
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: 17 November 2025

Appeal Ref: APP/Y3940/W/25/3367117

Land off Braydon Lane, Chelworth Industrial Estate, Chelworth, Cricklade, 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 outline planning permission.
 - The appeal is made by Bel Ombre Properties Limited against the decision of Wiltshire Council.
 - The application Ref is PL/2022/01840.
 - The development proposed is industrial/warehouse development within Class E(g) (Office, Research & Development and Light Industry), Class B2 (General Industry) and Class B8 (Storage & Distribution).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline, and although the appellant's Design and Access Statement (DAS) states at paragraph 1.2 that the means of access was to be determined at this stage, this is contradicted by paragraph 4.2 of the DAS which states that all matters are reserved for future consideration. This latter position is confirmed by both the planning application form and the Council's Officer Report (OR). In these circumstances I have considered this proposal on the basis that all matters are reserved for later determination.
4. Although not referenced in the development description, the application form and DAS indicate that the appellant seeks approval of up to 20,000 square metres (sqm) of gross new internal floorspace. I have determined the appeal on this basis.
5. Following the refusal of planning permission the appellant commissioned a Flood Risk and Drainage Statement (FRDS)¹ to update the previously submitted Flood Risk Assessment & Drainage Strategy (FRADS). The appellant has explained that this updated FRDS was necessary to take account of both the December 2024 changes to the National Planning Policy Framework ('the NPPF'), and updated Flood Map information from the Environment Agency (EA), issued in March 2025. The FRDS included an amended, indicative plan which the appellant requests be used to determine this appeal. This amended plan shows the same number of units, but with some of them repositioned on the site. In addition, the amended plan has some

¹ Appendix 3 to the appellant's Statement of Case (SoC).

annotations relating to proposed building floor levels and a proposed raising of the access road.

6. Although the Council maintains that the appeal should be decided upon the plans submitted with the original application, it is clearly right that the decision on this appeal be made on the basis of the updated NPPF and EA flooding information. As such, I do not consider that anyone with an interest in this proposal would be unduly prejudiced if I was to make my determination on the basis of this amended plan.

Site description, surrounding area and details of the appeal proposal

7. The appeal site comprises an open agricultural field of some 3.6 hectares (ha), located adjacent to the Chelworth Industrial Estate², which lies about 2.6 kilometres (km) to the south-west of the town of Cricklade. The site is predominantly laid to grass, but at the time of my site visit there was also a fairly large wet area with bullrushes in the lowest point at the site's eastern corner. From a high point on the western boundary the land falls gently to the north, south and east. All boundaries consist of a mix of mature trees and hedging, with the current access to the site being a field gate about half-way along the south-eastern boundary, from Braydon Lane. Commercial properties within the Chelworth Industrial Estate lie to the south and south-east of the site, across Braydon Lane, and also to the east and north-east.
8. Further open agricultural land lies to the north and north-west, whilst a solar farm lies to the south-west, separated from the site by a bridleway which runs alongside the appeal site's south-western boundary. The FRADS submitted to support the application explains that the appeal site lies predominantly within Flood Zone 1, with a marginal area towards the east of the site within Flood Zone 2.
9. Under the appeal proposal the appellant seeks to erect a number of buildings to provide up to 20,000sqm of industrial/warehouse floorspace, catering for a mix of uses in Use Classes E(g), B2 and B8. The amended indicative site layout plan shows 5 buildings of various sizes, together with a main access road and parking and manoeuvring areas. A new vehicular access would be provided to Braydon Lane, along the site's south-eastern boundary, and local road widening on Braydon Lane is also proposed. The DAS envisages that no building would have an eaves height greater than 6m, or a ridge height greater than 8m. All buildings are shown as being set in some distance from the site's boundaries, with a note on the plan explaining that this is to provide a root protection zone for the boundary vegetation.

Main Issues

10. Having regard to the Council's reasons for refusal, the main issues are:
- 1) whether the proposed development would be in a suitable and sustainable location, with particular regard to sustainable transport options and the Wiltshire spatial strategy;
 - 2) the effect of the proposed development on the character and appearance of the surrounding area;
 - 3) the effect of the traffic likely to be generated by the proposed development on the character and amenities of the town of Cricklade; and
 - 4) whether the proposed development would be at unacceptable risk of flooding, and whether the sequential approach to site selection has been followed.

