

REPORT FOR SOUTHERN AREA PLANNING COMMITTEE**Item No:**

Date of Meeting	20 th June 2024
Application Number	PL/2023/08067
Type of application	Full planning permission
Site Address	High View and Bonakers Farm, Idmiston Road, Porton, Salisbury, SP4 0LD
Proposal	Demolition of existing dwelling and annexe and construction of 4 dwellings
Recommendation	Approve, subject to s106 agreement
Applicant	Mr James Armstrong
Town/Parish Council	Idmiston CP
Electoral Division	Winterslow & Upper Bourne Valley ED
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

At the request of the elected member Cllr Rich Rogers for the reasons of:

- Scale of development
- Environmental/highway impact.
- The proposal potentially seeks to change the use of the land from agricultural to residential.
- It is unclear which of the new dwellings will hold the agricultural tie.
- Significant development has already taken place in and around Porton, such that within the draft local plan, there is residual requirement for residential property out until 2038.
- The transport infrastructure in and around Porton is inadequate, particularly as a consequence of works traffic to Porton Campus and school traffic with the local primary school.

1.Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to a legal agreement to secure the proposed mitigation for phosphates.

2. Report Summary

The main issues to consider are:

- Principle of development
- Landscape/visual impacts
- Residential amenity
- Highways
- Archaeology
- Ecology/River Avon SAC catchment

3. Site Description

The application site comprises a substantial plot which currently accommodates an existing dwelling, annexe and detached double garage, with an existing vehicular access to the south west of the site from Idmiston Road. The dwelling is subject to an occupancy condition for an agricultural worker. It is understood that the garage has been recently demolished subsequent to the officer's site visit. The extent of the site and associated farmland to the north and east of the site is shown in the location plan extract below. There is a further area of land in the same ownership to the west of the site, on the opposite side of Idmiston Road. The front boundary of the site adjacent to Idmiston Road is formed by established trees.



Location Plan

The application site is located in the village of Porton, which is defined as a Large Village by the Wiltshire Core Strategy and has a defined settlement boundary to identify the limits of 'the existing built area'. The full extent of the application site is included within the defined settlement boundary. Residential development lies on the opposite side of Idmiston Road, which adjoins the western boundary of the site. A memorial hall is located to the south of the site, separated from the boundary by an unmade access track leading to farm buildings to the east of the site. Farmland lies to the north and east of the property. There are residential properties which form part of the settlement further to the north.

4. Planning History

PL/2023/03232 - Relocation of existing agricultural dwelling & construction of 3 new dwellings
- Refused

S/2006/8008 - Change of use of agricultural barn used for storage of farm machinery, hay and straw to include a maximum of half the area storage and baling of farm waste plastic before transportation for recycling - Approved

S/2003/0354 - Agricultural building open sided barn for the storage of farm machinery, straw and hay (replacement building) - Approved

S/1987/1716 - Extension to be used as granny annexe and erection of garage - Approved

S/1985/0194 - O/L application - Agricultural Bungalow - Refused

S/1983/1079 - Outline application - Residential bungalow for use by working farmers (owner)
- Refused

73/337 - Erection of bungalow for farm worker - Approved (26.11.73)

"The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971 or in Forestry (including any dependents of such a person residing with him) or a widow or widower of such a person."

5. Proposal

The application is a full application for the demolition of the existing dwelling and annexe and construction of 4 detached, two-storey dwellings, including the formation of a new vehicular access from the existing access lane and closure of the existing vehicular access to the dwelling.

6. Local Planning Policy

National Context:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide

Habitats Regulations 2017

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015:

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 4: Spatial Strategy for Amesbury Community Area

Core Policy 41: Sustainable Construction & Low Carbon Energy
Core Policy 48: Supporting rural life
Core Policy 50: Biodiversity and geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 64: Demand Management
Core Policy 67: Flood Risk
Core Policy 69: Protection of the River Avon SAC

Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)
Housing Land Supply Statement Published April 2022

Salisbury District Local Plan (2003):
Saved policy C6 – Special Landscape Area

Idmiston Parish Council Neighbourhood Plan 2015-2026

Wiltshire Local Transport Plan 2011-2026:
Car Parking Strategy (Policy PS6 - Residential parking standards)
Cycling Strategy

Waste Core Strategy 2006-2026

7. Summary of Consultation Responses

Idmiston Parish Council - *no reason to change its view, and continues to object to the proposed development of this site. Councillors noted that there was no indication which dwelling was to have the agricultural tie applied to it, and that it was now proposed to have four dwellings on the site, with the potential for agricultural vehicles to be stored in a domestic setting, and increased discharging to the existing soakaway. Concerns were also raised about the potential overdevelopment of the site, with large and overbearing dwellings, and the possible requirement for the change of use for what is currently agricultural land.*

Comments on previous application:

The IPC Planning Committee strongly objects to this application, with many concerns raised, but particularly in connection with the agricultural tie, the intensification of use on an already dangerous access onto Idmiston Road, and the fact that Idmiston parish has already overdelivered on the housing numbers required in its current Neighbourhood Plan. It was also noted that this site, although within the Housing Policy Boundary, is not a preferred site in the Idmiston NP.

The Planning Committee has requested its Wiltshire Councillor Rich Rogers to call this application in for determination by Wiltshire Council's Southern Planning Committee if the

Planning Officer is minded to approve, on the basis of public interest and concerns about the agricultural tie.

