



Appeal Decision

Site visit made on 3 December 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/Y3940/W/25/3365076

Land to the south of Chelworth Lodge Industrial Estate, Chelworth, Cricklade, Wiltshire SN6 6HP

- 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 Michael Lindsey (Chelworth Properties Ltd) against the decision of Wiltshire Council.
 - The application Ref is PL/2024/09385.
 - The development is described as “Change of use of agricultural land for commercial purposes (Retrospective).”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the heading above is taken from the planning application form. Whilst not included in that description, the appellant’s Statement of Case indicates that the application also seeks to ‘regularise’ the siting of a storage container, shipping container and portacabin. The Council considered the planning application on that basis and I have determined the appeal accordingly.
3. The words “retrospective” and “regularise” however do not constitute development under s55 of the Town and Country Planning Act 1990 (as amended) (the Act). Therefore, I have dealt with the appeal on the basis that permission is being sought retrospectively for the change of use of agricultural land for commercial purposes and the siting of a storage container, shipping container and portacabin.
4. The lawful use of the site is a matter of dispute between the Council and the appellant. Whilst some information has been provided about its use, it is not within my remit in the context of an appeal under section 78 of the Act to formally determine the lawful use of the site. The appropriate route is through the application process for a certificate of lawfulness of existing use or development. I have therefore dealt with the appeal on the basis that the nature of the lawful use and development of the site is not agreed.
5. The appellant submitted a site-specific Flood Risk Assessment (FRA) with the appeal. The Council has had the opportunity to consider the FRA and has provided comments on it. I have therefore taken it into account in my decision.
6. The two main parties have also had the opportunity to comment on the implications of the Environment Agency’s updated flood mapping dataset (NaFRA2) on the appeal. I have taken their comments into account in my decision.

7. The Council submitted a copy of an appeal decision dated 28 October 2025 for Land off Braydon Lane, Chelworth Industrial Estate, Chelworth, Cricklade¹. As the decision was issued after this appeal was submitted; relates to a site a short distance from the current appeal site and raises similar issues to this appeal, I have taken it into account in my decision. The appellant has provided comments on the decision and I have had regard to them in my consideration of this appeal.
8. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the proposed changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

9. The main issues in this appeal are:
 - whether the development is in a suitable location, with particular regard to the development plan policies concerned with the location of new commercial development and use of sustainable transport;
 - the effect of the change of use on the character and appearance of the site and surrounding area; and
 - whether the change of use would increase the risk of flooding to users of the site and to surrounding land.

Reasons

Location

10. The site lies outside the defined limits of development identified in Core Policies 1, 2 and 19 of the Wiltshire Core Strategy 2015 (WCS). Whilst not referred to in the reasons for refusal, Core Policy 34 is identified in the WCS as an 'exception policy' setting out the circumstances where proposals for additional employment land outside the limits of development will be supported.
11. Assessing the appeal against the criteria in Core Policy 34, whilst the site is adjacent to an existing industrial estate, it is situated approximately 1.8km outside the Local Service Centre of Cricklade and is not within or adjacent to the settlement or a designated Large or Small Village. Nor does the evidence before me demonstrate that the commercial use of the site is necessary to support sustainable farming and food production through development required to adapt to modern agricultural practices and diversification.
12. Core Policy 19 of the WCS makes provision for 5ha of new employment land over the plan period and identifies three Principal Employment Areas which will be supported. The Council also points to designated employment land within or adjacent to principal settlements which are specifically intended to accommodate activities such as that proposed.