² The Chelworth Industrial Estate appears to be referred to as the Chelworth Commercial Area in the Cricklade Neighbourhood Plan. I have used these terms interchangeably in this decision

Reasons

Whether a suitable and sustainable location

11. The 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. CS 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).
12. The exception policies include Core Policy 34, which deals with 'Additional Employment Land'. However, whilst this policy indicates that proposals for employment development will be supported within the Principal Settlements, Market Towns and Local Service Centres, (subject to being in the right location and supporting the strategy, role and function of the town, as identified in Core Policy 1), it is a different situation for development proposals outside these settlement areas, as is the case here. In such circumstances, development proposals need to be assessed against a number of criteria, none of which, in my opinion, apply to this proposal.
13. In particular, the Chelworth Industrial Estate is not located adjacent to the Local Service Centre of Cricklade, and as the appeal proposal is clearly speculative there is no evidence to suggest it seeks to retain or expand businesses currently located within or adjacent to Cricklade. Nor has any firm evidence been submitted to suggest that the Chelworth Industrial Estate serves any wider strategic function under the Council's CS. As such, I share the Council's view that the additional criteria set out under part 'iv' of this policy do not apply in this case, and that the proposed development gains no support from Core Policy 34.
14. In contrast, Core Policy 19, which sets out the spatial strategy for the Royal Wootton Bassett and Cricklade Community Area within which the appeal site lies, provides support for a number of named Principal Employment Areas and also indicates that 5ha of new employment land will be provided over the plan period, including land to the west of Templars Way, and at the Brickworks, Purton.
15. The operative NP for the area is the Cricklade NP, made in March 2018. It does not allocate the appeal site for development and states unequivocally in the supporting text to Policy B5 that the Chelworth Commercial Area - defined in NP Figure 14 - is in an inherently unsustainable location. The appeal site is shown as lying outside but adjacent to the defined Commercial Area. Policy B5 itself states that proposals to extend the uses in the Commercial Area into the surrounding countryside will not be supported.
16. The appellant acknowledges that the appeal site lies outside any limits of development, is not allocated for development, and that the proposal would be at odds with a number of development plan policies, but nevertheless argues that the appeal site is sustainably located and that the proposed development would not be poorly located. In coming to this view it takes support from comments made by the Council's Major Projects Officer³

³ Sustainable Transport Team

(MPO), and maintains that the appeal site is within walking and cycling distance of Cricklade, and that there would still be a choice of sustainable modes of transport for future employees of the proposed development, even though public transport accessibility is limited.

17. The NPPF defines sustainable transport modes as any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing and public transport. I acknowledge that the MPO considered the proposed development to be sustainable in transport terms, but do not consider the points set out in the previous paragraph accurately reflect what the MPO actually said in his consultation responses, which have been appended to the appellant's 'Transport Written Representations'⁴ (TWR).
18. Firstly, the MPO states that the proposed development would be within the guideline walking distance of the edge of Cricklade, not the whole of the town. Indeed the Pedestrian Isochrones shown in the appellant's Transport Statement (TS) indicate that only a small part of the south-western edge of Cricklade would fall within a 2km walking distance of the appeal site. Furthermore, although one of the submitted plans indicates that a 2m wide footway would be provided across the site frontage to the east of the proposed access, within a 3m wide verge, this would only be some 120m in length and in my opinion would serve very little useful purpose. In light of these points I do not consider that walking would be a realistic travel option for many future employees.
19. The Cycle Isochrones detailed in the TS show that cycling would be a more realistic travel option, although as the 2011 Census Journey to Work Data⁵ for the relevant Wiltshire area shows that just 3% of journeys to work were made by bicycle, I find it difficult to imagine that a significant number of journeys to the proposed development would be made by cycle. This appears to be confirmed by the cycle trip rates detailed in the TS, and the acceptance in the TS that the number of pedestrian and cycle trips generated by the proposed development are anticipated to be relatively low.
20. Regarding other sustainable travel modes, the MPO commented that public transport accessibility is poor, with the closest bus stops being located on Malmesbury Road to the north-west of the appeal site, some 2.5km or a 30-minute walk away from the site and only offering 3 services a day. The public bridleway would offer a shorter walking distance to this bus stop but the TS accepts that this bridleway is liable to become waterlogged and muddy and is therefore unlikely to be used by many employees in winter months. With these points in mind I consider that only a very limited number of future employees would be likely to travel by public transport.
21. The appellant has referred to an online car-sharing database and considers that as the appeal site sits adjacent to the existing Industrial Estate it increases the opportunities for people to car share to and from the site. But whilst I acknowledge the potential for car-sharing, and note that the 2011 Census Journey to Work Data indicates that 7% travelled to work as a car passenger, no further, site-specific information on this matter has been provided and there is nothing to indicate that any meaningful car-sharing currently takes place on the Chelworth Industrial Estate.
22. Finally on this matter I accept that the proposed development would provide electric vehicle (EV) charging points and cycle parking and that these could be secured by means of a planning condition, as could the provision of a Travel Plan for the site, as