WC Highways Officer - *I refer to the above proposal for the demolition of the existing bungalow containing two dwellings known as High View and the construction of four new dwellings, resulting in an overall increase of two dwellings. The new dwellings will be served by an existing junction onto Idmiston Road which currently serves High View and Bonakers Farm. A new access into the site is proposed off the private track further to the east away from the junction, and the existing access off the track will be closed off.*

The junction falls within the 30mph speed limit and, to accord with the guidance in Manual for Streets, visibility splays of 2.4m by 43m in both directions to the nearside carriageway edge at a height of 600mm are necessary. Following an assessment of the junction it appears that the visibility to the left (south) past the adjacent Memorial Hall is acceptable. The required visibility to the right (north) also appears to be achievable albeit with the cutting back of some vegetation on the verge (which has correctly been annotated as within WC ownership). A drawing has been submitted with the application which demonstrates the achievable visibility splays, although the full extent of the splay is not shown. I am satisfied that the required visibility can then be conditioned accordingly. Improvements are proposed to the access track, the first 20 metres approximately will be reconstructed and resurfaced with a row of granite setts marking the change to a gravel surface beyond. The tarmac surface will be drained with the addition of two gullies which will connect to a new soakaway. The applicant will be required to apply for a S184 licence to undertake the work to the highway at the junction end of the track. The hedge on the southern boundary of the track should be cut back to maximise the full available width to ensure that two vehicles can pass for at least the first 10 metres. The applicant must ensure there is sufficient visibility for and of vehicles exiting the site onto the private track.

In terms of the location of the site and the local highway network, I wish to repeat previous comments as follows. I note the concerns raised with regard to the suitability of Idmiston Road to serve the development; however, I do not share the concerns as the width of Idmiston Road is considered to be perfectly adequate to accommodate opposing travelling vehicles. It is acknowledged that a length of Idmiston Road becomes heavily parked on during school drop-off and pick-up times. This is an existing situation which will not be significantly exacerbated by the proposed construction of four dwellings (two additional dwellings). There is an existing footway which links the site to St Nicholas Primary School approximately 300 metres to the north which is considered to be a reasonable walking distance. There are facilities in Porton village centre including a convenience store around 440 metres to the south west on Winterslow Road which can be reached on foot via dedicated footways. There are bus stops on Idmiston Road and Winterslow Road.

The internal layout is considered acceptable in terms of parking and turning spaces.

I recommend that no highway objection is raised subject to the following conditions should permission be granted:-

No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4metres back from the edge

of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the north and 43 metres to the south from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway. REASON: In the interests of highway safety.

The development hereby permitted shall not be first brought into use until at least the first 10m of the access track, measured from the edge of the carriageway has been consolidated and surfaced (not loose stone or gravel) as shown on drawing ref: PR.05. The access shall be maintained as such thereafter. REASON: In the interests of highway safety

No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

- 1. the parking of vehicles of site operatives and visitors;*
- 2. loading and unloading of plant and materials;*
- 3. storage of plant and materials used in constructing the development;*
- 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- 5. wheel washing facilities;*
- 6. measures to control the emission of dust and dirt during construction;*
- 7. a scheme for recycling/disposing of waste resulting from demolition and construction works;*
- 8. measures for the protection of the natural environment. and*
- 9. hours of construction, including deliveries (whilst being mindful of the proximity of the local Primary School).*

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement 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 without the prior written permission of the Local Planning Authority. REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Informative

The application involves the resurfacing of the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

WC PROW Officer - No comments received.

Previous comments noted:

Bridleway IDMI2 crosses the farm access road that will be utilised for construction access to the replacement agricultural dwelling. I have no objection to the proposal but request that the applicant contacts the Countryside Access Officer (rightsofway@wiltshire.gov.uk) prior to construction of this part of the development to discuss any safety measures required to protect bridleway users from the increased traffic that will be generated.

WC Archaeology - *Please note that my comments relate solely to the buried archaeological heritage and not to the historic built environment, which is a matter for your Conservation Officer.*

This proposal is similar to a recent, refused application (PL/2023/03232) for the same property. The current proposal provides for four new dwellings within the plot of High View, whereas the previous application provided for three. However, the archaeological implications of the current proposal are the same as for the previous application and so I can re-iterate my previous advice as follows.

The site of these proposed new dwellings lies on the outskirts of the historic village of Porton that has its origins in the medieval period. The site appears to lie outside of the presumed extent of the medieval settlement but lies close to the line of The Portway, the Roman road running from Calleva Atrebatum (Silchester) to Sorviodunum (Old Sarum). The projected line of the Roman road is shown on historic mapping as running just to the south-east of High View. However, exploratory archaeological investigation in 2016 (Wessex Archaeology, 2016) in the field immediately to the south of High View and to the west of Idmiston Memorial Parish Hall failed to locate the Roman road. The excavators concluded that the route of the Roman road probably lies a little to the north-west, i.e. within the plot containing High View.

The property of High View therefore has an archaeological interest. The proposed development comprises the construction of four new dwellings within the property of High View, largely off the footprint of the existing buildings, which are proposed for demolition. On this basis, it is recommended that the proposal is subject to a programme of archaeological work should this application be permitted. It is likely that a number of trenches would be appropriate to establish the presence or absence of the Roman road and any other related deposits that may survive and that will be harmed by the proposed development. This programme of archaeological work can be secured by a suitably worded condition and the following is recommended:

No development, other than demolition to ground level, shall commence within the red line boundary shown on Location Plan HvW_2303, Sheet No. PR.01, dated 29 September 2023, until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work, including the assessment, analysis, reporting, publication and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and*
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.*

REASON: To record and advance understanding of the significance of the heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible'.