¹ APP/Y3940/W/25/3367117

13. The Wiltshire Employment Land Review Update 2023 (ELR) concludes that insufficient land is likely to be delivered to meet forecast demand for the period from 2020 to 2038, including within the M4/Swindon functional economic market area which includes Cricklade. Whilst the ELR identifies the location of sites with potential for employment development to meet the identified shortfall, the appeal site is not one of them. Therefore, even though the site is proposed to be used for commercial purposes and the appellant has provided a list of tenants occupying it, I am not persuaded that the development is essential to the wider strategic interest of the economic development of Wiltshire.
14. Assessment against criteria a. to e. of Core Policy 34 is only required where the development complies with one of criteria i. to iv. As I have found that the development does not comply with any of criteria i. to iv., criteria a. to e. do not fall to be considered.
15. Paragraph 84 of the Framework relates to the development of isolated homes in the countryside rather than commercial use and is therefore not relevant to this appeal. Nevertheless, whilst the site is adjacent to the Chelworth Lodge industrial estate, it is not well related to any settlement. Although there is no objection to the scheme from the Highway Authority and there has not been an increase in the data recording personal injury collisions near the site, pedestrian access to and from the site to Cricklade would be via poorly lit busy roads without footways. Coupled with the distance to Cricklade and other settlements, this means there would not be a safe or convenient pedestrian route for employees to access the site. This would be particularly the case in inclement weather or after dark.
16. Although it may be feasible for employees to cycle to and from the site, the evidence does not demonstrate the availability or frequency of local bus services or the settlements they serve. Therefore, I am not convinced from the evidence before me that employees would be able to use public transport to get to and from work. They would be likely to rely on the private car.
17. The Cricklade Neighbourhood Plan 2018 (CNP) recognises that the area at Chelworth is home to significant industrial development on more than one industrial estate. Policy B5 identifies the Chelworth Commercial Area (CCA). The appeal site lies to the north west of the CCA, separated from it by fields and the B4040. The appeal site is an extension of the existing Chelworth Lodge industrial estate rather than the uses in the CCA. As a consequence, the development does not conflict with CNP policy B5 which seeks to prevent further expansion of employment development in the CCA into the surrounding countryside.
18. Nevertheless, for the reasons given, the development is not in a suitable location, having regard to the development plan policies concerned with the location of new commercial development and use of sustainable transport. It causes moderate harm to the development strategy for the provision of employment land in conflict with WCS Core Policies 1, 2, 19, 34 and 61 which define the spatial strategy for employment development in Wiltshire and require that new development should be located to reduce the need to travel particularly by private car.

Character and appearance

19. The site abuts the south western side of the existing industrial estate with open fields to the south and west. Whilst there are other pockets of developed land in the vicinity and the CAA is a short distance to the south east beyond the B4040,

the area around the site is characterised by fields and hedgerows giving it a largely rural character and appearance.

20. The site falls within the Thames Valley Lowland Landscape Character Area (LCA) in the North Wiltshire Landscape Character Assessment 2004. Within this, it lies within the Lowland Clay Farmland Landscape Character Type. The main characteristics of the LCA are described as including predominantly pasture, with some arable land, and dispersed or nucleated settlement on higher ground within a largely pastoral landscape with generally contained views. Whilst the assessment was carried out in 2004, and the appellant refers to other development in the vicinity of the site, my own observations of the site's surroundings concur with the description of the LCA in the Landscape Character Assessment.
21. The site is surfaced and has a metal clad building at its south eastern end near to which are sited a storage container, shipping container and portacabin. The existing industrial estate, together with vegetation along the site boundary, restricts views of the site from the north east.
22. Whilst the application is described as being for a change of use of agricultural land for commercial purposes, the appellant's evidence states that the site is being used for the parking of HGVs with the existing building used for a mixed use of agriculture and commercial storage purposes. The storage container, shipping container and portacabin are all used in association with the parking of HGVs at the site as office and storage space. I saw on my site visit that the site is also used to park other vehicles.
23. Even though the profile of the area of hardstanding coupled with the screening effect of the boundary vegetation, fence and adjoining industrial estate makes it relatively unassuming in the landscape, the parking of large HGVs, some of which I saw were brightly coloured, and cars detracts from the rural character of the countryside in which the site is situated. Together with the containers and portacabin, the commercial use of the site results in the harmful encroachment of development westwards and southward into the countryside away from the existing industrial estate. The pastoral character of the landscape is not protected, conserved or enhanced as a result.
24. The LCA identifies encroaching urban fringe land uses as one of the main threats to the character of the landscape in this area. The appeal scheme is one such example of an encroaching urbanisation of the landscape.
25. Whilst the visual impact of the use on the appearance of the countryside could be mitigated by landscaping, including along the boundary with the adjoining fields, if the appeal was allowed, this would not overcome the moderate level of harm caused by the physical encroachment of the commercial use into the countryside and the consequent urbanisation of the pastoral landscape caused by the development.
26. For the reasons given, the use has a harmful effect on the character and appearance of the site and surrounding area in conflict with WCS Core Policies 51 and 57 which require development to protect and conserve the landscape and demonstrate how it makes a positive contribution to the character of Wiltshire.

