



Appeal Decision

Site visit made on 28 October 2025

by D Wildsmith BSc MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2025

Appeal Ref: APP/Y3940/W/25/3368116

Yard at Braydon Lane Garage, Chelworth Industrial Estate, Chelworth Road, Cricklade, Chelworth, Wiltshire, SN6 6HQ

- 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 Braydon Lane Garage against the decision of Wiltshire Council.
 - The application Ref is PL/2022/07350.
 - The development proposed is Extension to Yard.
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Decision

1. The appeal is allowed and planning permission is granted for Extension to Yard at Braydon Lane Garage, Chelworth Industrial Estate, Cricklade, SN6 6HQ in accordance with the terms of the application, Ref PL/2022/07350, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The development has already been carried out, and at the time of my site visit the appeal site was being used for the storage of Heavy Goods Vehicles (HGVs) and cars.
3. Outline planning permission was granted more than 10 years ago for light industrial uses on a site which comprised the current appeal site and the contiguous land to the east¹. This permission was not implemented but another planning permission was granted retrospectively, in 2019, for the use of land for the storage of a maximum of 30 vehicles on this contiguous land to the east of the appeal site². Amongst other matters this permission required a scheme for the discharge of surface water from the site to be approved, along with the planting of a new boundary hedge. I understand that an appropriate drainage scheme was approved, and that the new hedge has been planted.
4. The appellant's Planning Statement (PS) confirms that approval is now sought for the parking of 55 vehicles on the combined area of the appeal site and the contiguous approved storage area to the east. This means that approval is being sought for up to 25 vehicles to be parked on the appeal site and I have determined this appeal on that basis, having regard to submitted plan No LPC 5397 EX 02.

Main Issues

5. In light of the Council's reasons for refusal, the main issues are:
 - 1) whether the development is in a suitable location, with particular regard to the Wiltshire spatial strategy;

¹ Ref 12/02096/OUT

² Ref 17/09618/FUL

- 2) the effect of the traffic generated by the development on the rural setting, and on the character and amenities of the town of Cricklade;
- 3) whether the development reduces the rate of rainwater run-off and improves water infiltration to soil and ground; and
- 4) the effect of the development on the rural character of the surrounding area.

Reasons

Whether the development is in a suitable location

6. The Council's Officer Report (OR) explains that the appeal site is located outside the recognised limits of development as designated firstly in the Wiltshire Core Strategy (CS) 2015 and as subsequently reviewed and adopted in the settlement boundary review of 2020. The Spatial Vision of the CS is set out in Core Policies 1 and 2. Core Policy 1 identifies 4 tiers of settlements, with Cricklade sitting in the third tier as a Local Service Centre. Core Policy 2 explains that the delivery strategy seeks to deliver development in Wiltshire in the most sustainable manner, in a way which prioritises the release of employment land and the re-use of previously-developed land to deliver regeneration opportunities and to limit the need for development on greenfield sites. It further explains that new development will not be permitted outside recognised limits of development unless supported by one of a number of 'exception policies' outlined in paragraph 4.25 of the CS, or allocated through a neighbourhood plan (NP).
7. The exception policies include Core Policy 34, which deals with 'Additional Employment Land'. This explains that for locations outside the Principal Settlements, Market Towns and Local Service Centres, as here, development proposals need to be assessed against a number of criteria. In my opinion none of these criteria apply in the case of this development. Whilst it does represent expansion of an existing business, that business is not adjacent to any settlement, as is required by this policy, as the Chelworth Commercial Area (CCA) is sited some 1.8 kilometres to the south-west of Cricklade. However, although the Council's first reason for refusal states that the appeal site lies outside the built-up area of the CCA, this does not seem to be correct.
8. The operative NP for the area is the Cricklade NP, made in March 2018, and Policy B5 deals with the CCA which is defined on Figure 14. This clearly shows that the appeal site lies within the designated area. I acknowledge that, as highlighted by Cricklade Town Council (CTC), the boundary of the CCA was drawn to include the undeveloped site of the 12/02096/OUT permission, referred to above, at the time of preparation of the NP, as it was seen as allowing some growth to take place at the commercial area. On this point I can appreciate the CTC's frustration that this earlier permission for small industrial units was not pursued, and instead a storage use of the land was allowed, retrospectively. I have also noted the CTC's concerns that allowing this appeal would represent the loss of a developable site for small industrial units, but there are no such proposals before me for consideration, nor is this site in any way reserved or allocated for such uses.
9. Notwithstanding these points, the fact remains that the appeal site and the adjacent site to the east do now fall within the designated CCA, and the storage use has planning permission. Whilst I accept the fact that the appeal site lies within the designated CCA is not the same as it being allocated through a NP, the end result is the same - development within the designated area is acceptable in certain circumstances.
10. Because of this, even though I understand that prior to 2019 the appeal site was in arable use, its location within the designated commercial area means that development