This is in accordance with Paragraph 205 of the NPPF which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

WC Ecology: *I have reviewed the submitted documents against OS maps, aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species.*

The application site does not lie within or immediately adjacent to any statutory or non-statutory designated sites for conservation, or any notably sensitive areas for protected species.

River Avon (Hampshire) SAC Catchment:

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

The submitted phosphorous nutrient calculation (Nutrient Calculator pre 2030 and Nutrient Calculator post 2030, both submitted 8th May 2030) is accepted. Adherence to

- the off-site mitigation strategy (attached to email from J Arms to Julie Mitchell, 08 February 2024, titled Copy of Nutrient Calculator River Avon SAC V 02 2 (1), and*
- Nutrient Mitigation Management Plan, Bonakers Farm, Idmiston Road, Porton, Wiltshire SP4 0LD), and*
- Mitigation Site Plan (HvW_2303, Sheet no PR.11 Drawn by DL, JL), submitted 8th May 2024*

demonstrates the development will achieve nutrient neutrality. The strategy has been endorsed by Natural England (NE).

As required by the Habitats Regulations an Appropriate Assessment has been completed by the LPA with a favourable conclusion. The AA has been sent to Natural England (28/05/2024), who have a statutory 21 day consultation period. The application must not be determined until they have agreed with the LPAs conclusion.

A suitably worded legal agreement will be required to confirm the following:

- The location and identification of the two mitigation land parcels*
- Delivery of mitigation proposals prior to commencement of construction*
- The Council is reimbursed to undertake monitoring and management work in perpetuity via a Nutrient Management Land Monitoring Fee*

Protected Species:

Bats

The existing bungalow is of a relatively modern construction type, with negligible potential roosting opportunities. From the site photographs it is apparent that the building could support small numbers or individual crevice-dwelling bats only, not those species that need to fly into the building and hang up. It is therefore most unlikely that the building could support Annex II bat species. Given this information, and since there has already been a delay to this application through the necessity to address the phosphates issue, I will not insist that bat surveys of the building are undertaken prior to any permission being given this application. However, the applicant should have regard to the informative added to this response.

Other Protected Habitats and Species:

No ecological survey report was submitted in support of the application. We do not consider that the site comprises any sensitive ecological features other than the possibility of bats as mentioned above. In order that the precautionary principle is employed and best practice initiated, I request that a simple Construction Ecological Management Plan is secured by condition, in order to protect existing biodiversity within the site.

I am therefore happy to support the application subject to conditions.

- 1. Compliance with agreed plans and drawings*
- 2. Construction Environment Management Plan (CEMP)*
- 3. Water Efficiency in River Avon and River Test Catchments*
- 4. Mitigation Land Management Plan*

Informative - Bats

8. Publicity

The application was publicised by site notice and neighbour notification letters. A number of third party representations have been received which are summarised as follows:

Objection

- Unaware that the site is not vacant and is currently being used for domestic purposes.
- I live opposite the bungalow and haven't seen anybody or noticed cars coming & going.
- The track will need to be kept clear for access & safety.
- Will the occupants of the 4 houses be arranging regular upkeep as provided by the previous occupant?
- Vehicles needing to drive up the track must give way to any vehicle emerging.
- At times Idmiston Road is busy, with regular use of the parish hall car park, school drop off and Porton Down traffic - this is hazardous.
- The entrance is on the brow of a hill and some drivers exceed the speed limit.
- Outside lighting should be in keeping with a rural area and kept to a minimum.
- The potential effects of artificial light at night on wildlife is often overlooked.
- There is a street lamp on Idmiston Road opposite the site.
- There is a row of very tall trees immediately adjacent to the site on Idmiston Road.
- The trees appear to be in a poor state and will be a problem in the near future.
- There is a tree on the proposed development site.

- Not clear how sewage will be disposed of, have Wessex Water provided pre planning advice?
- The plan shoehorns too much into too small an area, the result will be unattractive & overbearing.
- Overdevelopment.
- Misalignment with agricultural ties.
- None of the new houses are designated as having an agricultural tie/not clear which property is to be agriculturally tied.
- Applying for repurpose is objectionable.
- 4 houses is overcrowded.
- Risk of agricultural contamination of communal housing areas from farm vehicles.
- 3 houses was considered slightly excessive, 4 houses is excessive and overdevelopment
- Does not address the requirement for housing within the Parish of Idmiston where demand is for affordable housing for first time buyers, those on a low income or wishing to downsize.
- The housing identified are for 1 x 2 bedroom house plus 3 x 4+ bedroom houses, the latter three houses will be beyond the means of those within the Parish.
- Idmiston Parish Council will not require multi-house developments and can meet proposed house building targets up to 2038 as defined in the Neighbourhood Plan - the implication is that approvals will be given to infills only.
- Will set a precedent.
- I would have no objection to the demolition of the existing housing and rebuilding with the equivalent housing within the existing building footprint.
- No disagreement that the existing dwelling may require demolition rather than renovation and restoration however this is clearly a financially driven venture.
- Were the owner genuinely keen to fit the requirements of the local area then they would simply replace the current bungalow with only one property.
- The failure to identify which property will maintain the agricultural tie is means to its removal and paving the way for future development on other parts of the land.
- Plenty of bungalows in Porton have been renovated to a high standard without demolishing them and building additional properties on the same site.
- The garage associated with High View has been demolished and bricks and rubble moved up to the area of the agricultural buildings before any permission has been given.
- Storage containers have been placed in the adjoining field without permission.