⁴ Appendix 2 to the appellant's SoC

⁵ Table 4 in the TS

referred to in the TS and elaborated on in the TWR. That said, it is unclear from the limited information provided what actions could be taken in the event that the Travel Plan was not successful in reducing reliance on the private car.

23. In summary, I do not consider the appeal site to be well-located for access by walking or public transport, and do not share the appellant's view that the short length of footway and the implementation of a Travel Plan would satisfy NPPF paragraph 89, as the measures described above would not meaningfully improve the scope for access on foot, by cycling or by public transport. Accordingly I do not consider the appeal site to be sustainably located, and whilst I accept that EV charging facilities and a Travel Plan could assist in promoting the use of sustainable transport modes, it seems highly likely to me that the vast majority of future employees would not use such modes to access the site. For these reasons I consider the appeal proposal to be at odds with CS Core Policy 61 (Transport and New Development) 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.
24. The MPO appears to have based his view that the proposed development would be sustainable in transport terms on the fact that there would be opportunities to walk or cycle to and from the proposed development, and that the development would provide local employment opportunities for Cricklade and other nearby communities, thereby reducing longer-distance out-commuting to the likes of Swindon and Cirencester. However, for reasons already given I do not consider that many future workers at the proposed development would walk to the site, and there is nothing in the evidence before me to confirm that the proposed development would reduce the need for out-commuting from Cricklade.
25. Like the Council I consider it highly likely that if the development was to proceed, it could well attract employees from a wider area than the town of Cricklade, such that there would be a level of in-commuting. But as this matter has not been assessed or investigated in any detail I do not consider that it weighs in the proposal's favour.
26. Drawing all the above points together I conclude that the proposed development would not be in a suitable and sustainable location, would be at odds with the Wiltshire spatial strategy, and could not be considered sustainable in transport terms. As such it would be in conflict with the CS and NP policies referred to above, and would also fail to meaningfully satisfy the sustainable transport requirements of NPPF paragraph 89.

The effect on the character and appearance of the surrounding area

27. As already noted, the appeal site lies adjacent to but outside the Chelworth Industrial Area, which the Council explains has developed over the years on the built area of the Ministry of Defence (MOD) site which was formerly at this location. No further history has been provided but it seems clear to me that whilst a redevelopment of previously-developed areas of the MOD site has been accepted, development of undeveloped greenfield areas has not. This is borne out by NP Policy B5, referred to above, which is supportive of certain development within the Commercial Area itself, but indicates that proposals to extend into the surrounding countryside will not be supported.
28. The amended site layout plan shows the EA flood extent and 5 proposed buildings of various sizes, with all but one of these shown as being sited completely outside the flood extent area. I acknowledge that this site layout plan is only indicative but the Council has calculated, in the OR, that the plan only identifies buildings with a total footprint of some 6,475sqm, whereas the DAS indicates that between 15,000sqm and

20,000sqm of floorspace is being sought. As far as I could see this matter has not been addressed by the appellant and it therefore remains unclear how the proposed floorspace could reasonably be accommodated on this site, outside the flood extent and outside the proposed root protection zone defined to protect the boundary vegetation.

