



Appeal Decision

Site visit made on 3 February 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/Y3940/W/25/3368630

Land to West of Care Home (Former Police Station), Wood Lane, Chippenham SN15 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (TCPA90) against a refusal to grant planning permission.
- The appeal is made by Codex Land PCC Limited - Cell C against the decision of Wiltshire Council.
- The application Ref is PL/2022/05783.
- The development proposed is development of 17 No. dwellinghouses (Use Class C3), including 7 no. affordable units, and associated works, including demolition of the existing car park structure.

Decision

1. The appeal is allowed and planning permission is granted for development of 17 No. dwellinghouses (Use Class C3) , including 7 no. affordable units, and associated works, including demolition of the existing car park structure at Land to West of Care Home (Former Police Station), Chippenham, SN15 3HS, in accordance with the terms of the application, Ref PL/2022/05783, subject to the conditions in the attached schedule.

Applications for costs

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

Preliminary Matters

3. A unilateral undertaking made as a deed under s106 of the TCPA90, dated 1 July 2025, was submitted which provides for affordable housing and a range of contributions to offset the impacts of the development. I return to this below.

Main Issues

4. The main issues are:
 - whether the design of the development would be acceptable and its effects on the character and appearance of the Chippenham Conservation Area (CA);
 - whether the development would secure sufficient sustainability measures;
 - the effects on trees; and
 - the effects on the biodiversity value of the site and surrounding area.

Reasons

Design

5. The appeal site is occupied by some hardstanding, a disused car park structure, trees and scrubby vegetation. It is broadly 0.45 hectares and slopes from the

northeast to the southwest. Residential development bounds the site to the north and south, with a car park to the southwest and a care home to the northeast. The site is entirely within the CA, specifically within the Flowers Yard Character Area of the same as set out in the *Chippenham Conservation Area Appraisal* (2024)¹.

6. An extant planning permission also exists for the demolition of the existing car park and development of 8 dwellings in a cul-de-sac arrangement on the site. The proposed development of 17 dwellings would also have a cul-de-sac arrangement. Given the relatively modest number of dwellings proposed, the site's constraints and relationship with the surrounding built context, the cul-de-sac layout is not an unduly negative feature. A pedestrian connection would at least be provided adjacent to Plot 4 to enhance the scheme's permeability.
7. The proposals would include tandem parking arrangements for around 8 of the proposed 17 dwellings. Whilst such parking arrangements increase the complexity of use for the respective occupiers, providing 2 spaces per dwelling would still provide options for future occupiers. Notwithstanding the site's close proximity to the town centre, there are limited other local on-street parking options so the tandem parking spaces could still prove useful.
8. In the case of around 5 of the dwellings, their respective allocated parking spaces would be sited at the far end of a garden or nearby and thus, would not be directly outside of or adjacent as might otherwise be desirable. Whilst this would be a shortcoming of the design, the relationships between the dwellings and their parking spaces would not be so remote or illogical that it would lessen the likelihood of them being used.
9. Paragraph 9.2.2 of the *Wiltshire Design Guide Supplementary Planning Document* (2024) (Wiltshire Design Guide) sets out that garden areas should be equivalent to the footprint of the house as a minimum and that a south, east or west facing garden should be a minimum of 10m deep. Paragraph 13 f) of the *Chippenham Design Guide* (2024) sets out that rear gardens should be a regular shape, and a size that is at least equal to the ground floor footprint of the dwelling.
10. The garden lengths would vary between 9 and 12 metres, with three slightly below the aspirational 10 metre length detailed in the Wiltshire Design Guide. However, there are a number of other gardens that would be more generous in size. All of the gardens would be at least proportionate to the footprint of the dwellings, broadly regularly shaped and either east or west facing, ensuring good access to sunlight. The dwellings would all have good access to the nearby public open space. Nonetheless, the three undersized gardens are a design shortcoming.
11. The use of single aspect flats over garages (2 No) has also been criticised. The single aspect nature of these units would avoid an unacceptable relationship with the houses to the rear but would provide a sufficiently active frontage and surveillance over the relevant areas of street. These units would be preferable to having unattractive garage blocks or hardstanding parking areas. In the round, despite the absence of individual external amenity areas for these units, I consider that they would not unduly undermine the design quality of the scheme and would provide satisfactory living accommodation for future occupiers. Considered overall, the approach to house types and their overall composition within the street would be acceptable.