Support

- Additional 2 homes in the village on the site of an old bungalow.
- I assume everyone is aware of the need for more houses?
- Four quality, well-built, and considered homes for people to build a life in.
- Small developments are surely the best way to sympathetically increase the housing stock in a rural setting.
- It is preferable to the soul crushing red-brick estates popping up all over the place.
- What is the purpose of an over cautious attitude to these kinds of developments?

- To keep the status quo of an objectively unattractive and most certainly inefficient 1970s bungalow?
- We should be careful not to attempt to put barriers in the way of sensible progress.
- This is a modest and reasonable proposal which will contribute positively to the village.

9.Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:

Core Policy 1 of the Wiltshire Core Strategy (WCS) sets out the 'Settlement Strategy' for the county and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages; only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Core Policy 2 of the WCS sets out the 'Delivery Strategy' and identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Core Policy 4 of the WCS sets out the 'Spatial Strategy' for the Amesbury Community Area and confirms that development in this area should be in accordance with the Settlement Strategy set out in Core Policy 1 and that growth over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2. At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities.

Core Policy 48 of the WCS provides an exception to the policy criteria of Core Policies 1, 2 and 4, and states that for dwellings required to meet the employment needs of rural areas, "Outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.

Porton is defined as a Large Village by the WCS and has a defined settlement boundary to identify the limits of 'the existing built area'. The current application site comprises only the site of the existing bungalow and annexe which lies within the settlement boundary. The location plan showing the extent of the site and proximity to other built form within the settlement is shown below:

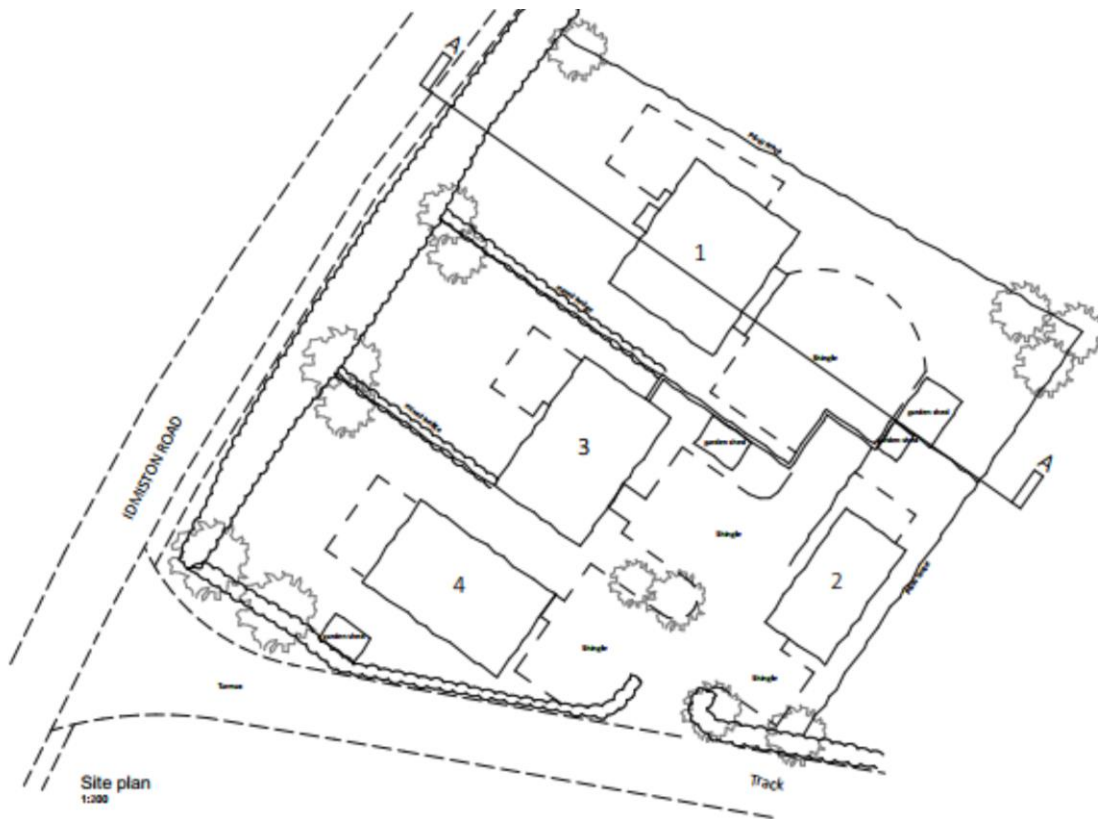


The mapping extract below shows the extent of the settlement boundary which envelops the existing agricultural worker's dwelling and its annexe, High View:



The proposal is now to demolish the existing agricultural workers dwelling and annexe and construct 4 new dwellings on the site of the existing bungalow/annexe. The proposal for the construction of a new agricultural workers dwelling further to the east, adjacent to the range of farm buildings associated with Bonakers Farm (also identified as Bonacres Farm) is now omitted.

