Ref PL/2024/01979, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). The Council and the appellant have referenced this document within their appeal statements and as such I am satisfied that no party would be prejudiced by my also making reference to the Framework in this decision.
3. It is evident that the comments received from the Council's Conservation Officer dated 10 May 2024 were superseded by comments received on 27 June 2024. As such, I have not taken the first comments into account.

Main Issues

4. The main issues in this case are:
 - whether the appeal site is a suitable location for the proposal having regard to the development plan and national strategy, including accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Location

5. The appeal site consists of a field adjacent to Silver Street, currently free and open from development save for a small timber outbuilding (stables). The field is located

between residential dwellings facing Silver Street and a commercial buildings and bungalow. To the rear are open, undeveloped fields and on the opposite side of Silver Street are residential properties, a commercial workshop and open fields.

6. Policies 1 and 2 of the Wiltshire Core Strategy (2015) (CS) seek to direct new residential development to the existing urban areas and defined settlements to meet the general aims of promoting sustainable development and the protection of the countryside. CS Policy 11 sets out that development in the Corsham community area should be in accordance with the settlement strategy set out in CS Policy 1.
7. The CS identifies Gastard as a “Small Village” with no settlement boundary. CS Policy 2 sets out that development within Small Villages will be limited to infill within the existing built area. It states that *‘Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*
 - i) *Respects the existing character and form of the settlement*
 - ii) *Does not elongate the village or impose development in sensitive landscape areas, and*
 - iii) *Does not consolidate an existing sporadic loose knit area of development related to the settlement.*
8. The supporting text of CS Policy 2 defines infill as the filling of a small gap within the village that is only large enough for *‘not more than a few dwellings, generally only one dwelling’*.
9. The proposed 4 dwellings would represent ‘a few dwellings’, and their scale and density would sit comfortably within the surrounding context, and not appear overly large or set apart. The appeal site and proposal would therefore meet the requirement of ‘small gap’.
10. The built form of Gastard is centred around the junction of Silver Street/Velley Hill, Coppershell and Lanes End, with mainly linear development along these roads. The appeal site sits on Silver Street as it extends away from this centre. The proposal would sit in between development and would not elongate the village. The site represents a clear gap between the highway fronting residential development extending out of the settlement core and the commercial buildings. There is built form and dwellings opposite the site. As such, the proposed dwellings would appear as part of the built area of Gastard rather than the open countryside. The four dwellings would front the highway and sit in parallel with Silver Street, like the majority of dwellings in the vicinity.
11. The proposal would not therefore consolidate sporadic loose knit areas of development and would respect the existing form of the settlement. The dismissed appeal¹ referenced by the Council was 3km away from the nearest ‘small village’ and nearby a ‘hamlet’. As such this example is not directly comparable to the proposal before me.
12. No definition of the ‘housing needs of settlements’ is provided in relation to Gastard. However, Policy H1 of the Corsham Neighbourhood Plan 2016-2026

¹ Appeal reference APP/Y3940/W/24/3342226

(2019) (NP) supports proposals for small infill sites within Gastard. Section 6.4 and 6.5 of the Housing section of the NP identifies key objectives, including *'to support the delivery of housing to meet the demand of an existing and growing population there is a need to provide a wider range of housing, particularly family homes....'* The proposal would provide small scale family sized dwellings that meet the aspirations of the NP. As such, in the absence of evidence to the contrary, there is no conflict with CS Policy 2 in this respect

13. Gastard, a defined small village, is described in the CS as having a low level of services and facilities, and few employment opportunities. Facilities within Gastard are limited to a public house, church, playing fields and the studio space opposite the site. The Framework does however acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
14. I observed that the facilities and services of Corsham are within safe and convenient walking and cycling distance. These include schools, pubs, shops and hotels. Moreover, there are also bus stops near the appeal site offering services between Corsham and Trowbridge. Even if the service is limited, it is regular and offers a genuine convenient alternative choice of means of travel to future occupiers. The appeal site is therefore reasonably well connected.
15. Accordingly, the intended future occupiers of the new dwellings would not necessarily be likely to have a high reliance on a private motor vehicle to access day to day services. Consequently, I find no conflict with CS Policies 60 and 61 which seek to help reduce the need to travel by private car.
16. As such, I conclude that local and national policies dictate that the appeal site is suitably located for new dwellings, in accordance with CS Policies 1, 2, 11, 60 and 61.

Character and appearance

17. The existing site is a mostly undeveloped field located on Silver Street as it extends out of the settlement. Open views across the site are possible from Silver Street although it is partly screened from the road by some hedgerow. A mixture of hedgerow and short stone walls are characteristic of the built area.
18. There is built form directly opposite and close to the highway, and structures on either side. As such, as set out above, whilst currently mostly development free, the site has the characteristic of a gap in the built form rather than being part of the surrounding countryside. A wider feeling of spaciousness is retained along the throughout the nearby built area through views of the surrounding countryside possible through gaps between dwellings. The roadside hedgerow and number of surrounding trees provide a verdant character.
19. The surrounding built form is characterized by two storey dwellings that mostly front the highway, with some examples of the sides of dwellings facing Silver Street. These dwellings are mixed in detailing, but have some consistency derived from their general two storey scale, pitched roofs and use of stone.
20. The Wiltshire Landscape Character Assessment (LCA) indicates that the management objectives for the Malmesbury - Corsham Limestone Lowland area, which includes the appeal site, includes the requirement to retain the distinctive character of the villages, ensuring any change respects the traditional stone built

character and vernacular form, and encouraging the rebuilding of dry stone wall boundaries.