¹ Appendix 2 of Chippenham Neighbourhood Plan

12. The balance of hard surfacing for vehicle manoeuvring and parking and soft landscaped areas would be relatively logical given the site constraints and topography. There would be sufficient space to allow for the planting of the 29 replacement trees, including many within the street. Some areas of leftover space would be retained in a semi-natural state as part of the biodiversity enhancement measures. The management of communal spaces would be secured through the unilateral undertaking.
13. The location of the communal bin stores would be at a relatively modest drag distance from the respective dwellings and would not be so isolated such as to deter their use. The communal bin stores would also be particularly well related to the location of the flats over garages which would not have private external amenity space as an alternative location to store bins, unlike the other dwellings within the scheme.
14. The submitted *Landscape and Visual Impact Assessment* details the impact of the scheme from a number of local viewpoints, including from The Paddocks and Westmead Playing Fields. The impacts of the tree removals and introduction of built development would be a material change and there would be a degree of harm, particularly prior to the establishment of trees and landscaping within the scheme. However, the harms should be considered in the context of the extant scheme which would result in similar harms in any event.
15. The proposal would introduce a higher density residential scheme compared to the previously approved proposal and would have a modest number of minor design shortcomings. Whilst it has been suggested that the removal of external parking and increased storey height of the dwellings from two to three storeys would provide greater space to allow for tree retention and address some of the design shortcomings, such a solution would not provide an appropriate transition between The Paddocks, Westmead Playing Fields and the higher rise development at Fullers Close and Flowers Yard. My overall view is that given the site constraints and its urban context amongst modern, high density schemes of varied styles, the scheme taken as a whole would be acceptable and would preserve the character and appearance of the site and wider CA.
16. Therefore, considered in the round, the design of the development would be acceptable and it would preserve the character and appearance of the Chippenham Conservation Area, in accordance with, in particular, policies H2 and TC4 of the *Chippenham Neighbourhood Plan* (made 2024) (CNP) and policies CP57, CP58 and CP64 of the *Wiltshire Core Strategy* (adopted 2015) (Core Strategy). Collectively, these policies seek to ensure that development preserves or enhances the special character or appearance of the Conservation Area and makes a positive contribution to local character and distinctiveness. For similar reasons, the proposal would also broadly adhere to guidance in the *Chippenham Design Guide* (2024), *Wiltshire Design Guide* and *Chippenham Conservation Area Management Plan Supplementary Planning Guidance* (adopted 2010).

Sustainability

17. The application was submitted before the CNP and its accompanying Chippenham Design Guide were made as part of the development plan (in May 2024). As such, the proposal was not submitted with an Energy Statement of the type specifically required by Policy SSC1 of the CNP.

18. The plans feature a number of sustainability measures, including tree planting, a sustainable urban drainage scheme (SUDS) and electric vehicle (EV) charging points. Nonetheless, there is still an opportunity to further optimise the credentials of the scheme to achieve compliance with the now enhanced sustainability aspirations of the development plan. To the extent that these details have not been provided upfront in an energy statement, there is a conflict with policy SCC1, but given the timing of the proposal, an appropriate solution is to secure details of efficiency measures and the sustainability of the dwellings by way of a planning condition.
19. In view of the above and subject to a condition, the proposal development would secure sufficient sustainability measures such as to comply with, in particular, policy 41 of the Core Strategy and policy SCC2 of the CNP which require new development to incorporate design measures to reduce energy demand.