The site plan below shows how it is intended to redevelop the site:



The site is also located within the designated area covered by the Idmiston Parish Council Neighbourhood Plan 2015-2026 (NP), which was adopted following referendum in April 2017. NP Policy 17 sets out the Development Criteria for new housing within the neighbourhood plan area and states that “Any developments in villages will need to meet all of the following criteria:

- Be well related to the existing village envelope
- Be of modest scale and not generally exceed ten dwellings, in order to protect the rural nature of the village
- Reflect the character and variety of the existing pattern of development in the village
- Follow the lines of the contours on sloping sites to ensure a better fit with the existing land form.

NP Policy 19 also sets out that “The Neighbourhood Plan will facilitate the delivery of approximately 32 homes across the Plan period. The delivery of new homes will be monitored, in the event that the development of new homes through existing commitments or proposals will not achieve the figure of approximately 32 dwellings, consideration will then be given for the development of the sites shown in Figure 1 of the plan. Subject to other policies in this Plan new residential development proposals will be supported to achieve the housing requirement where they deliver infill development or at the large village of Porton small scale development of no more than 11 homes within and immediately adjacent to the settlement boundary of Porton, as established in the Core Strategy. Residential development elsewhere in the Plan area will be resisted.”

The NPPF is a material consideration in the determination of the application and at paragraph 79 states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.” Paragraph 80 sets out circumstances for the provision of housing the countryside which includes where “there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”.

The existing dwelling was constructed following permission granted in 1973 subject to an agricultural occupancy condition, the annexe was added later following permission granted in 1987. The dwelling has therefore served the agricultural holding in its current location for almost 50 years. The agricultural occupancy condition allows for an agricultural worker and their dependents to continue to reside in the dwelling whilst employed in agriculture and through their retirement. The current application follows the refusal of a previous application for the demolition of the existing agriculturally tied dwelling and associated annexe and construction of three dwellings, together with the construction of a new agricultural workers dwelling on a separate parcel of land which was located outside of the defined settlement boundary. The previous application was refused on the grounds that there was no justification for the construction of a new agricultural workers' dwelling in the countryside, nor for the relocation of the existing dwelling, which would be required to satisfy Core Policy 48 of the Wiltshire Core Strategy as an exception to Core Policies 1 and 2.

Whereas the site and proposal previously comprised of two distinct parts which was partly within the settlement boundary and partly in open countryside and proposed 3 dwellings on the site of the existing dwelling and 1 new agricultural workers' dwelling on farmland, the current application proposes the demolition of an agricultural workers' dwelling and is shown to comprise 4 detached open market dwellings and does not nominate a property to be subject to an agricultural tie as a replacement of the existing dwelling. The application site has been included within the defined settlement boundary for the large village of Porton, adopted as part of the Wiltshire Core Strategy in 2015 and subject to review in the Wiltshire Housing Sites Allocations Plan 2022. As such, the demolition of the existing occupancy restricted buildings and construction of new open market dwellings can be supported in principle on the basis that it is within the settlement boundary within the adopted Core Strategy. Whilst objections cite that the housing requirement of the Neighbourhood Plan has been met, Policy 19 indicates development of not more than 11 homes within (or immediately adjacent to) the development boundary will be supported. The proposed redevelopment is therefore compliant with the development plan.

However, given the content of the previous application included the construction of a new agricultural workers' dwelling there is a clear intention that there will be an ongoing requirement for agricultural workers' accommodation despite the demolition of the existing dwelling. In the determination of the previous application, the applicant stated the following:

- 1) The holding currently provides 2 agricultural workers dwellings, therefore it is reasonable to conclude the ongoing use of the farm will continue to require a similar albeit reduced provision due to the reduced acreage

- 2) The relocated agricultural workers dwelling will not result in the loss of any productive farmland.
- 3) The release of the land within the development boundary will provide the capital that is required to bring the holding up to the necessary standards. .

Whilst the justification provided was not sufficient evidence of the future need and basis for relocation necessary in order to support a new dwelling in the countryside where the existing dwelling provides for that need, the LPA has also not been provided with any marketing of the existing agricultural worker's dwelling which would normally form a part of an application to remove an agricultural occupancy condition to enable an assessment to conclude that there is no ongoing need for agricultural workers' accommodation. In the absence of robust evidence for either scenario, the LPA has concerns that the loss of the agricultural workers' dwelling will lead to a further application for a new dwelling in the countryside if permission is granted for the demolition of the existing dwelling and redevelopment that does not make provision for retention of one of the proposed dwellings to replace the existing agricultural workers' accommodation. It has therefore been agreed with the applicant that the dwelling numbered 2 on the proposed site plan would be retained for agricultural workers' accommodation. This can be secured by condition and is necessary to retain the provision for agricultural workers in the absence of evidence that there is no ongoing need for the existing dwelling.

Landscape/Visual Impacts:

Core Policy 57 requires a high standard of design in all new developments, by

- i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced
- ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development;
- iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting
- iv. being sympathetic to and conserving historic buildings and historic landscapes
- v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
- vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

The site is within a defined as a Special Landscape Area under saved Policy C6 of the Salisbury District Local Plan and continues to form part of the development plan and lies at the edge of a large village settlement, wholly within the defined boundary but with undeveloped fields surrounding on two sides. The context for the site is therefore rural.

