



Appeal Decision

Site visit made on 16 March 2026

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: APP/Y3940/W/25/3373619

Unit A, Chelworth Industrial Estate, Cricklade, Swindon, Wiltshire SN6 6HE

- 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 SW Group Logistics against the decision of Wiltshire Council ('the Council').
 - The application reference is PL/2025/02105.
 - The development proposed is the erection of a new warehouse building and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a new warehouse building and associated works, at Unit A, Chelworth Industrial Estate, Cricklade, Swindon, Wiltshire SN6 6HE in accordance with the terms of the application, reference PL/2025/02105, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. I have modified the description of development in the banner heading and my decision above, removing unnecessary reference to the site's location. As the site address is variously given as either Braydon Lane or Chelworth Road, I have also omitted reference to either in order to avoid confusion. I am satisfied that the address remains suitably precise.
3. For further avoidance of doubt, whilst the address is correctly given as Chelworth Industrial Estate, the development plan places this within the defined Chelworth Commercial Area. I have referred to the latter in my consideration of policy below.
4. Planning permission was partly refused on grounds that insufficient information had been provided to determine the noise impacts of the development on residential amenity. A noise impact assessment was then submitted as part of the appeal. As the Council has confirmed that this addresses its concerns, I shall consider the matter no further within this Decision.
5. An application for costs was made by SW Group Logistics against Wiltshire Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue is whether the site would be an appropriate location for the proposed development having regard to the development plan and other material considerations.

Reasons

(a) Policy background

7. Core Policy 1 of the Wiltshire Core Strategy 2015 (the Core Strategy) sets out the Council's spatial strategy. This defines a hierarchy of settlements, across which Core Policy 2 seeks to achieve a sustainable distribution of development. This strategy is assisted by the definition of settlement boundaries, outside of which Core Policy 2 states that development will not be permitted. Core Policy 19 of the Core Strategy more specifically sets out the strategy applicable to the Cricklade Community Area, which generally aligns with the Core Policies 1 and 2.
8. Development outside settlement boundaries, and thus within the countryside for the purposes of the development plan, is permissible subject to exceptions set out within a number of policies. The most relevant is Core Policy 34, which allows for employment development adjacent to defined settlements. Though the site is located near to Cricklade, a defined Local Service Centre, it cannot be considered to lie 'adjacent'. Nor would the development comply with any of the other exceptions set out within the policy.
9. Policy B5 of the Cricklade Neighbourhood Plan 2018 (the NP) further states that proposals to extend uses in the Chelworth Commercial Area into the surrounding countryside will not be supported. As the site is largely located outside, the development would conflict with both this and the above policies.

(b) Policy Discussion

10. The National Planning Policy Framework (the Framework) states that significant weight should be placed on the need to support economic growth and productivity. Paragraph 88 of the Framework further states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. Importantly, paragraph 89 of the Framework goes on to add that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may need to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
11. What is now paragraph 89 originated within the July 2018 version of the Framework. This was published after the adoption of the Core Strategy and NP. By seeking to prohibit the expansion of businesses at Chelworth Commercial Area, Policy B5 of the NP adopts a far more restrictive approach than is currently set out within the Framework. So too does Core Policy 34, given that it limits consideration of proposals for additional employment land to sites adjacent to settlements.
12. The above policies furthermore act to constrain economic development at a time when, as indicated by the Wiltshire Employment Land Review Update, demand for new employment sites in rural areas is not being met by existing allocations or policies. Based on the evidence before me, including the age and acknowledged failures of the policies in question, as too their inconsistency with the Framework, they are out of date. This both limits the weight I can attach to conflicts with them and engages paragraph 11 of the Framework; a matter I shall return to below.
13. In broader terms, the objective of achieving a sustainable distribution of development by actively managing patterns of growth remains one consistent with the Framework. So too does recognition of the intrinsic character and beauty of the

countryside. Within this context it remains necessary to establish whether development within the location proposed would result in any unacceptable harm.