29. In policy terms, the Council maintained, in its second reason for refusal, that the appeal proposal would be at odds with CS Core Policies 51 and 57. The first of these deals with Landscape, and states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Core Policy 57 is entitled 'Ensuring high quality design and place shaping' and amongst other matters it requires new development to make a positive contribution to the character of Wiltshire by relating positively to the landscape setting and the existing pattern of development.
30. No Landscape and Visual Impact Assessment was submitted with the application, and no assessment appears to have been made by the appellant of the likely impacts of the proposed development in landscape terms, or how the above policies would be satisfied. Rather, the DAS simply comments that landscaping is a reserved matter; that soft landscaping could be accommodated across the site such as within parking areas, to provide an attractive environment in which to work; and that the indicative layout demonstrates that the development could be accommodated without any encroachment into root protection areas in respect of vegetation on the boundaries. This latter point is, however, already questionable and uncertain in light of the comments about accommodating the desired floorspace on the site, set out above.
31. The appellant points out that the Landscape Character Assessments (LCAs) referred to by the Council's Senior Landscape Officer (SLO) are around 20 years old, and that does, indeed, appear to be the case. However, whilst I acknowledge that there have clearly been changes within these LCAs over the past 20 years, and that changes to the Chelworth Industrial Area have also taken place over that time, there is no evidence before me to suggest that new buildings have been permitted outside of the Commercial Area defined in the NP during that time. Moreover, it is clear that the SLO did not solely base his opposition to this proposal on these LCAs.
32. Furthermore, although the appellant maintains that the proposed development would not project beyond established building lines along the northern section of Braydon Lane, it would represent a significant and noticeable westwards extension of built form into an undeveloped field which NP Policy B5 seeks to protect from development. In coming to this view I note that the solar farm to the west of the bridleway is a low-lying feature, not readily seen from either Braydon Lane or the bridleway, and whilst I acknowledge that a further small area of development and buildings does exist further west, the bend in the road close to the bridleway shields this development from the view of anyone looking westwards along the main length of Braydon Lane.
33. Despite the presence of industrial and commercial areas and buildings on both sides of much of Braydon Lane, I saw at my site visit that there is also a significant amount of roadside vegetation. As the road is mainly of modest width, with no footways, this gives much of this area a distinct rural feel and character, particularly on the northern side of Braydon Lane in the vicinity of the appeal site where the dense roadside vegetation limits views into the site and into the aforementioned solar farm. However, this rural character would be disrupted and altered by the proposed road widening which the appellant states would be necessary if this development was to proceed.

34. I acknowledge that road widening and the construction of a new site access would need to be agreed with the Council and Highway Authority at reserved matters stage if outline planning permission was granted, but on the basis of the submitted evidence it has not been shown that these works could be carried out without an unacceptable loss of this lane's rural character. The TS indicates that Braydon Lane would need to be widened by about 3m to the north-east of the proposed access, to enable articulated vehicles to pass and use the access without overrunning the kerbs, and the appellant intends this widening to mirror that which exists on the opposite side of the carriageway. However, the Council's MPO indicated that this would not be acceptable and asked for a revised plan to be submitted, but no such revised plan is before me for consideration.
35. Furthermore, an appreciable amount of the roadside vegetation across the site frontage would need to be removed to allow for the proposed road widening and construction of a 2m wide footway within a 3m wide verge, as shown on one of the submitted access plans. This matter is emphasised by the Council's MPO who commented that the necessary visibility splays should not be created by just skimming the substantial hedgerow vegetation, as the splays would not be regularly maintained and the visibility would therefore rapidly become blocked. The MPO further indicated that the new verge and footway must also be provided to the west of the proposed access, but no plan showing this has been submitted. The acceptability and likely impact of the proposed widening and new access arrangement cannot therefore be established or assessed.
36. Moreover, as the road into the development would need to be 7.3m wide, with junction radii of 12m, this would open up views into the heart of this site allowing the new buildings, vehicles and manoeuvring and parking areas to be clearly seen, highlighting the loss of the rural and agricultural nature of the site, and the westwards extension of development and built form. At up to 8m high the proposed buildings would be visible from Braydon Lane and the bridleway, especially if buildings or parking areas had to encroach into the proposed root protection zone, as discussed above. As such, the proposed development would adversely impact upon this undeveloped part of Braydon Lane and be harmful to the character and appearance of the surrounding area.
37. Finally on this issue, mention has been made by both the Council and the appellant of the fact that the appeal site lies within the Great Western Community Forest designated plan area. But as neither party has meaningfully elaborated on this in the context of the appeal proposal, I regard this as a neutral matter in this appeal.
38. Drawing all the above points together I conclude that the proposal to erect significant built form on this greenfield site, outside the designated Commercial Area, coupled with the intended road widening and footway provision, would have an adverse impact on the rural character of the appeal site and this part of Braydon Lane. I therefore find the appeal proposal to be at odds with CS Core Policies 51 and 57, and with NP Policy B5.