The site plan included in the previous section shows how the site of the existing dwelling is proposed to be developed with 4 houses. The proposed dwellings would be detached, two-storey dwellings. Plots 1, 3 and 4 each comprise 4 bedrooms. The following plan extracts show the elevations and floor plans of Plots 1, 3 and 4:



Plot 2 is a smaller property which comprises 2 bedrooms. The elevations and floor plans are shown in the plan extracts below:



The design of the dwellings has a mix of materials and roof designs. Plot 1 (entitled 'The Farmhouse') is a more traditional brick built dwelling with hipped clay-tile roof, Plot 3 (entitled 'The Granary') maintains the same form but is constructed in timber with a hipped slate roof, Plot 4 (entitled 'New Barn House') has a more contemporary sign with walls and pitched roof constructed in charred timber with predominantly glazed end elevations and Plot 2 (entitled 'The Small Barn') is timber boarded with a pitched slate roof. The layout is residential in character rather than that of a traditional farmstead, however the variation in design seeks to draw on rural building styles which is considered appropriate for the edge of village location.

The visual impact of the proposed new dwellings would be more significant by reason of the increased number of dwellings and increased height, coupled with the fact that the land is at a higher level on the eastern side of Idmiston Road. It is noted that the only adjacent building is the single storey Memorial Hall and dwellings immediately opposite are single storey and are sited on lower ground, with two storey dwellings presented on the western side of Idmiston Road further south and on the eastern side further towards the centre of the village. The proposed two-storey dwellings would inevitably be more visually prominent than the existing bungalow/annexe when viewed from the open countryside through which there is a public right of way across land which lies between the 4 new houses and the existing farm building. However, it is not proposed to remove the trees which line the boundary of the site with the highway and the proposed dwellings would not appear out of character given the residential character of the plot and its setting in the village settlement. The existing buildings are of no architectural or historic merit and consequently the demolition of these buildings raises no concerns.

Saved Policy C6 states that "within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality of the landscape are acceptable, they will be subject to the following criteria;

- (i) the siting and scale of development to be sympathetic with the landscape; and
- (ii) high standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area."

The proposed development would be more visible and prominent from the landscape surrounding landscape, however the site is defined in policy terms as being within a rural settlement rather than in the countryside. Given the 'in principle' acceptability of residential development within the defined settlement boundary and that the 4 new dwellings would visually form part of the village settlement on land which is previously developed with a dwelling, annexe and garage, it is not argued that the siting of the development is unsympathetic to the landscape in this context. Whilst the visual impact of a single storey development would be less significant than the two storey dwellings proposed, the scale and design of the development is not considered to be uncharacteristic in the context of the locality where there is a range of single and two-storey buildings. It is considered that an adverse effect on the quality of the landscape would not form a sustainable reason for refusal in this instance and conditions in respect of landscaping and materials would be appropriate.

Residential Amenity:

Core Policy 57 also seek a high quality design in respect of existing and future amenity, *vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*. There are no immediately adjacent residential properties to the site, the closest properties are on the opposite side of Idmiston Road (west of the site) and there is sufficient separation and limited inter-visibility due to distance and topography of the site. Open countryside borders the north and east boundaries of the site and the access track to the farm borders the south boundary of the site, with the Memorial Hall

located immediately south of the access lane. Therefore it is not considered that the development would have any material effect on the amenities of neighbouring properties.

Within the site, the dwellings have been sited and designed to achieve adequate separation distances and avoid window to window overlooking. The frontage of plot 3 faces the NW elevation of plot 2 where window openings are limited to a kitchen, utility and wc at ground floor and therefore does not cause concern regarding privacy. Plots 1, 3 and 4 are served by generous rear gardens and Plot 2 has a smaller garden but which is proportionate to the smaller dwelling. Each has a garden shed and its own parking. It is considered overall that whilst there are local concerns that the proposal is overdevelopment, the layout indicates that an appropriate standard of amenity can be achieved for future occupiers within the development itself.

Highways Safety:

The proposed dwellings will be served by an existing vehicular access onto Idmiston Road which currently serves the dwelling, High View, and its annexe and Bonakers Farm. A new access into the site is proposed off the private track further to the east away from the junction, and the existing access off the track will be closed off. The highways officer notes an overall increase of two dwellings, however as the annexe is linked to High View, there is an overall increase of 3 dwellings.

The highways officer notes that the existing junction falls within the 30mph speed limit and, to accord with the guidance in Manual for Streets, visibility splays of 2.4m by 43m in both directions to the nearside carriageway edge at a height of 600mm are necessary. Following an assessment of the junction it appears that the visibility to the left (south) past the adjacent Memorial Hall is acceptable. The required visibility to the right (north) also appears to be achievable albeit with the cutting back of some vegetation on the verge (which has correctly been annotated as within WC ownership). A drawing has been submitted with the application which demonstrates the achievable visibility splays, although the full extent of the splay is not shown. The highways officer is satisfied that the required visibility can then be conditioned accordingly.

Improvements are proposed to the access track, the first 20 metres approximately will be reconstructed and resurfaced with a row of granite setts marking the change to a gravel surface beyond. The tarmac surface will be drained with the addition of two gullies which will connect to a new soakaway. The applicant will be required to apply for a S184 licence to undertake the work to the highway at the junction end of the track, this falls outside the scope of the planning considerations. The hedge on the southern boundary of the track should be cut back to maximise the full available width to ensure that two vehicles can pass for at least the first 10 metres. The applicant must ensure there is sufficient visibility for and of vehicles exiting the site onto the private track. The internal layout is considered acceptable in terms of parking and turning spaces.

