

TOWN & COUNTRY PLANNING ACT 1990

APPEAL STATEMENT OF CASE

**APPEAL BY MR TOM NICHOLAS AGAINST
THE DECISION OF WILTSHIRE COUNCIL TO
REFUSE PERMISSION IN PRINCIPLE FOR:**

THE ERECTION OF UP TO FIVE DWELLINGS

**ON LAND OFF CORSHAM ROAD, WHITLEY,
MELKSHAM, WILTSHIRE, SN12 8QF**

Prepared by

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LPC (Trull) Ltd**

January 2026

Our Reference: LPC.5771

Council Reference: PL/2025/08613

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1.0 INTRODUCTION

1.1 LPC (Trull) Ltd have been instructed by Mr Tom Nicholas (the Appellant) to present his planning case at appeal at against the decision of Wiltshire Council (the Council) to refuse to grant Permission in Principle (PiP) for the erection of up to five detached dwellings on land to the south of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF.

1.2 The reasons for refusal of application referenced PL/2025/08613 on the 10 December 2025 are as follows:

1. *The development as proposed, would materially conflict with the Council's strategic core policies CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy, by virtue of the site not being allocated for housing and being located outside settlement limits, as well as significantly and demonstrably conflicting with the Joint Melksham Neighbourhood Plan 2 2020-2038, which allocates other land for housing (as made on 4 August 2025) and that the benefits of the development would not outweigh the aforesaid Plan conflicts and that the application is hereby refused in full compliance with the National Planning Policy Framework paragraph 14.*
2. *The proposal to erect up to 5 dwellings with its associated infrastructure on the identified site would materially erode a green buffer that is important to and distinguishes the villages of Whitley and Shaw. The proposed site, being outside the defined settlement limits of Whitley and Shaw, would adversely affect the character and appearance of the local area through the urbanisation of this green buffer, which is considered important to preserve the individual village identities. The proposal is contrary to Core Policy 51 of the adopted WCS and Policy 19 of the made Joint Melksham Neighbourhood Plan 2 2020-2038, which requires proposals to conserve and respect the separate identity of these village settlements.*

The applicant has also failed to evidence the site's agricultural land classification (by soil sampling) and as such, the Council cannot verify whether the proposal would result in the loss of 'best and most versatile' agricultural land.

1.3 Having regard to the Council's Case Officer's Report for application PL/2025/00452 (which can be viewed at Appendix B, in addition to the decision notice at Appendix A), it is recognised that the Council confirms the site is not covered by any local or national landscape or ecological designation, or any site specific constraints from a planning perspective.

Furthermore, the site is at low risk of flooding from fluvial or groundwater flooding and therefore is not considered to be at high risk of flooding. The site can also be served by a suitable access, but the principle of development is resisted by the Council at this point in time. As such, it is the purpose of this statement to focus on the reasons for refusal which relate to the principle of development due to the speculative nature of the application and location of the site.

- 1.4 The purpose of this appeal statement is to demonstrate that within the limited scope of the PiP application type, and on its own merits, the appeal proposal would result in a sustainable and policy compliant form of development within the context of the 'presumption in favour of sustainable development', delivering a proportionate amount of growth and making a valuable contribution towards local housing need within a sustainable location.
- 1.5 The Planning Statement (October 2025) by LPC (Trull) Ltd submitted in support of planning application reference PL/2025/08613 (and included at Appendix C) provides an overview of the site and its planning history, describes the proposed development, identifies the planning policy context, and provides an assessment of the proposed development in order to demonstrate its acceptability and compliance with the Local Plan within the context of the National Planning Policy Framework's presumption in favour of sustainable development. The Planning Statement should be read alongside this Appeal Statement, which will focus on the Council's reasons for refusal and outline the grounds of appeal.

2.0 PLANNING CONSIDERATIONS & GROUNDS OF APPEAL

- 2.1 The planning considerations associated with this permission in principle appeal are limited to **location**, **land use** and **amount of development**. The Council's reasons for refusal as outlined within the Decision Notice relate to the proposed use of the land due to 1. the location of the site outside the settlement of the village, and 2. loss of land which is part of the green buffer between the villages of Whitley and Shaw.
- 2.2 The Planning Statement (dated October 2025) by LPC (Trull) Ltd submitted in support of the original PIP application (which is available to view in Appendix C) provided a detailed justification for the proposed development. This appeal statement is not intended to repeat the assessment, however it will focus on the reasons for refusal, first by drawing attention to the suitability of the site for residential development due to its sustainable location and relationship with the established built environment, and in turn its limited impact on landscape character and the green buffer between settlements, before focusing on the wider planning balance and need to significantly boost the supply of housing, considering the Council's significant shortfall in housing land supply.