Trees

20. The proposal would retain the three category 'A' trees but would involve the loss of a total of the majority of the trees on site, of mainly 'U' and 'C' categories, along with some category 'B' trees which would be inevitably damaged through their proximity to the car park structure to be removed. I noted that many of the trees to be removed offered a group value, rather than individual value and that a high proportion of the tree losses would also be a consequence of the extant planning permission being implemented in any event.
21. The scheme would change the verdant character of the site to one of an urban form of development. It would be moderately more harmful than the extant scheme in arboricultural terms given the increased tree losses. In this regard, notwithstanding the absence of an objection from the Council's Arboricultural Officer and the inclusion of a minimum of 29 new trees within the scheme, there would still be a degree of conflict with, in particular, policy GI5 of the CNP and policy CP51 of the Core Strategy. These policies collectively seek to protect existing trees, woodland and hedgerows and avoid removal wherever possible.

Biodiversity

22. The Council's Ecology Officer initially raised concerns due to the lack of information, but these were addressed following the submission of further documents and revisions. A number of relevant conditions have been suggested relating to the implementation of the Landscape Strategy Plan, no external lighting, bat roost detailed design, reptile mitigation strategy, construction environment management plan and landscape and ecology management plan.
23. The proposal would involve the demolition of a building from the site that is used, or has been used, by bat species. Bats are listed in Annex 2 of the *Conservation of Habitats and Species Regulations 2017* as amended (the Habitats Regulations). As such, a European Protected Species Licence will be required and it is therefore necessary for me to consider the three derogation tests.
24. The first test requires that a valid basis is demonstrated for the purpose of the licence. To this end, it is clear that there are imperative reasons of overriding public interest, including those of a social or economic nature to warrant granting planning permission. The site is an obvious redevelopment opportunity in the urban area of Chippenham. The site currently hosts a redundant, decaying former

car park structure which appears to be a base for antisocial behaviour and littering offences. An extant planning permission also exists on the site which cannot be completed without removal of the existing structure in any event.

25. The second test requires a demonstration that there are no reasonable options with lower impacts. The building containing the roosts is in a derelict condition and cannot be retained and reused. It is necessary to secure a comprehensive redevelopment scheme for the site which means that there are no reasonable options with lower impacts than the proposal which would offset the roost losses through replacement provision and provide for alternative roosts and other biodiversity enhancement measures.
26. The third test is to show that granting the licence will not cause long-term impacts on the species concerned. The alternative roost, along with additional enhancement measures will ensure the avoidance of long-term impacts on all bat species. These measures can be secured by way of planning conditions.
27. During the construction phase, appropriate control measures would need to be in place to avoid any harms arising from such activities, such as a construction environmental management plan. This is also capable of being secured by way of planning condition.
28. As the competent authority for the purposes of the Habitats Regulations, I have considered the three tests in the context of the related mitigation measures and have no reason to doubt that a license would not be issued.
29. As such, subject to the imposition of conditions, the proposal would not result in harms to the site's biodiversity interests and therefore complies with, in particular, policy GI1 of the CNP and policy CP50 of the Core Strategy which seek to ensure that opportunities to enhance biodiversity are sought through sensitive design, landscape mitigation and enhancement measures.

Planning Obligation

30. The completed unilateral undertaking made in favour of the Council secures the following measures and contributions:
 - A financial contribution of £11,232.00 towards offsite play facilities;
 - A financial contribution of £14,994.10 towards offsite public open space provision;
 - A contribution of £5,880.00 towards offsite sports pitch provision;
 - A contribution of £1,926.00 towards waste and recycling equipment;
 - Management obligations pertaining to the communal spaces; and
 - The provision of 7 affordable dwellings (c. 40% affordable housing).
31. Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended, and the Framework (paragraph 58) set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, are directly related and fairly and reasonably related in scale and kind to the development. The evidence of the Council has outlined the necessity for the various components of the unilateral undertaking, the methods of calculation for the various financial

contributions and the related links to policies of the development plan. I have no reason to find other than with the Council in these regards.