In terms of the location of the site and the local highway network, which is raised as a concern by third parties, previous comments are reiterated. The concerns raised with regard to the suitability of Idmiston Road to serve the development are noted; however, the highways officer does not share the concerns as the width of Idmiston Road is considered to be perfectly adequate to accommodate opposing travelling vehicles. It is acknowledged that a length of

Idmiston Road becomes heavily parked on during school drop-off and pick-up times. This is an existing situation which will not be significantly exacerbated by the proposed construction of four dwellings. There is an existing footway which links the site to St Nicholas Primary School approximately 300 metres to the north which is considered to be a reasonable walking distance. There are facilities in Porton village centre including a convenience store around 440 metres to the south west on Winterslow Road which can be reached on foot via dedicated footways. There are bus stops on Idmiston Road and Winterslow Road.

The Highways Officer considers that there would be no highway objections subject to conditions.

The Public Rights of Way Officer has not commented on the current application but it is noted that no objections were raised to the previous application subject to safety measures being agreed prior to any construction on the proposed agricultural workers dwelling. This application has omitted the site of the agricultural workers' dwelling included in the previous submission and therefore there is no requirement for an informative or condition in respect of the public right of way.

Archaeology:

The site of the proposed dwellings lies on the outskirts of the historic village of Porton that has its origins in the medieval period. The site appears to lie outside of the presumed extent of the medieval settlement but lies close to the line of The Portway, the Roman road running from Calleva Atrebatum (Silchester) to Sorviodunum (Old Sarum). The projected line of the Roman road is shown on historic mapping as running just to the south-east of High View. However, exploratory archaeological investigation in 2016 (Wessex Archaeology, 2016) in the field immediately to the south of High View and to the west of Idmiston Memorial Parish Hall failed to locate the Roman road. The excavators concluded that the route of the Roman road probably lies a little to the north-west, i.e. within the plot containing High View. The property of High View therefore has an archaeological interest. The proposed development comprises the construction of four new dwellings which are largely off the footprint of the existing buildings which are proposed for demolition. On this basis, the Council's Archaeologist recommends that the proposal is subject to a programme of archaeological work and suggests that it is likely that a number of trenches would be appropriate to establish the presence or absence of the Roman road and any other related deposits that may survive and that will be harmed by the proposed development. The Council's archaeologist is satisfied that this programme of archaeological work can be secured by a suitably worded condition to ensure that archaeological interests are investigated and recorded.

Ecology:

The application site does not lie within or immediately adjacent to any statutory or non-statutory designated sites for conservation, or any notably sensitive areas for protected species.

River Avon (Hampshire) SAC Catchment:

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

The proposal is for 4 new dwellings on the site of the existing dwelling, a net increase of 3 dwellings. The submitted phosphorous nutrient calculation (Nutrient Calculator pre 2030 and Nutrient Calculator post 2030, both submitted 8th May 2030) is accepted. To offset the additional loading, the applicant proposes to mitigate the phosphate burden by providing an area on agricultural land within their ownership to the north east of the site for mitigation, as shown in the plan extract below.



Mitigation Land

The Council's ecologist has advised that adherence to the following would demonstrate that the development will achieve nutrient neutrality:

- The off-site mitigation strategy (attached to email from J Arms to Julie Mitchell, 08 February 2024, titled Copy of Nutrient Calculator River Avon SAC V 02 2 (1),
- Nutrient Mitigation Management Plan, Bonakers Farm, Idmiston Road, Porton, Wiltshire SP4 0LD), and
- Mitigation Site Plan (HvW_2303, Sheet no PR.11 Drawn by DL, JL), submitted 8th May 2024

The strategy has been endorsed by Natural England (NE). As required by the Habitats Regulations an Appropriate Assessment has been completed by the LPA with a favourable conclusion. The AA has been sent to Natural England (28/05/2024), who have a statutory 21 day consultation period. The application must not be determined until they have agreed with the LPAs conclusion. A suitably worded legal agreement will be required to confirm the following:

- The location and identification of the two mitigation land parcels
- Delivery of mitigation proposals prior to commencement of construction
- The Council is reimbursed to undertake monitoring and management work in perpetuity via a Nutrient Management Land Monitoring Fee

The applicant has agreed to the terms of the legal agreement. Subject to Natural England endorsing the LPA's Appropriate Assessment and the applicant providing a Unilateral

Undertaking of the above, it can be concluded that the development will not lead to adverse impacts alone and in combination with other plans and projects on the River Avon SAC. Therefore, a recommendation of approval, subject to a s106 legal agreement and receipt of agreement from Natural England AA, is made.

Protected Species

The existing bungalow is of a relatively modern construction type, with negligible potential roosting opportunities. From the site photographs it is apparent that the building could support small numbers or individual crevice-dwelling bats only, not those species that need to fly into the building and hang up. It is therefore most unlikely that the building could support Annex II bat species. Given this information, and since there has already been a delay to this application through the necessity to address the phosphates issue, the ecologist has not required bat surveys of the building are undertaken prior to any permission being given this application or conditions for a survey to be undertaken. However, as no ecological survey report was submitted in support of the application, whilst the ecologist does not consider that the site comprises any sensitive ecological features other than the possibility of bats, in order that the precautionary principle is employed and best practice initiated, it is suggested that a simple Construction Ecological Management Plan is secured by condition, in order to protect existing biodiversity within the site. An informative is suggested to be added to highlight the low risk of bats being present in the building.

Drainage and Flood Risk:

The application form states that foul drainage is to connect to the mains sewer and that surface water is indicated to be connected to soakaways. The site is located in Flood Zone 1 and is not identified as being with an area at high risk of flooding from other sources, ground water or surface water. Other than the condition recommended by the highways officer to prevent surface water run-off from the access onto the highway, no further conditions are considered to be warranted.

S106 contributions:

The proposal falls below the threshold for contributions to be sought. However, the aforementioned nutrient neutrality mitigation and land will need to be secured via S106.

10.Conclusion (Planning Balance):

The site lies within the settlement boundary for the large village of Porton and therefore the principle of redevelopment for residential dwellings is in compliance with the policies of the Wiltshire Core Strategy Core Policies, Idmiston Parish Council Neighbourhood Plan 2015-2026 and NPPF 2023. The previous submission indicates that there is an intention for ongoing agricultural activities for which agricultural worker's accommodation would be required, therefore to prevent the loss of the existing agricultural workers' dwelling and subsequent application for a new dwelling following the demolition of the existing dwelling a condition is imposed to require that one of the dwellings (Plot 2) is subject to the agricultural occupancy condition. Bespoke mitigation is proposed to offset the additional overnight accommodation within the catchment of the Hampshire River Avon SAC and is considered adequate to achieve nutrient neutrality subject to the applicant entering a legal agreement to secure the mitigation and endorsement of the favourable Appropriate Assessment by Natural England. The layout

and design of the proposed development is considered to be acceptable in the context of the character and appearance of the site and locality and the amenities of existing and future occupiers and the means of access is considered acceptable by the highways officer subject to conditions including a pre-commencement condition to secure a Construction Management Plan (CMP). The Council's Archaeologist has also identified a requirement for pre-commencement condition in order to record archaeological remains. Pre-commencement conditions are also required by the Council's ecology to secure a Construction Environmental Management Plan (CEMP) and Mitigation Land Management Plan.

The concerns of the parish council and objectors are noted, however the development is acceptable in principle having regard to development plan and national policy guidance and there are no material considerations which would constitute sustainable reasons for refusal or weigh strongly against the policy support for residential development within the settlement boundary of a large village.

RECOMMENDATION: SUBJECT TO NATURAL ENGLAND ENDORSING THE LPA'S APPROPRIATE ASSESSMENT, AND THE APPLICANT ENTERING INTO A S106 LEGAL AGREEMENT TO SECURE THE MITIGATION NECESSARY TO ACHIEVE NUTRIENT NEUTRALITY, then APPROVE, subject to the following conditions:

Conditions: (12)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan PR.01 B dated 29/05/2024
Proposed Block Plan PR.03 dated 19/09/2023
Proposed Site Plan PR.04 A dated 29/09/2023
Track details PR.05 A dated 29/09/2023
Proposed Plans and Elevations (Plot 1) PR.06 dated 19/09/2023
Proposed Plans and Elevations (Plot 2) PR.07 dated 19/09/2023
Proposed Plans and Elevations (Plot 3) PR.08 dated 19/09/2023
Proposed Plans and Elevations (Plot 4) PR.09 dated 19/09/2023

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The occupation of the dwelling identified as Plot 2 on the approved site plan shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site comprises an existing agricultural workers' dwelling for which it has not been demonstrated that there is no ongoing need for agricultural workers

accommodation and which, if demolished, would be likely to result in a new dwelling in the countryside to meet that need.

- 4 The development will be carried out in strict accordance with the following documents:

- Nutrient Mitigation Management Plan, Bonakers Farm, Idmiston Road, Porton, Wiltshire SP4 0LD), and
- Mitigation Site Plan (HvW_2303, Sheet no PR.11 Drawn by DL, JL), submitted 8th May 2024

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 5 Prior to the commencement of works, 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. Precautionary working method statements for protected/priority species, such as nesting birds and reptiles, which may be present on site.
- c. A precautionary method of working for the demolition of the existing building, with particular reference to bats.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

- 6 Prior to the start of construction a Nutrient Mitigation Management Scheme for both areas of mitigation land (pre 2030 and post 2030) will be submitted to the council for approval. The scheme will include:

- i. full details of the permanent cessation from Commencement of Development of the use of the Nutrient Mitigation Land for any agricultural, horticultural or the keeping/grazing of horses or other animals purposes or any other use,
- ii. details of planting to be carried out on the Nutrient Mitigation Land including a planting scheme to comprise native and deciduous species;
- iii. confirmation that the planting density meets a minimum level of 20% canopy cover at maturity;
- iv. works schedule for activities with specific timing requirements in order to ensure mitigation is delivered prior to first Occupation of the Development
- v details of future management, maintenance programme and monitoring (including a timetable of works) of the Nutrient Mitigation Land approved by the Council (with any amendments to the same being approved by the Council in writing).
- vi. details of key personnel and responsibilities and contact details

7 No development, other than demolition to ground level, shall commence within the red line boundary shown on Location Plan HvW_2303, Sheet No. PR.01, dated 29 September 2023, until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work, including the assessment, analysis, reporting, publication and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To record and advance understanding of the significance of the heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible'.

8 No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative display and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works;
8. measures for the protection of the natural environment. and
9. hours of construction, including deliveries (whilst being mindful of the proximity of the local Primary School).

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement 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

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

9 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the north and 43 metres to the south from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

10 No development above slab level shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by

the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 11 The development hereby permitted shall not be first brought into use until at least the first 10m of the access track, measured from the edge of the carriageway has been consolidated and surfaced (not loose stone or gravel) as shown on drawing ref: PR.05. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

- 12 The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

Informatives

The application involves the resurfacing of the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