The effect of generated traffic on the character and amenities of Cricklade

39. The submitted TS has used the TRICS⁶ database to estimate the likely traffic which would be generated by the appeal proposal. It explains that as the proposed development is likely to comprise a number of industrial units with as yet unknown floor areas, the trip generation rates have been calculated on the basis of the total site area of 3.64ha. The appellant maintains that this has produced a robust estimate of the total traffic generation, although there is no explanation as to why the floorspace range set

⁶ TRICS: A database which can be interrogated to establish the likely trip rates from a proposed development, based on surveyed trip rates from existing developments which have similar characteristics to the particular development under consideration

out in the DAS, of 15,000sqm - 20,000sqm was not used. Nor has any clear explanation been given as to why the 'Suburban Area' location type was used. But notwithstanding these points I note that the Council's MPO did not dispute the figures, and I have no reason to dispute the assertion that they are both robust and reliable.

40. The assessment shows that the proposed development could generate 66 two-way vehicle movements during the AM peak hour (08:00 - 09:00), 55 two-way vehicle movements during the PM peak hour (17:00 - 18:00) and 687 two-way vehicle movements across the daily period (07:00 - 19:00). The TS also provides existing (2021) average weekday traffic flow data along Braydon Lane, namely 163 two-way vehicle movements in the AM peak, 118 two-way movements in the PM peak, and 1610 two-way movements over a 24-hour period. The traffic from the proposed development would therefore represent a 40.5% increase in AM peak flows; a 46.6% increase in PM peak flows; and a 42.7% increase over the whole day. The actual level of vehicle movements would, of course, be dependent on the nature of the businesses that would occupy the proposed development.
41. The Council's MPO has assessed the likely impact from the assumed generated traffic of 66 trips in the AM peak and 55 trips in the PM peak and equates these figures to around 1 additional vehicle movement per minute on the approach roads. In addition, the TS estimates that about 69 goods vehicle trips would be generated over the course of a 12-hour day (included within the figures detailed above), equating to about 6 extra goods vehicles every hour, or 1 every 10 minutes. Like the MPO I consider that these trip levels would not have a significant effect on the capacity of nearby junctions.
42. I note that certain routes within Cricklade prohibit entry for vehicles over 7.5 Tonnes, except for access, and traffic to and from the Chelworth Industrial Estate is routed from the A419 via High Street and the B4553. This route is signposted for use by Heavy Goods Vehicles (HGVs). Traffic from the proposed development would be subject to the same restrictions, with HGVs having to follow the signed route to and from the A419. On this point I share the appellant's view that not all vehicle trips generated by the proposed development would necessarily route to the A419 - a proportion of the trips generated may route along the B4040 towards the A429, to the west of the site.
43. In light of the above points I consider that the additional traffic which would travel along Braydon Lane and the surrounding highway network, as a result of the proposed development, would not result in any severe impact on the surrounding highway network or an unacceptable impact on highway safety in accordance with the NPPF. As such the appeal proposal would not be in conflict with NP Policy TT1 which, amongst other things, states that proposals for industrial and commercial development will be supported where their traffic movements in general, and HGV movements in particular, can be satisfactorily accommodated on the strategic and local highway networks.
44. That said, I am well aware that the Council's third reason for refusal was not concerned with matters of highway capacity or road safety, but rather the likely impact that increased traffic – especially HGV traffic – would have on the character and amenities of the town of Cricklade. In framing this reason for refusal the Council alleged a conflict with CS Core Policies 57 and 61, and with NP Policies B4 and B5.
45. Core Policy 57 requires new development to meet the requirements of Core Policy 61, which I have already referred to in the context of the first main issue. 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 on the highway network. NP Policy B5 has already been discussed, above.