(c) *Harm*

14. The Council's refusal of planning permission on grounds of the site's location was made 'in principle'. How policy conflict would translate into real world harm both was not and has not been explained. Though the Council's officer assessment provided an extract of the supporting text of Policy B5 of the NP, which states that the location of Chelworth Commercial Area is 'inherently unsustainable', no specific concerns were identified. Nor was any issue identified in relation to delivery of the Council's broader economic or spatial strategy. The assessment otherwise indicated the scheme's acceptability in relation to the character of the countryside and landscape. In effect the only 'harm' the Council identified was offence to the words and diagrams which make up the locational policies in question.
15. Locational sustainability was nonetheless considered in detail within a 2025 appeal decision relating to a proposed warehouse at nearby 'Land off Braydon Road'. The Inspector in that case found that the location could not be considered sustainable in transport terms. This was due to a lack of suitable walking and public transport routes, albeit the possibility of cycling from Cricklade was considered realistic.
16. I do not have full details of that case. However, it is apparent that significant differences exist between the two appeal schemes. Whereas the proposed building would provide 3,300m² (c.35,521ft²) of warehouse space with 175m² (c.1,884ft²) of office space, that proposed in 2025 would have provided up to 20,000m² (c.215,278ft²). If floorspace can be held to correlate with levels of employment, it is reasonable to infer that the impacts of travel would vary proportionally. Accordingly, the impacts of the 2025 scheme would be far greater than that currently proposed. Furthermore, whereas the evidence before me indicates that the 2025 scheme would not have met any specific local business need, the proposed warehouse would allow the expansion of a business already well established at the location. It appears therefore that unlike the proposed warehouse, the 2025 scheme would not have been a type of development envisaged by paragraph 89 of the Framework.
17. Opportunities to maximise sustainable transport solutions vary between urban and rural areas. Within this context, and as set out above, paragraph 89 accepts that sites to meet local business and community needs in rural areas may not be well served by public transport. It stands to reason that even if well connected, sites 'beyond existing settlements' are also less likely to favour walking than sites within. Cycling would however provide employees with genuine choice, whether or not it would be preferred over the use of private motor vehicles.
18. Paragraph 89 goes on to state that amongst other things it is important to ensure that development exploits any opportunities to make the location more sustainable. That is not to say that such opportunities necessarily exist. In this case I am satisfied that the provision of cycle parking would facilitate cycling, and that both this and measures such as car sharing might be further encouraged by implementation of a proposed Travel Plan.
19. Thus, whilst I acknowledge the findings of the Inspector in the 2025 appeal, they do not lead me to reach the same conclusion. The sustainability of the location in transport terms is clearly limited. However, my findings above indicate that in the current case this would not result in any unacceptable harm.

20. Insofar as paragraph 89 of the Framework additionally states that it is important to ensure that development does not have an unacceptable impact on local roads, local concerns have been raised in relation to HGV movements through Cricklade. These concerns form part of the background of Policy B5 of the NP. It is however notable that they were not a matter of concern to the Inspector in the 2025 appeal despite the far larger scale of that scheme. To the extent that it can be secured, a proposed HGV routing strategy avoiding Cricklade would nonetheless help to address local concerns. No other likely impacts on local roads have been identified.
21. Lastly, paragraph 89 states that it will be important to ensure that development is sensitive to its surroundings. This is a consideration relevant to the site's countryside location, and a matter in relation to which, as noted above, the Council has raised no objection. Though interested parties have objected on grounds of harm to rural landscape character, no further explanation has been provided. Indeed, the only detailed evidence set before me is the appellant's Landscape and Visual Appraisal Statement which asserts the scheme's acceptability.
22. Part of the site is already developed, and much of the remainder was historically occupied by farm buildings, a few remnants of which remain. Most of the land is covered by grass and scrubby vegetation and is of limited value in landscape terms. The warehouse itself would have a close physical and visual relationship with similar existing buildings. It would be sensitively coloured, drawing some inspiration from the adjacent former airfield. Its surroundings would be carefully landscaped. As such, the proposed warehouse would not appear obtrusive, and its surroundings would be enhanced. The development would therefore have no unacceptable effect on the character of the countryside or rural landscape.

(d) Conclusion

23. The location of the proposed development would conflict with the development plan. However, the policies with which conflict would arise are unduly restrictive and out of date. Whilst no unacceptable harm would in any case arise from such conflict, the scheme would help to sensitively meet a local business need and deliver economic growth. In these regards it draws support from national policy. Placing significantly greater weight on these considerations than I do the scheme's conflict with the development plan, I conclude that the site would be an appropriate location for the proposed development.

Other Matters

(a) Scheduled Ancient Monument

24. The site lies immediately towards the north of a moated site with surrounding earthwork enclosure which is designated as a scheduled ancient monument (SAM). Insofar as it is relevant to the appeal, the significance of the SAM lies in its physical remains, and the evidence this provides of the presence of a medieval stronghold. Given that a relationship seems likely to have existed between this stronghold and the surrounding open/agricultural landscape, the latter has the potential to contribute both to the significance of the SAM, and to its appreciation.
25. The SAM is heavily overgrown, limiting its visibility from outside the scheduled area. The surrounding landscape has also undergone significant change since the medieval period, including past modification to serve as an airfield. That within the site itself has passed through a number of phases, including, as noted above,

construction and then demolition of a farmstead. The site therefore provides little sense of historic context, and beyond the buffer it currently provides, contributes very little to appreciation of the significance of the SAM.