21. The proposed two storey dwellings would use traditional materials such as stone and timber, and their simple traditional appearance with pitched roofs would be in keeping with the surrounding context. They would mostly front the highway with one unit having its side facing the road. As such, the proposal would sit comfortably within the existing context. The hardstanding would not extend as far to the rear as the neighbouring commercial building and parking areas and would be similar in depth to the existing residential dwellings along this side and part of Silver Street. The majority of the open field would remain, and views of it would be possible in between the new dwellings, retaining the sense of spaciousness.
22. This arrangement would also avoid excessive urbanising hardstanding to the frontage, where the use of a natural stone boundary wall and hedge planting would also be appropriate for the location. Additional planting, secured through condition, would also retain the verdant surrounding character and soften the built form.
23. The proposal would relate positively to the existing pattern of development and its immediate setting and would integrate effectively into the surroundings and would not harm the character of this route into the centre of Gastard. It would not conflict with the management objectives of the LCA.
24. I conclude that the development would not harm the character and appearance of the area. There is therefore no conflict with CS Policy 57, which requires development to enhance local distinctiveness, respond positively and relate effectively to the existing townscape, landscape features and wider character and be sympathetic to historic landscapes.

Other Matters

25. The appeal site is within a consultation zone for the Bath and Bradford-upon-Avon Bats Special Area of Conservation (SAC), specifically the Box Mine component of the SAC. The SAC is designated for supporting internationally important populations of hibernating greater horseshoe, lesser horseshoe and Bechstein's bat. The conservation objectives for the SPA are, in summary, to maintain or restore the habitat for qualifying species and the populations and the distribution of qualifying species within the SAC.
26. The SAC itself comprises extensive networks of caves, mines and man-made tunnels which are used by bats for hibernation, mating and as a staging post prior to dispersal. It also includes areas of calcareous grassland, scrub and woodland which are used as feeding and commuting habitat by the bats. All three species are highly mobile throughout the year and the grassland, watercourses, scrub and woodland surrounding the SAC are also used by bats for feeding and commuting.
27. The Supplementary Planning Document Trowbridge Bat Mitigation Strategy (2020) (SPD) identifies significant potential effects to the SAC as including impacts to the foraging areas and commuting routes in the surrounding landscape used by the bats as well as roosts. The proposal would lead to a permanent loss of vegetation and potential for loss of habitat and has the potential to impact a feeding and commuting area used by qualifying features of the SAC. A likely significant effect therefore cannot be ruled out. An appropriate assessment is therefore required under the Habitat Regulations 2017 (as amended).

28. CS Policy 50 requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale and necessary appropriate mitigation would need to be secured.
29. The submitted Ecology Report² sets out that the stable building within the site provides negligible roosting potential for bats. No bats were noted to be present inside the stable building to be demolished and no droppings were noted to be present internally or externally. Trees present within the site were not suitable for roosting bats and did not have features such as cracks, crevices or splits that could support bat species. It concludes that overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species were detected during the survey.
30. Nevertheless, the ecology report sets out that the trees and hedgerows provide suitable habitat for commuting and foraging bats. There is potential for disturbance, albeit limited, as a result of lighting during demolition/construction and operation and possible permanent loss of habitat. The mitigation proposed, set out on the site masterplan, includes bat boxes and details of planting, including new hedgerow, in addition to a condition controlling external lighting
31. This is in accordance with the mitigation strategies outlined in the SPD, section 5 the Bat Special Areas of Conservation Planning Guidance for Wiltshire document (2015) and part 3.2 of the Corsham Batscape Strategy (2019). Natural England have confirmed that, subject to this mitigation being secured, they have no objection. I am therefore satisfied that the mitigation measures would be effective.
32. The proposed mitigation would meet the requirements of the mitigation strategies outlined in the above-mentioned documents. As the competent authority, I am therefore satisfied that with the proposed mitigation, the development would not have an adverse effect on the integrity of the SAC. The development would therefore comply with CS Policy 50, NP Policy ED1 and the Conservation of Habitats and Species Regulations 2017 (as amended).
33. The site also falls within the 'amber' risk zone for great crested newts (GCN). The submitted ecology report concludes that the main area of the site is dominated by semi-improved neutral grassland with a low sward height, which is limited in its potential to provide suitable habitat for protected species, and no evidence of any, including GCN, were detected during the survey.
34. A reptile/amphibian receptor is shown on the submitted site masterplan and further planting of native shrubs, again shown on the submitted plans, would bolster the existing habitat. Based on what I observed on site and from the information before me, I am satisfied with the Council's conclusion that the site is not likely to be used by GCN. There is no conflict therefore with the protection of protected species requirements of CS Policy 50, in addition to the Habitats Regulations and Framework.
35. The closest listed buildings are 3 -5 Silver Street and 6-7 Silver Street, adjacent and opposite the appeal site respectively, all of which are Grade II listed. From my observations and the listing descriptions of these properties, their significance in part relates to their rubble stone walls, arrangement of the historic fenestration and architectural details.

² Preliminary Ecological Assessment, by Ellendale Environmental, Dated 13/02/2024

36. The 1880 map provided in the submitted Heritage Impact Assessment³ shows no development to the side of the properties. This space has now been partly filled by newer dwellings and 'The stores' a garage/studio building immediately next to Nos 6 and 7. The setting of these late 17th Century listed properties is therefore partly open fields and partly newer residential/mixed use development. As such, the setting has a limited role in the significance of the heritage asset.
37. The proposal would be seen in the context of, and would sit comfortably within, the existing surrounding built form. The development therefore would not harm the setting and significance of these listed buildings.
38. The proposal would provide 3 parking spaces per dwelling, in accordance with development plan requirements, in addition to there being space within the development for visitor parking. The proposed single access point would have appropriate sight lines for the speed of the road, and it is not demonstrated that one additional access point off Silver Street would lead to an increase in potential for conflict with other road users. It is noteworthy that the Council's Highways Officer does not object to the proposal on this basis.
39. The policies referenced above do not require affordable units in this instance. Given the nearby residential properties the occupation of 4 dwellings would not lead to unacceptable noise pollution. The site is within Flood Zone 1, and conditions would ensure that the Council can secure appropriate details in regard to drainage in order to ensure that the development does not lead to flooding issues.
40. The possible moving of a telegraph pole would be a separate issue for the developer to address and would not prevent planning permission being granted.
41. I have found that the appeal site does not conflict with the location and character policies set out above. Therefore, this scheme does not in my view set a harmful precedent for development elsewhere.

Conditions

42. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG) and the test set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the Council's suggested wording.
43. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
44. Given that the uncertain nature of previous land use on and adjacent to the appeal site, a condition securing site investigation is carried out is necessary.
45. A condition requiring appropriate surface water drainage details and a site specific Flood Risk Assessment is necessary in order to ensure that the proposal does not result in flooding issues on or off site.
46. A construction management plan is required to prevent harm to living conditions, highway safety and the character and appearance of the area.

³ by Ian Lund, February 2024

47. The submitted archaeological desk-based assessment⁴ does not rule out the potential for archaeology on the site. As such, a condition securing a written programme of archaeological investigation is appropriate.
48. These pre-commencement conditions are so as they relate to and/or affect the early part of the development.
49. A condition requiring details of finishing materials is necessary in order to ensure that the development is in keeping with the surroundings.
50. Conditions securing the landscaping details as submitted, in addition to the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan is necessary in order to safeguard the character and appearance of the area and in the interest of ecology.
51. Conditions securing the visibility splay and parking areas, and consolidating the access are necessary in the interest of highway safety. As set out above, a condition requiring details of external lighting is necessary in the interest of ecology.
52. Whilst the dwellings would sit in close proximity to Silver Street, there is little substantive evidence put forward to justify a condition requiring a scheme for protecting the proposed dwellings from external traffic noise. Therefore, such a condition would not meet the tests of necessity.
53. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances.
54. The Council have not provided this clear justification in this instance and as such the suggested condition removing permitted development rights for development such as buildings, structures, gates or walls is not appropriate.

Conclusion

55. For the reasons above, the appeal is allowed.

B Phillips

INSPECTOR

⁴ By HPS, August 2023

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos: 2315-100-01, 2315-150-03, 2315-300-01, 2315-301-01, 2315-201-01, 2315-202-01, 2315-200 -01, 2315-160-01, 8230241/6201 D, 8230241/6202 D, 8230241/6203 C.
3. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with::

Step (i) A written report has been submitted to and approved by the local planning authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the local planning authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the local planning authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the local planning authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the local planning authority that the works have been completed in accordance with the agreed remediation strategy.

4. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be informed by a site specific Flood Risk Assessment (FRA) and incorporate sustainable drainage details including any off-site works and any permissions for connections to private drainage systems/land drainage consent.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
6. No development shall commence site until:
 - a) a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority; and
 - b) the approved programme of archaeological work has been carried out in accordance with the approved details.
7. No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls, roofs and fenestration have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
8. All planting, seeding or turfing shown on Proposed Site Masterplan Plan, Ref: 2315-150, Rev: 03 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. All works shall be carried out in accordance with the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared by NB Tree Management.
10. Prior to the occupation of the development hereby permitted, the associated allocated parking area shown on the approved plans shall be consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.
11. Prior to the occupation of the development hereby permitted, the visibility splays shown on the approved plans shall be provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.
12. Prior to the occupation of the development hereby permitted, the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, shall be consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
13. No external light fixture or fitting will be installed within the application site unless in accordance with details of existing and proposed new lighting that has been submitted to and approved by the local planning authority. The submitted details

will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

End of Schedule