Flood risk

27. The FRA indicates that the south western corner of the site, including the existing building, lies within Flood Zone 1. Whilst parts of the site, including the sites of the containers and portacabin, would not be at risk of flooding and modelled flood levels do not indicate that the site is at risk during the 1% annual probability (1 in 100 year) event, the Environment Agency Flood Map for Planning indicates that the northern part of the site falls within Flood Zone 3. As a result, there is the potential that the parts of the site close to its north eastern boundary would be at risk during a 1 in 100 year event. The increase in flood risk is forecast to increase due to the effect of climate change.
28. The use of the site by HGVs is likely to increase compaction of the surface and thereby limit permeability of the site. This has the potential to increase the rate of surface water runoff from the site. A preliminary surface water management system using SuDS is outlined in the FRA to demonstrate how the surface water run off would be managed. It includes formally identifying the access routes and parking areas; constructing a filter drain alongside the access routes which would be graded so that run off is discharged into the drain; the provision of a basin to facilitate infiltration and provide attenuation; and discharging roof run-off into the filter drain.
29. The proposed drainage system would require the provision of the attenuation basin. The appellant's evidence indicates that based on watercourse specific modelling the basin would not be in an area at risk of flooding during the design event including climate change. Full details of the form of the basin, which may need to be increased in size to achieve storm discharge rates comparable to the greenfield run-off, have not been provided.
30. The FRA recommends that details of the surface water management scheme could be secured by planning conditions should the appeal be allowed. These would require the formalisation of the designated access routes within the site; the undertaking of a topographic site survey; the completion of infiltration testing; and the submission of the detailed design of the surface water management scheme. The FRA also recommends that users of the site should be made aware of the risks of flooding and should register to receive flood warnings from the Environment Agency's flood warning system.
31. Planning Practice Guidance advises that where it is justified, the ability to impose conditions requiring submission and approval of further details extends to aspects of the development that are not fully described in the application. The details of the drainage requirements, including the incorporation of measures to control the risk of pollution to the adjacent watercourse, are examples of such aspects.
32. As the absence of a detailed surface water management scheme could be resolved through the submission of further details and information secured through conditions if the appeal is allowed, from the evidence before me, the use of the site could be managed so it would not increase the risk of flooding to users of the site or surrounding land. As a result it would comply with WCS Core Policy 67 and CNP policy H8 regarding flood risk and surface water management.

Other Considerations

33. Against the harm I have identified, the scheme would have the year round, economic benefit of allowing the expansion of the existing industrial estate to accommodate 12 businesses and the 53 local jobs they provide. It would also contribute towards meeting some of the employment land shortfall identified in the ELR.
34. Whilst the Framework recognises that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport, it also makes clear that it will be important to ensure that development is sensitive to its surroundings. For the reasons given above, the change of use is not sensitive to the character and appearance of its countryside location.
35. I have been referred to other appeal decisions relating to development, including commercial development, in the countryside. Three of those decisions were not recent and relate to sites in Suffolk², West Sussex³ and Hertfordshire⁴ respectively. I am not aware of the full details, planning context, or site location of those appeals.
36. The Purton decision⁵, whilst in Wiltshire, was for a mixed housing and employment development outside, but adjacent to, the defined limits of development. The Inspector found that the adverse impacts of the development, which included limited harm to the landscape, did not significantly and demonstrably outweigh the proposals' substantial benefits which included the creation of 61 additional housing units within an area which had less than 5 years supply of deliverable housing sites. It is clear that the circumstances of these appeals are not identical to this appeal and do not justify the harm caused by this scheme which I have considered on its individual merits.

Planning balance

37. The use of the site for commercial purposes would support existing businesses and make a small contribution towards meeting the employment land shortfall identified in the ELR. These would be economic benefits which attract significant weight in favour of the scheme in accordance with the Framework's policy to support economic growth and productivity.
38. The moderate harm to the development strategy for the provision of employment land and use of sustainable transport and the moderate level of harm caused to the character and appearance of the site and its surroundings results in conflict with WCS Core Policies 1, 2, 19, 34, 51, 57 and 61.
39. Whilst the WCS was adopted in 2015 and the local plan review has yet to be completed, paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework.
40. The Framework has policies to build a strong, competitive economy whilst requiring that sites to meet local business needs are sensitive to their

² APP/X3540/W/19/3237530

³ APP/L3815/A/13/2209917 & APP/L3815/C/14/2215278

⁴ APP/P1940/C/11/2164949 & APP/P1940/A/11/2160486

⁵ APP/Y3940/W/24/3347445

surroundings. It also requires that planning decisions should contribute to and enhance the natural and local environment by amongst other things, recognising the intrinsic beauty of the countryside and being sympathetic to their landscape setting. It promotes sustainable transport including the requirement that development should ensure safe and suitable access can be achieved for all users. Core Policies 1, 2, 19, 34, 51, 57 and 61 are consistent with the Framework in these respects.

41. Whilst I have not found conflict with WCS Core Policy 67 and CNP policies B5 and H8, the conflict with the policies identified above results in conflict with the development plan as a whole. This carries substantial weight against the development.

Conclusion

42. The scheme conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR