Wiltshire Council

The Planning Inspectorate

29 February 2024

Dear Sir/Madam,

Application No:	**PL/2023/04942**
Appeal Ref:	**APP/Y3940/W/23/3326636**
Appeal by:	**Mr J Smith**
Site Address:	**Land off Thompsons Hill, Thompsons Hill, Sherston, Malmesbury, Wiltshire**
Proposal:	**Stage 1 Permission in Principle Application for development of 1 self-built dwelling. Resubmission of PL/2022/03345**

National Planning Policy Framework (Revision December 2023)

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). Relevant to the above-mentioned appeal, relating to housing supply and delivery, the revised NPPF contains two important amended/new paragraphs, as follows –

> *76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*
>
> *a) their adopted plan is less than five years old; and*
> *b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*
>
> *77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing.

https://www.wiltshire.gov.uk/article/8048/Regulation-19-consultation-autumn-2023

Current housing land supply position and consequences for the 'planning balance'

In terms of the number of years supply, the Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) (Appendix D of the Council's Statement) sets out the number of years supply against local housing need as 4.60 years. The circumstances under which a buffer should be applied to the five-year housing requirement has been altered in the revised NPPF. Where the Housing Delivery Test result exceeds 85% Councils are no longer required to add a buffer to their five-year housing requirement. The Council's latest Housing Delivery Test result is 106%, so a buffer is no longer required. Based on this change in the revised NPPF, the HLS arithmetic indicates:

- The five-year housing requirement (10,205 without the buffer - based on Wiltshire's delivery in the latest 2022 Housing Delivery Test results)
- The deliverable supply (9,849).
- This equates to a **4.83 year supply** (to the nearest hundredth of a year). This figure exceeds the 4 year threshold now required by Wiltshire.

Accordingly, this appeal is significantly affected by the changes set out in paragraphs 76, 77 and 226 to the revised NPPF. The Council can demonstrate a more than 4 year supply of housing land supply and is at Regulation 19 stage of its local plan review. The tilted balance set out in paragraph 11(d) of the NPPF is no longer engaged due to the shortage of a sufficient housing land supply.

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Sherston is defined as a Large Village, which has defined limits of development. Beyond these limits is countryside. The appeal site lies beyond the limits of development, therefore it is within the countryside.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Sherston – and further states that housing should not be permitted outside the limits except in the few circumstances explained in the policy, none of which apply in this case. Core Policy 2 continues that the limits of development may only be altered through the identification of sites through a site allocations DPD or a neighbourhood development plan. This application site is not allocated in either the Wiltshire Core Strategy or any site allocations Development Plan Documents or Neighbourhood Plan. Therefore, as the site lies outside of the limits of development (and so is in the countryside), and as none of the exception policies apply, the proposal does not accord with Core Policies 1 and 2. Proposed development which does not accord with Core Policies 1 and 2 is considered to be unsustainable in the overarching context of the Wiltshire Core Strategy and the NPPF.

The Council contends that the previously identified weight that was attached to the conflict with the development plan (CP 1 and 2) should now be afforded very significant weight as a direct consequence of paragraphs 76, 77 and 226 of the revised NPPF.

In light of the above weight, the Council finds that the harm significantly and demonstrably outweighs the benefits identified in the Council's Appeal Statement and Officers Report, i.e. development outside the Limits of Development is unsustainable in the overarching context of the Wiltshire Core Strategy and the NPPF.

It is on this basis that the Council respectfully asks the Inspector to dismiss the appeal.

Yours faithfully

Development Management
Wiltshire Council