46. Although not cited in the reasons for refusal, the Council has highlighted Core Policy 19 as being of relevance. This policy states that development proposals in the Royal Wootton Bassett and Cricklade Community Area will need to demonstrate how the relevant issues and considerations listed in paragraph 5.102 of the CS will be addressed. One of those issues is the recognised local concerns regarding the impacts of HGV traffic on the local road network. I share the Council's view 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.
47. In this regard I can appreciate the concerns which many local residents have expressed about the impact of traffic and particularly HGV traffic, and I have noted the points made in objection to this proposal by Cricklade Town Council (CTC) and others. These include concerns about the impact of increased traffic on the health and well-being of residents, the impact of traffic 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 CTC⁷ 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.
48. In the context of these recorded flows the predicted daily generation of HGVs from the proposed development of around 69 vehicles in a 12-hour day – not all of which would necessarily pass through Cricklade – would amount to about 9% of the 24-hour flow on High Street, and about 10% of the 24-hour flow on Calcutt Street, using the 2021 flows detailed above. These increases would not be insignificant, and I appreciate that CTC and others are concerned about the cumulative impact of increasing HGV flows. But as the estimated HGV flows from the proposed development would equate to just about 1 vehicle every 10 minutes, I find it difficult to see this as unduly noticeable or unacceptable, especially as no further information has been provided as to how the 'environmental capacity' of the roads in question might be determined.
49. Because of this I have to conclude that the traffic likely to be generated by the proposed development would not have an unacceptable impact on the 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 TT1, B4 and B5.

Flood risk and the sequential approach to site selection

50. As noted earlier, the appellant commissioned a new FRDS to ensure that flood risk and drainage matters were considered in the light of the latest version of the NPPF and the updated Flood Map information from the EA. In addition, to respond to matters highlighted by the earlier FRADS, the appellant amended the indicative site layout to reposition some buildings away from the flood risk areas. I have already indicated that I will determine this appeal on the basis of this updated plan, as I do not consider that this would unduly prejudice anyone with an interest in this proposal.
51. Paragraph 173 of the NPPF makes it clear that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any

⁷ Cricklade Town Traffic Study – HGVs – Callidus Transport and Engineering Ltd, 2021

form of flooding, with paragraph 174 explaining that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. However, paragraph 175 indicates that an exception to the need for a sequential test to be carried out is in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

52. Here, a site-specific flood risk assessment in the form of the FRDS has been carried out. Amongst other things it shows that fluvial flood levels have been assessed, with a maximum design level calculated as 86.05m AOD⁸, including a 70% allowance for climate change. Pluvial flood levels have also been assessed, with a maximum design level calculated as 86.20m AOD. As a result of these calculations the proposed site layout has been revised to ensure development is sited outside the EA flood zone 2 area. Finished floor levels of buildings would be set a minimum of 0.6m above the maximum flood level - the pluvial level of 86.20m AOD - meaning that all finished floor levels would be a minimum of 86.80m AOD. In addition, the site access would also be constructed above the level of 86.80m AOD.
53. My understanding of the changes made to paragraph 23 of the Planning Practice Guidance in September 2025 is that measures such as raising the finished floor levels of buildings and raising the access road, as detailed above, can be taken into account in terms of flood risk assessment. Accordingly, there is no requirement for a sequential test to be undertaken and in my opinion the correct approach to flood risk assessment has been carried out in this case. As confirmed by the Council's Drainage Officer, any outstanding surface water drainage matters could be resolved by means of planning conditions, if planning permission was to be granted.
54. In light of the above points I conclude that the proposed development would not be at unacceptable risk of flooding, and that the correct approach to the sequential test has been followed, in accordance with paragraphs 173 – 175 of the NPPF.