26. The proposed warehouse would have a strong physical and visual presence viewed relative to the SAM. It would share this in common with existing warehouses nearby. Insofar as the proposed warehouse would however stand closer, the SAM would remain well buffered by open space. For this and the above reasons the development would not detract from either the significance of the SAM or its appreciation. The significance of the SAM would therefore be conserved.

(b) Habitats sites

27. The site is located within the zone of influence of the North Meadow and Clattinger Farm Special Area of Conservation (the SAC), which is designated in relation to the lowland meadow and flora it contains. Insofar as the SAC has been identified as vulnerable to recreational pressure, the development is not a type likely to generate visits to the SAC. For this reason and given that no likely construction related impacts have been identified, potentially significant effects on the integrity of the SAC can be excluded.

(c) Protected species

28. Ponds on site have been identified as hosting great crested newts (GCN), and common lizards and slow worms have been identified elsewhere. The ponds would be retained as part of the development, but there would be some loss of potential terrestrial habitat for both GCN and reptiles. Given the potential impact on GCN it is likely that a licence would be required from Natural England.
29. The appellant's Ecological Impact Assessment (EIA) contains an outline mitigation strategy and method statement, full details of which could be secured within a Construction Ecological Management Plan. Long-term enhancement and management could be secured through a Landscape and Ecological Management Plan. Within this context the EIA notes the declining quality of the overall habitat within the site, and the scope for habitat loss to be balanced if not outweighed by habitat enhancement and management within retained open space. Such enhancement delivered as part of a mitigation strategy would necessarily be distinct from and in addition to any broader biodiversity net gain.
30. The effects of the development on protected species could thus be made acceptable. Having had regard to my duties under Regulations 9(1) and 9(3) of The Conservation of Habitats and Species Regulations 2017, I therefore have no reason to doubt that a license in respect of GCN would be granted.

(d) Planning obligation

31. The appellant has provided a Unilateral Undertaking (UU) and Section 106 (S106) each of which secures the same travel plan monitoring fee. The travel plan in question is not however secured as a planning obligation but is the subject of a proposed condition. The Planning Practice Guidance states that Authorities can charge a monitoring fee through section 106 planning obligations to cover the cost of monitoring and reporting on delivery of that section 106 obligation. It does not state that fees can be secured as standalone planning obligation for the purpose of monitoring conditions.

32. The Council appears to envisage that the required travel plan would be a revision of an existing plan applicable to other parts of the appellant's operation. However, this cannot be properly secured by condition given the existing plan's lack of relationship with the proposed development. For the same reason, even if scope existed, a fee could not be secured to monitor the implementation of such a plan.
33. Given the above and given that I have been provided with no indication of how the requested fee has been calculated, I find that the obligation within both the UU and S106 fails the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended), and paragraph 58 of the Framework. It cannot therefore be taken into account. This finding has no bearing on the overall acceptability of the scheme.

(e) *'Tilted balance'*

34. My findings above confirm the appellant's view that the so called 'tilted balance' set out within paragraph 11 of the Framework is engaged. However, given that I have already established the appropriateness of the development this is not a matter which is determinative. It stands to reason that in the absence of any unacceptable harm the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. This finding therefore simply serves as an additional indication of the scheme's acceptability, further reinforcing my conclusion on the main issue above.

Conditions

35. Conditions (1) and (2) set the timescales for commencement of the development and identify the approved plans for sake of certainty.
36. Condition (3) secures the archaeological investigation of the site given its identified potential. A pre-commencement condition is required given the likelihood that construction of the warehouse would otherwise destroy the deposits in question.
37. Condition (4) secures provision of a Construction Ecological Management Plan or CEMP required to help ensure that the construction process does not have any adverse effect on protected species, other wildlife and trees. A pre-commencement condition is required given that management measures will need to be implemented from the outset. I have not included suggested matters concerned with traffic management as they are not relevant. Whilst the option exists to impose a separate condition, the context does not appear to justify it.
38. Condition (5) secures a scheme of surface water drainage required in order to ensure proper drainage of the site. A pre-commencement condition is required given that drainage works are likely to form part of the initial phase of construction.
39. Condition (6) secures provision of a Habitat Management and Monitoring Plan. This is required in conjunction with the Biodiversity Gain Plan (BGP), to be similarly approved pre-commencement, and given the significant gains proposed. The condition secures those gains over the required period. A separate condition securing the BGP is not required. This is because the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ('the biodiversity gain condition') that:

Development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

Based on the information available this scheme is one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply.

