Wiltshire Council Spatial Planning Service

To:	Verity Giles-Franklin – Senior Planning Officer, Development Management
From:	David Way – Senior Planning Officer, Spatial Planning
Cc:	
Date:	6th October 2023

Planning Application/Pre-Application Number:	PL/2023/07107

Site Address: Land South of Snarlton Farm, Snarlton Lane, Melksham, Wilts, SN12 7QP

Description of Development: Outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works.

Local Development Plan:
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.

The statutory status of the local development plan is further reinforced at paragraph 47 of the National Planning Policy Framework ('the Framework').

What follows is a list of the key relevant plans, policies and supplementary guidance that address the principle of development. Other policies of the development plan may well be relevant and will be covered by other specialist consultees.

Plan	**Relevant planning policies**
Wiltshire Core Strategy, adopted January 2015 (including all relevant saved policies set out in Appendix D)	Core Policy 1 – Settlement Strategy Core Policy 2 – Delivery Strategy Core Policy 15 – Melksham Community Area Strategy
Joint Melksham Neighbourhood Plan 2020-2026, 'Made' July 2021	Policy 6 – Housing in Defined Settlements Policy 7 – Allocation of land at Middle Farm, Whitley Policy 8 – Infrastructure Phasing and Priorities

Supplementary Planning Document(s) N/A

Main issue for consideration in policy terms – The Principle of Development

Comments

The application proposes the construction of two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works.

This planning policy response will consider the principle of the proposed development. Other policies of the development plan considered relevant to the proposal will be addressed by other specialist consultees, such as ecology, drainage, landscape and heritage officers etc.

Wiltshire Core Strategy

In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). In this regard, the Settlement Strategy is set out in WCS Core Policy 1.

Melksham and Bowerhill, where this site is located, is defined in Core Policy 1 as a Market Town, based on an assessment of its role and function. Market towns are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

WCS Core Policy 2 sets out the Delivery Strategy for growth for the period 2006 to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development. Development proposals outside these defined limits would not be supported, except in certain specified circumstances set out in paragraph 4.25 of the WCS; none of these exceptions apply in this case. The policy goes on to emphasise the point that these limits of development may only be altered through the identification of sites for development through subsequent Site Allocations DPDs and neighbourhood plans. This site has not been allocated either through a Site Allocations DPD or neighbourhood plan.

Emerging policy ie the Wiltshire Local Plan Review (LPR), is in the early stages of preparation and can only be afforded very limited weight at this stage. A consultation on the draft Regulation 19 version of the LPR started on 27th September 2023 and will end on 22nd November 2023. This draft was approved by Wiltshire Council at a Full Council meeting on 18th July 2023. It proposes three development site allocations at Melksham and Bowerhill to meet housing and employment requirements. The site, subject of this application, is not one of the proposed site allocations in the LPR.

The limits of development applying to Melksham and Bowerhill have been comprehensively reviewed through the Wiltshire Housing Site Allocations Plan (WHSAP), which was adopted in February 2020. In some locations across Wiltshire, neighbourhood plans have reviewed their own limits of development in accordance with Core Policy 2, however this does not apply to Melksham and Bowerhill. The development site lies outside of the revised limits of development for Melksham and Bowerhill and therefore the presumption in favour of sustainable development set out in Core Policy 2 does not apply.

Also of relevance to the consideration of this proposal is WCS Core Policy 15 which deals specifically with the Melksham Community Area. This policy anticipates that approximately 2,240 new homes will be delivered at Melksham and Bowerhill over the plan period 2006 to 2026. The latest Housing Land Supply Statement[1] (Appendix 6), published in May 2023, shows that 2,745 homes have either been completed or are developable commitments. This is an exceedance of 123% of the anticipated housing requirement in the WCS, with commitments and completions likely to have increased further since the report's base date of April 2022. As such, this proposal to deliver a further 300 dwellings at Melksham and Bowerhill would exceed the planned level of supply even further. This is a significant increase with three years of the Plan period remaining, with possible detrimental effects on the spatial strategy, as Melksham delivers increased levels of housing to make up for a lack of delivery in other areas, notably in Chippenham and Trowbridge, without significant accompanying infrastructure. WCS paragraph 5.83 specifically refers to the need for residential growth in Melksham to contribute towards delivering improved infrastructure, as well as contributing towards town centre regeneration. There is also a need to increase the capacity of GP surgeries and strategic road infrastructure in Melksham.

Joint Melksham Neighbourhood Plan 2020-2026

This neighbourhood plan was 'made' in July 2021 and now forms part of the development plan. Its policies should be given full weight when assessing these proposals. A review of the neighbourhood plan is currently being progressed but is still at an early stage of plan making. Specific policies relevant to this application are Policy 6 – Housing in Defined Settlements, Policy 7 – Allocation of land at Middle Farm, Whitley and Policy 8 – Infrastructure Phasing and Priorities.

Conclusion

Having regard to the above policies, it is considered that the proposed development of up to 300 dwellings would not accord with the strategy and pattern of development anticipated by the WCS and the Joint Melksham Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.

Emerging Policy – Wiltshire Local Plan Review (LPR)

[1] Housing Land Supply Statement Base Date April 2022 (Wiltshire Council, May 2023) – Appendix 6.

At the current time, the Wiltshire Local Plan Review (LPR) is in the early stages of preparation and can only be afforded very limited weight at this stage. A consultation on the draft Regulation 19 version of the LPR started on 27th September 2023 and will end on 22nd November 2023. This draft was approved by Wiltshire Council at a Full Council meeting on 18th July 2023. It proposes three development site allocations at Melksham and Bowerhill to meet housing and employment requirements. The site, subject of this application, is not one of the proposed site allocations in the LPR.

Other material considerations – Five-year housing land supply

Comments

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing land supply. The NPPF makes it clear that, where this cannot be demonstrated, the most important polices for determining the application are considered to be out-of-date, and planning permission should be granted unless:

i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Council's current 5-year housing land supply position is as follows: the latest published Housing Land Supply Statement (HLSS) (May 2023) shows that the Council does not currently have a 5-year deliverable housing supply in the Wiltshire LPA (the Council's strategic housing policies are now over five years old and, under the provisions of NPPF paragraph 73, the requirement to be used in the 5-year housing land supply calculation is now the Local Housing Need which is set out at a district level). The current position in the latest HLSS shows a 4.60-year supply.

It should be noted that:

i) although the Wiltshire Core Strategy (WCS) is over 5 years old, this does not render the plan out-of-date[2] and is still the starting point for determining planning applications.

ii) the current Local Housing Need figure is very similar to the sum of the housing requirements for the three HMAs in the adopted policies of the WCS. This indicates that the housing requirement in the WCS continues to effectively represent the current housing need for Wiltshire.

Five-year housing land supply and decision-taking

Paragraph 11 (d) and footnote 8 of the NPPF state that where an LPA cannot demonstrate a 5YHLS of deliverable sites, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In this scenario officers will need to give careful consideration to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

The extent of the 5-year housing land supply shortfall and the potential for the proposal to deliver housing in the current 5-year period to help remedy the current shortfall should also be taken into account in the balancing exercise.

[2] Planning Practice Guidance (paragraph: 064 Reference ID: 61-064-20190315) (https://www.gov.uk/guidance/plan-making)

Conclusions

The proposal for up to 300 dwellings is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the WCS and Joint Melksham Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.

This must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5-year housing land supply, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as a whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.