32. I am satisfied based on the agreement between the main parties and the wording of the unilateral undertaking that all of the obligations are necessary, directly related, and fairly and reasonably related in scale and kind to the development and can be taken into consideration.

Planning Balance

33. There are some aspects of the scheme, such as the tree losses and some design shortcomings which raise conflict with certain policies or parts of policies of the development plan. Not all of these aspects are capable of being resolved by way of planning conditions. However, even taken collectively, they do not amount to a conflict with the development plan when taken as a whole. Considering the range of policies with which the appeal scheme applies and the weight to be attached to those policies, the finding is that it complies with the development plan overall.
34. The parties agree that the Council cannot demonstrate a minimum five year supply of housing land with the appropriate buffer as required by the National Planning Policy Framework (the Framework). Though the appellant alleges that the Council can only demonstrate a 2.03 year supply of housing land, the Council has suggested this is closer to a 2.42 year supply. In any event, as it is clear that the shortfall is considerable, the difference between these figures is unlikely to be decisive and the provisions of Framework paragraph 11 d) apply.
35. It is not strictly necessary to conclude other than that the development complies with the development plan when taken as a whole and that there are no considerations to indicate that a decision should be made other than in accordance therewith. However, given that the scheme would deliver clear public benefits through the provision of 17 dwellings, including 7 affordable, on a sustainably located brownfield site, in the context of an extant permission for redevelopment and acknowledged housing land supply shortfall, and given the absence of any strong reasons for refusal in relation to protected assets or areas of particular importance, the balance would have fallen in favour of granting permission in any event.

Conditions

36. I have considered the suggested planning conditions and noted the agreement of the appellant to all conditions, including pre-commencement conditions which have been limited to those strictly necessary.
37. In addition to the standard commencement condition, a condition is needed to specify the approved plans in the interests of certainty. For similar reasons, a condition is needed to secure the full demolition of buildings on site prior to occupation of the dwellings.
38. As the site is situated within an archaeologically valuable area, a condition is needed to secure an appropriate programme of investigation.
39. To ensure that the development avoids an increased risk of flood elsewhere, a condition is needed to secure the final details of the SUDS surface water drainage scheme.

40. In the interests of preserving the character and appearance of the area, conditions are needed in respect of the implementation of the landscape strategy. For similar reasons, a condition is needed to secure details of the external materials of construction.
41. To protect the biodiversity interests of the site and avoid harm to protected species, conditions are needed to secure the biodiversity enhancement measures, construction of the alternative bat roost, reptile translocation plan and prohibition on external lighting.
42. In the interests of highway safety and to promote non-car modes of travel, conditions are needed to ensure the provision of the estate road, footways, parking and manoeuvring areas and provision of cycle parking as detailed on the plans.
43. To ensure the effectiveness of all biodiversity and landscape measures, both during construction phases and thereafter, conditions are needed to secure adherence to a construction environmental management plan and landscape and ecology management plan. The management of construction activities by way of a construction management plan is also necessary for highway efficiency reasons and to protect the living conditions of neighbouring occupiers.
44. In the interests of protecting human health, conditions are needed to ensure any land contamination is adequately addressed.
45. I have considered the suggested conditions in relation to the removal of permitted development rights for householder extensions, alterations or construction of buildings or enclosures. The imposition of such conditions is not acceptable on a routine basis. However, there are notable level differences on site and the gardens are not amply or consistently sized across the scheme such as to afford space to accommodate additional outbuildings, extensions or enclosures without further consideration of the effects of such on occupiers and neighbouring occupiers. As such, the conditions are justifiable in this particular instance.
46. In the interests of the sustainability the scheme, conditions are needed to secure a sustainable energy strategy and separate water efficiency strategy.