Other Matters

Economic considerations

55. Economic growth is of high importance, as is made clear in the Ministerial Statements and the King's Speech, appended to the appellant's SoC. Moreover, amongst other things paragraph 85 of the NPPF indicates that planning decisions should help create the conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
56. In addition, NPPF paragraph 89 indicates that in rural areas, sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It goes on to explain that in such circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. It also states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

⁸ Above Ordnance Datum

57. With these points in mind the appellant sought the professional opinion of a local Commercial Property Advisor regarding the proposed development. Amongst other things, the Advisor's response states that there has been strong demand for industrial and warehousing property over the past 5 years but a shortage of supply of employment development land, especially for small to medium business occupiers in the local area, as acknowledged by the Council's own Economic Development Officer⁹ (EDO). The Advisor comments that the Chelworth Industrial Estate has always been able to satisfy some of this demand by offering smaller plots at relatively competitive values and is supportive of the proposed development, maintaining that there would be strong occupier demand for it if it was to go ahead.
58. These points are noted, but are given in fairly general and non-specific terms. In response, the Council has pointed out that the employment development land for the community area, identified in CS Core Policy 19 and discussed in paragraph 14 above, does not yet appear to have been developed. The Council states that these sites are in sustainable locations and their allocation has been subject to full public consultation as part of the plan-making process and examination. No evidence has been placed before me to suggest that these sites are no longer available for development and in these circumstances I can only give limited weight to the Advisor's letter.
59. I have also had regard to the consultation response to this planning application from the Council's EDO, referred to above, but which was not mentioned in the OR. The EDO considers there to be a current shortage of available units of this size in Wiltshire, such that those proposed through this development would be a welcome addition which could help local people establish their own businesses, provide a boost to the local economy and hopefully reduce the need for people in rural communities to have to commute long distances to work. The EDO also considers the proposal would contribute to, or align with, policies and strategies supporting economic growth in the area, although I note that no specific mention is made of relevant CS or NP policies. The comments from the EDO are clearly relevant and well-informed, and I give them some weight, although this has to be tempered because of the lack of any specific policy reference.
60. The appellant has also drawn attention to the Wiltshire Employment Land Review Update¹⁰ (WELRU), 2023, and highlights the fact that the appeal site lies within the M4/Swindon Functional Economic Market Area (FEMA). The WELRU considers there to be a significant under-supply of sites to meet the forecast demand in this FEMA, with just 9ha of existing and allocated land available to meet a forecast demand of at least 18ha. Whilst the WELRU notes that there is one site at Purton, it states that there is a need for more sites to meet the forecast demand in the rural part of the FEMA. The appellant argues that the appeal proposal could provide smaller, more flexible units which could assist in meeting local needs.
61. In response, the Council acknowledges that the WELRU identifies a shortfall of employment land across the wider Wiltshire and Swindon FEMAs, but points out that this document was commissioned to inform the Local Plan Review, currently before the Secretary of State for examination. The Council's position is that this shortfall in suitable employment sites will be addressed through the policies of the emerging Local Plan, to ensure that any sites identified and allocated are in sustainable locations. I see nothing wrong with this approach, which is clearly the appropriate way to address this matter in a plan-led system. Whilst the appellant has also drawn attention to an appeal decision¹¹

⁹ Appendix B to the appellant's Final Comments

¹⁰ Extract at Appendix 11 to the appellant's SoC

¹¹ Appendix 12 to the appellant's SoC

which referenced the WELRU, the circumstances of that proposal, which was for a mix of housing and employment on a site immediately adjacent to the settlement boundary are clearly different to the case before me. I therefore give it limited weight.

62. Turning to the appeal proposal itself, it is clear that if it went ahead it would create a number of temporary jobs during the construction phase, and then a range of permanent jobs once the development was up and running. I share the appellant's view that additional jobs could also be created in association with the supply chains of the businesses on the site, and that there would also be the opportunity for future employees to spend in the local area. Although none of these economic benefits have been quantified, they warrant significant weight in line with guidance in paragraph 85 of the NPPF.