40. Condition (7) restricts the hours during which construction and use of the warehouse may take place in the interests of safeguarding amenity. I have modified the suggested hours of use so that they align with those identified within the submitted noise impact assessment. These hours are otherwise the normal operating hours of the appellant's existing warehouses. Activity outside this period would therefore potentially be noticeable. It is logical for construction activity to be also restricted to the same hours.
41. Condition (8) secures implementation of the approved landscaping strategy and enhancements required to mitigate the scheme's effects on protected species.
42. Condition (9) secures provision of a Landscape Ecological Management Plan which is required to ensure the long-term management and proper function of measures provided to mitigate the scheme's effects on protected species.
43. Condition (10) secures a scheme of bat sensitive lighting required to minimise the scheme's impact on bats.
44. Condition (11) secures provision of an HGV routing strategy for purposes of helping to avoid additional journeys through Cricklade. The condition can only apply to HGV journeys which arise as a direct result of the development, and to the extent that measures can be taken to influence off-site vehicle movements as part of its operation. I note that the possibility of a planning obligation covering the matter was previously considered. That would have been similarly limited. There is nothing to prevent the appellant voluntarily implementing a broader strategy.
45. Condition (12) secures the provision of travel plan in the interests of promoting sustainable modes of travel. Again, the condition applies only in relation to those directly employed as a result of the development.
46. Condition (13) secures the provision of parking spaces and cycle racks, helping to ensure that the development caters for related demand and supports cycling.
47. Condition (14) restricts the uses to which the warehouse can be put. This reflects the fact that its acceptability has been established on the basis of those uses.

Conclusion

48. For the reasons set out above I find that material considerations indicate that the development would be acceptable despite its conflict with the development plan. I therefore conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - TA-23-80-100 P06 - Proposed Site Layout.
 - TA-23-80-111 P06 - Proposed Floor Plan.
 - TA-23-80-140 P06 - Proposed Elevations.
 - 3509-TLP-XX-XX_DR-L-10001-P01 - Landscape Strategy Plan.
- 3) The development hereby permitted shall not commence until a written scheme of archaeological investigation (WSI), which shall make timetabled provision for excavation and post-excavation analysis, publishing and archiving, shall be submitted to and approved by the Local Planning Authority. The approved WSI shall then be implemented as approved.
- 4) The development hereby permitted shall not commence until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, the Ecological Impact Assessment dated October 2024, and the Arboricultural Impact Assessment/Arboricultural Method Statement/Tree Protection Plan Revision C. The CEMP shall include:
 - a) a risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones;
 - c) mitigation method statements;
 - d) protected species licensing conditions/requirements;
 - e) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - f) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
 - g) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
 - h) responsible persons and lines of communication; and
 - i) the role and responsibilities on site of an ecological clerk of works or similarly competent person.Construction of the development shall then proceed in accordance with the approved CEMP.
- 5) The development hereby permitted shall not commence until a detailed surface water drainage scheme which shall include the results of ground investigations, supporting design drawings, specifications, and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall then be implemented as approved.

- 6) The development hereby permitted shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan (BGP) has been submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall include:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved BGP;
 - d) the management measures to maintain habitat in accordance with the approved BGP for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed, maintained and monitored in accordance with the approved HMMP.

- 7) Construction and subsequent use of the warehouse hereby permitted shall take place only between the hours of 07:00 to 19:30 Monday to Saturday, and not at any time on Sundays and Bank or Public Holidays.
- 8) Construction of the development hereby permitted shall not commence above slab level until a timetabled implementation programme covering: (a) the landscaping strategy shown on the approved plans, and (b) enhancements required to mitigate the scheme's effect on protected species outlined within the Ecological Impact Assessment dated October 2024; has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved implementation programme.
- 9) Construction of the development hereby permitted shall not commence above slab level until until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and the Ecological Impact Assessment dated October 2024. It shall contain the following details:
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) ongoing monitoring mechanisms;
 - h) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme; and
 - i) identification of the body or organisation responsible for implementation of the LEMP.

The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

- 10) Construction of the development hereby permitted shall not proceed above slab level until a scheme of bat sensitive external lighting prepared in accordance with Guidance Note GN08/23 Bats and Artificial Lighting at Night, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the way in which the lighting will be operated. External lighting shall then be installed and thereafter operated in accordance with the approved scheme.
- 11) The warehouse hereby permitted shall not be brought into use until a Heavy Goods Vehicle Routing Strategy has been submitted to and approved in writing by the Local Planning Authority. This will be based on that contained within the Transport Statement dated November 2024, and will set out measures to be taken to encourage/direct drivers of HGVs utilising the development to avoid of Cricklade town centre. The strategy shall then be implemented as approved.
- 12) The warehouse hereby permitted shall not be brought into use until a Travel Plan outlining measures to be taken to encourage and facilitate sustainable modes of travel by employees has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall then be implemented as approved.
- 13) The warehouse hereby permitted shall not be brought into use until the parking spaces and cycle racks shown on the approved plans have been provided and made available for the parking of vehicles and cycles. They shall thereafter be retained and kept available for such use.
- 14) The warehouse hereby permitted shall not be used for any purpose other than purposes falling within Classes B2, B8 and E(g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).