Conclusion

47. For the reasons given above the appeal should be allowed.

H Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following plans and documents:
 - Proposed Landscape Strategy Plan. No: 0031, Rev P02 received on 1 November 2024
 - Indicative Affordable Tenure Plan, No. 9003 rev P03
 - Proposed Site Plan, No. 0030 rev: P01, received on 14 October 2024
 - House Type A1 (FoG) Plans & Elevations, rev A
 - House Type A2 (FoG) Plans & Elevations, rev A
 - House Type B – Plans and Elevations, rev A
 - House Type C Plans & Elevations, rev A
- 3) No development shall commence until:
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The work is to be carried out following the standards and guidelines for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA). For the avoidance of doubt, the archaeological field evaluation forms the first stage of possible further archaeological mitigation.

Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting commensurate with the significance of the archaeological results of further mitigation may also be required.

- 4) Prior to the commencement of the development hereby approved, detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage design shall include the following items:

Surface Water Hierarchy

- i. Infiltration testing in accordance with BRE Digest 365 in order to demonstrate that disposal of surface water via infiltration will not be feasible, and therefore that the proposed drainage strategy complies with the surface water disposal hierarchy.

Detailed Drainage Calculations

- ii. The following detailed drainage calculations shall be provided:
 - a. Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.

b. Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.

Calculations should include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance. Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

As a result of the discharge to the surface water sewer, the applicant shall also confirm the above hydraulic parameters are met when considering a surcharged outfall.

Source Controls

- iii. The applicant shall seek to provide additional source control features, including rainwater planters and water butts, through the detailed drainage design in order to help improve the climate resilience of the proposed development.
- iv. Drawings which demonstrate how overland exceedance flows, in excess of the 1 in 100yr + cc rainfall event will be safely managed on site and will not increase flood risk to people or property.

Attenuation Drawings

- v. Cross and long-sections of proposed attenuation features
- vi. Water Quality Calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse. It is suggested this assessment is undertaken using the Simple Index Method detailed within the CIRIA SuDS Manual.

Ownership and Maintenance

- vii. Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

The development shall be carried out in accordance with the approved details and shall be so maintained thereafter.

- 5) Notwithstanding Proposed Landscape Strategy Plan. No: 0031 Rev P02, prior to the construction of any building proceeding above damp proof course level details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details before any part of the development is first occupied.

Details of the hard and soft landscape works shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- landscape management plan for a period of ten years, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.
- specific number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

Any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 6) The development will be carried out in broad accordance with the Proposed Landscape Strategy Plan. No: 0031 Rev P02, received on 1 November 2024. The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.
- 7) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will avoid impacting biodiversity mitigation enhancement features.

The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

- 8) Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, the detailed design of the proposed 5m x5m x2.8m bat mitigation roost structure as shown in drawing Proposed Landscape Strategy Plan. No: 0031 Rev P02, received on 1 November 2024 shall be submitted to the Local Planning Authority for approval in writing.

The development shall be carried out in strict accordance with the approved design. The installation of the bat mitigation roost shall be completed prior to the first occupation and shall be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

- 9) Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Management Strategy shall be submitted to the Local Planning Authority for approval in writing.
The plan shall include the details of how the site and the reptile receptor site will be managed prior to / during and post-construction of the proposed development. The methodology of the reptile translocation shall be included in the strategy along with how the site to be protected during the operational phase of the development and confirmation of who is responsible for each task.
- 10) Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - b) Working method statements for protected/priority species, such as nesting birds, bats, badgers and reptiles.
 - c) Mitigation strategies already agreed with the Local Planning Authority prior to determination, such as for, bats and reptiles; this should comprise the preconstruction/construction related elements of strategies only.
 - d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - f) Timeframe for provision of compliance report to the Local Planning Authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

- 11) Prior to the commencement of the construction of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall encompass the on-site mitigation areas and shall include:
- a) Long term objectives and targets in accordance with:
 - i. Biodiversity Net Gain Assessment, Ref: HEA790b2022, Date: 29/12/2024 by hea Ecology
 - ii. Biodiversity Metric version 4.0, Date: 11/02/2024, Version: V3 by hea Ecology

- b) Monitoring, management and maintenance responsibilities and schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in: Proposed Landscape Strategy Plan. No: 0031 Rev P02, received on 1 November 2024
- c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- d) A procedure for review and necessary adaptive management in order to attain targets.
- e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

- 12) No development shall commence on site until an investigation of the history and current condition of all areas of the site, including those areas previously identified in the Integrale Limited Phase 2 report as being inaccessible, to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present in previously inaccessible areas as referenced in the Integrale Limited phase 2 report or if evidence of contamination is found, a more detailed site investigation and risk assessment must be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

- 13) Prior to the commencement of the development hereby approved a scheme for water efficiency shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the agreed details.