on the appeal site would not conflict with the first part of NP Policy B5, which explains that proposals to extend the uses in the CCA into the surrounding countryside will not be supported. The policy goes on to explain that proposals for the conversion or change of use of existing buildings within the defined Commercial Area to other commercial uses will be supported, where the resulting new uses would have a reduced visual impact on the rural environment and would generate a lower level of commercial and/or HGV traffic.

11. I explore these matters in later main issues, but in the context of this first main issue, and in light of the points set out above, I conclude that as the appeal site lies within the recognised, designated area of the CCA, it is in a suitable location for development. Accordingly I find no material conflict with CS Core Policies 1 and 2, or NP Policy B5.

The effect of generated traffic on the rural setting, and on the character and amenities of Cricklade

12. There is a somewhat complicated history to the storage of vehicles on land controlled and/or rented by the appellant in recent years, as set out in the PS and Transport Statement (TS). But put simply, although the appeal site is currently in use for the storage of vehicles, the appellant and the Council agree that if this appeal was allowed the maximum number of HGVs likely to be parked on the appellant's land would increase from about 140 to about 165, amounting to an increase of 13 HGVs over the estimated 152 HGVs currently parked on the overall site at any one time. This is considered to result in an increase in traffic on Braydon Lane of some 47 HGVs over a 24 hour period. The TS maintains that this is a robust figure for total additional traffic generation, as there would be no need for the appellant to take on additional staff to administer the extra HGV parking spaces.
13. These additional 47 vehicle movements amount to a 5.7% increase in the current average daily two-way traffic flows at the south-western end of Braydon Lane. The TS considers this increase to be insignificant in the context of the existing traffic flows on Braydon Lane and concludes that allowing the appeal would not result in any unacceptable impacts on highway safety, or a severe residual cumulative impact on the road network. The Council's Highways Department accepted these conclusions and raised no objections to this appeal proposal. I, too, consider that the continued use of the appeal site for the storage of up to 25 vehicles would not result in any unacceptable impact on the highway network in terms of capacity or road safety implications.
14. That said, it is clear that the Council's second reason for refusal was not concerned with these technical highways considerations, but with the impact the additional HGV traffic movements would have on the character of Cricklade and on the amenities of its residents. The Council explained that this is particularly the case as access to and from the A419 from the appeal site requires vehicles to navigate narrow residential roads within Cricklade. These points are echoed by CS Core Policy 19 which points to the need to address such issues as the recognised local concerns regarding the impacts of HGV traffic on the local road network. Like the Council, I consider that these concerns could reasonably extend to cover the impact of HGV traffic on the quality of life of local residents and the amenity and character of towns such as Cricklade.
15. In this regard I have noted the points made in objection to this proposal by CTC, and in the submitted reports by Callidus Transport and Engineering Ltd³ and Railton TPC Ltd⁴,

³ Cricklade Town Traffic Study – HGVs – Callidus Transport and Engineering Ltd, 2021

⁴ Wiltshire LTP4 Consultation Response on behalf of Cricklade Town Council, January 2025

which amongst other things raise concerns about the impact of increased HGV traffic on the health and well-being of residents; on the Cricklade Conservation Area; and the environmental capacity of Cricklade's roads. I have also had regard to the fact that the NP makes reference to 595 HGV movements on High Street in a 12-hour period in 2012, and that information provided by CTC indicates that there were 787 HGV movements recorded on High Street South in a 24-hour period in 2021, and 658 HGVs recorded on Calcutt Street in the same period.

16. In the context of these recorded flows the likely additional HGV traffic from the extended yard area, of around 47 vehicles in a 24-hour day, would amount to about 6% of the 24-hour flow on High Street, and about 7% of the 24-hour flow on Calcutt Street, using the 2021 flows detailed above. However, I have been mindful of the fact that whilst many of these vehicles would undoubtedly travel to and from the A419, it is by no means certain that all would. Moreover, whilst I appreciate the concerns of CTC and others, as detailed above, the fact remains that the High Street South/Calcutt Street route is the signed route to and from the A419. With these points in mind it is my assessment that the likely HGV traffic increases which would arise from allowing this appeal would be relatively low in the context of the existing flows detailed above, and I am not persuaded that this additional traffic, spread over the day, could be seen as unduly noticeable or objectionable.
17. The Council has alleged a conflict with CS Core Policies 57 and 61, and with NP Policies B4 and B5. But in the context of this appeal proposal I find it difficult to see the relevance of Core Policy 61⁵, which amongst other things requires new development to be located and designed to reduce the need to travel, particularly by private car, and to encourage the use of sustainable transport alternatives. The appellant's business is already operating from the Chelworth Commercial Area, and the appeal proposal simply seeks to extend the area from which the business operates. Moreover, as detailed above, there is no need for additional employees to deal with any extra HGV parking spaces. As such I find no meaningful conflict with this policy, and the same goes for Core Policy 57⁶ because insofar as it is relevant to this issue it simply requires new development to meet the requirements of Core Policy 61.
18. From the NP, Policy B4 explains, amongst other things, that proposals for the establishment of new small and medium sized enterprises will be supported where they do not have an unacceptable impact on residential amenity in the immediate locality and where traffic movements that would be generated by the development can be satisfactorily accommodated in the highway network. But as has already been made clear, this is not a proposal for a new enterprise, but rather the extension or expansion of an existing operation. Again it is difficult to see how this policy is relevant here.
19. NP Policy B5 has already been discussed, above, and whilst it is clear that this proposal to extend the storage area at this existing business does not fit neatly into any of the categories described by this policy, it is not unreasonable to have regard to the criteria set out in the policy. On these points I consider the matter of visual impact under the fourth main issue, but insofar as the generation of extra commercial and/or HGV traffic is concerned I have already concluded that the additional HGV traffic from this extended yard, in a 24-hour period, would not be unduly noticeable or objectionable.
20. Drawing all the above points together, I conclude that the additional HGV traffic likely to arise if this appeal was allowed would not have an unacceptable impact on the

⁵ Core Policy 61: Transport and New Development

⁶ Core Policy 57: Ensuring high quality design and place shaping

character and amenities of the town of Cricklade. In this regard I therefore do not find any material conflict with the relevant parts of CS Core Policies 19, 57 and 61, nor with NP Policies B4 and B5.

Rainwater run-off and water infiltration considerations

21. The Council's third reason for refusal alleged that it had not been demonstrated that the development to extend the storage area reduces the rate of rainwater run-off and improves rainwater infiltration to soil and ground where practicable. As such the Council considered this development to be contrary to CS Core Policy 67 and NP Policy H8.
22. Amongst other matters, Core Policy 67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground, using sustainable urban drainage methods unless site or environmental conditions make these measures unsuitable. NP Policy H8 states that proposals for new development will be required to demonstrate that they will not increase the risk of flooding or surface water run-off within the site or to any surrounding sites or areas in general. It indicates that the use of sustainable drainage systems and storm water tanks will be supported on development sites where the technical evidence identifies that the use of such facilities will prevent the potential for flooding or surface water run-off within the site or elsewhere in the Plan area.
23. As noted above, a drainage scheme was approved for the land east of the appeal site when planning permission was granted retrospectively in 2019. However, as part of this appeal process the appellant commissioned an updated Drainage Strategy⁷ (DS) to address the concerns raised in the Council's reason for refusal. The key conclusions of this DS were that the appeal site is located in Flood Zone 1 and is currently surfaced with gravel laid to the depth of 300mm, providing permeable paving; that surface water flood risk is identified but assessed to be contained within the ditch network; that ground conditions identify clays with no infiltration capacity; and that surface water drainage is to discharge to the ditch network located to the north of the site.
24. The DS also concluded that retrospective works are required in the site to ensure full compliance with this strategy. These works include the installation of a filter drain for the collection and conveyance of flows; the inclusion of a bypass separator for water quality; the inclusion of a flow control; and formal discharge to the ditch network and application for land drainage consent/ordinary watercourse consent. Its overall conclusions are that the development would be appropriately safe for its lifetime and the development would not increase flood risk elsewhere through the implementation of an effectivity drainage strategy.
25. In its SoC the Council accepts that details and the implementation of a suitable drainage solution could be secured by condition. In these circumstances, and having regard to the matters detailed above, I conclude that with the imposition of an appropriate planning condition, the development would reduce the rate of rainwater run-off and improve water infiltration to soil and ground. As such I find no conflict with the policies to which I have just referred.

The effect on the rural character of the area

26. The Council's fourth reason for refusal maintained that the extension of the commercial development onto an area of agricultural field would result in an albeit small level of

⁷ SDS Consulting: Chelworth Industrial Estate, Drainage Strategy, June 2025

harm to the rural character of the area, contrary to CS Policy 57. Amongst other things this policy requires development proposals to respond to the natural and historic environment and relate positively to its landscape setting; and make efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.

27. I share the Council's view that the use of this area of former agricultural land for the parking of goods vehicles can only have a negative impact upon the rural landscape setting of the site. However, the extension of the yard does not encroach into open countryside to the south, and as has already been stated the site lies within the designated commercial area and is seen in the context of the existing storage yard, against a backdrop of commercial buildings. In addition, further commercial development lies a short distance to the south, such that a commercial use of the appeal site is not out of character with its surroundings.
28. Furthermore, I saw at my site visit that there is dense vegetation along the site's western boundary which effectively shields views of activity on the site from much of Braydon Lane, and have noted that the appellant's PS refers to a new hedgerow which has been provided outside the security fence along the southern boundary of both the appeal site and the contiguous land to the east. However, whilst some further details of this planting were provided in the PS, its full extent was not clear to me from my unaccompanied site visit, in particular I was unable to establish whether or not this new planting extends as far as Braydon Lane. But notwithstanding this point, as the Council has been prepared to accept development on this site in the past, I see no good reason why the extension of use of the existing yard should have an unacceptable impact on landscape character, subject to appropriate landscaping.
29. In view of the above points I conclude that the extension of use of the existing yard would not have an unacceptable impact on the rural character of the surrounding area. Accordingly I find no meaningful conflict with CS Core Policy 57. This also means that I do not find the development to be at odds with the landscape element of NP Policy B5, discussed above.

Conclusion

30. Drawing all the above points together, I have found in favour of this development with regard to all main issues, and having had regard to all other matters raised there is nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed. Planning permission is therefore granted, subject to the conditions set out in the attached schedule.

Conditions

31. The Council put forward 2 conditions relating to surface water drainage and landscaping. I consider that the surface water condition is necessary in light of the comments and recommendations of the appellant's DS, summarised in paragraph 24 above, to ensure that the development can be adequately drained without increasing flood risk elsewhere. However, as the use has already existed for some time, without any evidence of drainage problems, I have made what I consider to be appropriate and pragmatic adjustments to this condition and its timescale.
32. The Council has also suggested a landscaping condition, and whilst I note that some planting has already been carried out in the context of the earlier 2019 planning

permission, as noted above, it is unclear to me whether this planting fully addresses the landscaping necessary to ensure a satisfactory landscaped setting for the extended yard. I therefore consider it necessary to attach a landscaping condition to this permission, both to ensure the provision of appropriate landscaping and to ensure this landscaping is satisfactorily maintained. I have based the condition on the Council's suggestions, but again I have made what I consider to be appropriate and pragmatic amendments.

33. These drainage and landscaping conditions are necessary to make the development acceptable in planning terms, and a timetable for compliance is necessary because planning permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of these matters before the development takes place. The conditions will ensure that the development can be enforced against if the requirements are not met.
34. In addition, although this development has already been carried out, the site is not laid out as shown on the submitted Site Plan LPC 5397 EX 02. I consider that a condition requiring development to be retained in accordance with this plan is necessary, to provide certainty on what is being authorised by this permission. In addition, for the same reason, and to reflect the evidence put forward by the appellant, I consider it necessary to impose a condition specifying that a maximum of 25 vehicles can be stored on the site shown edged red on Location Plan LPC 5397 EX 01.

D Wildsmith

INSPECTOR

Schedule of Conditions (4 in total)

- 1) The development hereby approved shall be retained in accordance with Site Plan LPC 5397 EX02.
- 2) No more than 25 vehicles can be stored on the site indicated in red on Location Plan LPC 5397 EX01, at any time.
- 3) Unless within 2 months of the date of this decision a scheme for the surface water drainage of the site is submitted in writing to the Local Planning Authority for its written approval, and unless the approved scheme is implemented within 4 months following receipt of the Local Planning Authority's approval, the use of the site shall cease until such time as a drainage scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained for the lifetime of the permission.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) Unless within 2 months of the date of this decision a tree and landscape planting scheme is submitted in writing to the Local Planning Authority for its written approval to include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted, protected and managed for the lifetime of the development,

along with a proposed planting implementation programme, the use of the site shall cease until such time as a landscape planting scheme is approved and implemented.

Upon receipt of the Council's written approval for the landscaping scheme, the landscaping works shall be carried out in accordance with the approved details and implementation programme and shall thereafter be managed and/or maintained for the lifetime of the permission.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of schedule