Ecology and Biodiversity

63. Amongst other things, CS Core Policy 50 requires all development to seek opportunities to enhance biodiversity. In particular it requires major development - as here - to include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. In addition, NPPF paragraph 187 requires new development to minimise impacts on and provide net gains for biodiversity. The planning application was submitted before the statutory requirement to achieve a biodiversity net gain (BNG) of 10% came into force, but the appellant has nevertheless submitted a BNG Assessment to support the planning application, although the OR indicates that this was not considered by the Council as it arrived only shortly before the Council determined the planning application.
64. Using the Statutory Biodiversity Metric calculation tool, the assessment indicates that the proposed development would result in a net gain of 24.94% for non-linear habitats and 10.68% for linear habitats. This has not been disputed by the Council and I see no reason to doubt these results, which would satisfy the requirements of both CS Core Policy 50 and paragraph 187 of the NPPF. As such I consider the benefits associated with BNG merit moderate weight in the appeal proposal's favour.

Planning Balance and Overall Conclusion

65. The appellant maintains, in its Application for Costs, that in light of the significant undersupply of employment land paragraph 11(d) of the NPPF is engaged, and the so-called 'tilted balance' should apply in this case. However, this costs application is the first time that the appellant has contended that this paragraph should apply in this case, not previously having made any reference to it in its review of relevant NPPF paragraphs in its SoC. Moreover, whilst I acknowledge that the CS was adopted back in 2015, there is no suggestion in either the appellant's SoC or the Council's OR that the policies which are most important for determining this appeal are out-of-date, and no firm evidence has been submitted to demonstrate that this is the case. Because of this I do not consider NPPF paragraph 11(d) applies in this case, and no tilted balance is therefore invoked or necessary.
66. My conclusion that the proposed development would be at odds with the Wiltshire spatial strategy, would not be in a suitable and sustainable location and could not be considered sustainable in transport terms weighs heavily against this proposal which would be in conflict with CS Core Policies 1, 2 and 61, and with NP Policy B5. It would also fail to meaningfully satisfy the sustainable transport requirements of NPPF paragraph 89. I have also concluded that the appeal proposal would have an adverse impact on the rural character of the appeal site and this part of Braydon Lane and the

surrounding area and this, too, weighs heavily against the proposal which would be at odds with CS Core Policies 51 and 57, and with NP Policy B5.

67. Contrary to the strong views put forward by CTC and many interested persons I have concluded that the traffic likely to be generated by the proposed development would not have an unacceptable impact on the character and amenities of the town of Cricklade. On this matter I have not found any material conflict with the relevant parts of CS Core Policies 19, 57 and 61, nor with NP Policies B4 and B5 and this is therefore a neutral factor in my assessment. I am also satisfied that proposed development would not be at unacceptable risk of flooding, and that the correct approach to the sequential test has been followed, in accordance with paragraphs 173-175 of the NPPF. Again, I see this as a neutral factor in this case.
68. With regard to the 3 overarching objectives for achieving sustainable development, set out in NPPF paragraph 8, the proposed development would give rise to economic benefits as a result of the construction and subsequent operation of this proposed industrial and warehousing development, and I give significant weight to these economic benefits. However, the proposal would not fully satisfy the NPPF's economic objective as, for reasons already given, it would not comprise the right type of land in the right place.
69. One aspect of the NPPF's social objective of sustainable development is the need to support strong, vibrant and healthy communities. The appeal proposal would respond to some aspects of this objective by providing local jobs, which would be available to Cricklade residents and others in nearby villages. However, for reasons set out above, the site would not be particularly accessible by means other than the private car, such that it would not fully satisfy this social objective of sustainable development. With regards to environmental matters, the appeal proposal would fail to protect and enhance the natural environment, and whilst there would be some modest biodiversity gains the proposal would clearly not satisfy the NPPF's environmental objective.
70. Turning to the overall planning balance, I have found against this proposal on the first and second main issues and this carries significant weight against the appeal proposal, which would be in conflict with a number of CS and NP policies, as detailed earlier. In my assessment this harm is not outweighed by the economic, social and BNG benefits which would arise from the proposal. Moreover, the failure to fully accord with the 3 objectives set out in paragraph 8 of the NPPF mean that this proposal does not represent sustainable development. Taking all of these points together my overall conclusion is that this appeal should not succeed.
71. I have had regard to all other matters raised, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be dismissed.

D Wildsmith

INSPECTOR