For the avoidance of doubt, the development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

14) Notwithstanding the submitted construction management plan, no development shall commence on site (including any works of demolition), until a detailed Construction Management Statement, together with a site plan, which shall include the following:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. details of Banksman employment to manage deliveries;
- e. wheel washing facilities;
- f. measures to control the emission of dust and dirt during construction;
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h. measures for the protection of the natural environment.
- i. hours of construction, including deliveries;
- j. measures to control construction noise and vibration.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement and the submitted Construction Management Plan shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

15) Notwithstanding the submitted drawings drawing No. 0032 rev P01 (Proposed Turning Head), no development shall commence on site until details of the estate roads including turning heads and access to bin store, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority.

The development shall not be first occupied until the estate roads including turning heads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking for each plots with demarcation and visitors car park spaces, and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details. The development shall be maintained as such thereafter.

- 16) Prior to the demolition of any existing structures within the site, an application for a Temporary Traffic Regulation Order shall have been made to amend the waiting restrictions on Fuller Close to allow for access during the construction phase.

If successful, the Temporary Traffic Regulation Order shall be implemented at the developer's expense to the satisfaction of the Local Planning Authority in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

- 17) No part of the development hereby permitted shall be occupied until the access, footways and crossing points have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.
- 18) Prior to the occupation of an individual dwelling hereby permitted, the associated demarcated vehicle parking space(s) and turning areas shall have been provided. The said areas shall thereafter be maintained and kept available for the parking and turning of vehicles.
- 19) No individual dwelling hereby approved shall be occupied until the associated cycle parking space(s) have been provided. Thereafter, the cycle parking facilities shall be retained for that purpose at all times.
- 20) No burning of materials shall take place on the land during the construction phase.
- 21) Notwithstanding the submitted details, no development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 22) No part of the development shall be occupied until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.
- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.
- 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-

enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site.

- 26) Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. Furthermore, the final Strategy shall include but not necessarily be limited to consideration of operational carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the approved details.

ENDS -----

Richborough



Costs Decision

Site visit made on 3 February 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Costs application in relation to Appeal Ref: APP/Y3940/W/25/3368630 Land to West of Care Home (Former Police Station), Wood Lane, Chippenham SN15 3HS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Codex Land PCC Limited - Cell C for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for development of 17 No. dwellinghouses (Use Class C3), including 7 no. affordable units, and associated works, including demolition of the existing car park structure.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is made on a substantive basis, alleging that the Council has prevented or delayed development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal and failing to provide objective analysis in relation to the vague, generalised or inaccurate assertions about the proposal's impact.
4. The appeal application was determined by the Northern Area Planning Committee, contrary to the advice of its professional officer's recommendation. It is well established that members are not bound by the advice of its professional officers. However, in my separate decision, I have found that the scheme is compliant with development plan policy or where necessary, conditions were capable of being used to resolve any outstanding matters to make the development acceptable. In my view, there were many material considerations, not least the extant planning permission on the site and the Council's lack of five year housing land supply, which indicated that the scheme should not have been prevented or delayed at all. The Council's limited defence of the stated reasons for refusal does not lead me to a different conclusion.
5. In view of the above, I find the Council has behaved unreasonably by delaying development that should clearly have been permitted. As such, unnecessary

expense of the type described in the PPG has occurred and a full award of costs is therefore warranted.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wiltshire Council shall pay to Codex Land PCC Limited - Cell C, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicants are now invited to submit to Wiltshire Council, to which a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

H Nicholls

INSPECTOR

Richborough