Reason for Refusal 1: Outside Settlement Limits

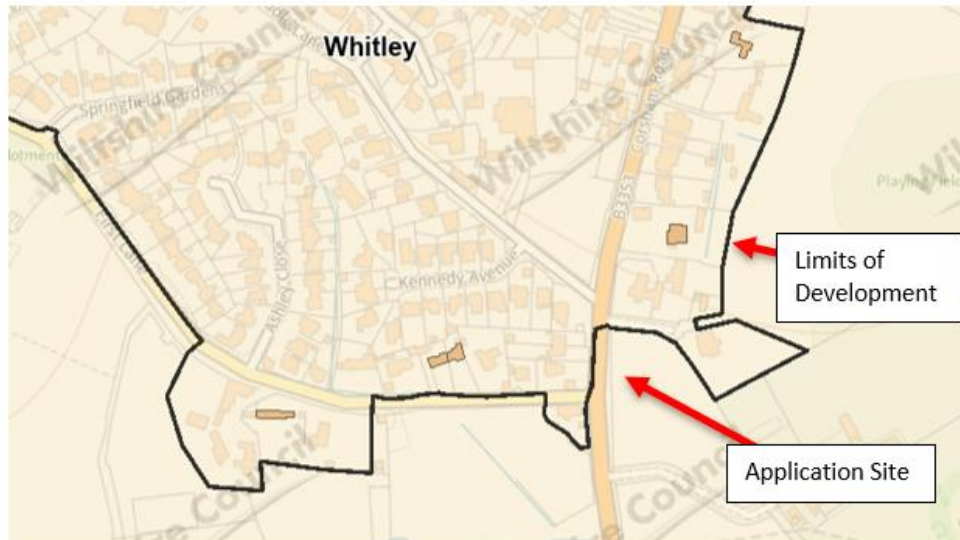
- 2.3 The first reason for refusal is purely on the grounds that the site is "located outside settlement limits" of Whitley and is not allocated for residential development. The Council does not raise any concerns with the sustainability or accessibility of the site and therefore its suitability for development, but objects in principle solely on the grounds that it is not allocated for development.
- 2.4 The Council identifies conflict with the following policy documents / policies, which will each be addressed in turn below:
- Wiltshire Core Strategy, Core Policy 1: Settlement Strategy
 - Wiltshire Core Strategy, Core Policy 2: Delivery Strategy
 - Wiltshire Core Strategy, Core Policy 15 Spatial Strategy:
Melksham Community Area

- The Joint Melksham Neighbourhood Plan 2 and therefore Paragraph 14 of the NPPF.

Core Policies 1, 2 & 15 of the Wiltshire Core Strategy

- 2.5 The Planning Statement (dated October 2025) by LPC (Trull) Ltd explained that Core Policy 1 ‘Settlement Strategy’ and Core Policy 2 ‘Delivery Strategy’ of the WCS outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the Limits of Development other than in exceptional circumstances as set out within the relevant core policies contained within the plan, i.e. the ‘exception policies’ or via a Neighbourhood Plan.
- 2.6 Core Policy 15 ‘Spatial Strategy: Melksham Community Area’ goes on to explain that within the Melksham Community Area, where the site is located, the most sustainable locations to which most growth is directed is the ‘Market Town’ of Melksham (and Bowerhill), with the surrounding ‘Large Villages’ (namely Atworth, Seend, Semington, Shaw / Whitley and Steeple Ashton) being able to accommodate some growth in order to help retain the vitality of these communities. The WCS states that at Large Villages “development will predominantly take the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application)”.
- 2.7 It is recognised that the site lies outside the defined Limits of Development of Whitley but adjoins these limits and is well relates to the established built environment, as shown on the map and aerial view below. The proposed scheme will be in-keeping with the development along Corsham Road and will be well enclosed by the existing mature boundary treatments.
- 2.8 The Spatial Strategy of the Local Plan clearly indicates that there is a presumption in favour of sustainable development at the ‘Large Village’ of Whitley and small developments of up to 10 dwellings are appropriate to the scale of the settlement. The appeal site is itself considered to be

suitable for development from a Sustainability and Accessibility perspective and this is not disputed by the Council, but the principle of development cannot be supported due to the lack of a plan-led approach.



Local Plan Policies Map



Aerial Photograph (source: Google 2025)

- 2.9 It is recognised that the NPPF advises that “the planning system should be genuinely plan-led”, but in order to achieve this “Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings” (Paragraph 15). The relevant Local Plan is not however up-to-date, as explained within the original Planning Statement, and the weight to be attributed to the conflict with Core Policies 1, 2 and 15 is

limited when considering the overall planning/tilted balance, as set out below.

- 2.10 The appeal proposal does however seek to deliver housing to meet an identified local need in line with the Local Plan, in particular the policies of the Neighbourhood Plan. The Council however indicates within reason for refusal 1 that there is general conflict with the made Joint Melksham Neighbourhood Plan 2 (JMNP2), albeit it does not identify any policies, and in turn conflict with Paragraph 14 of the NPPF.

The Joint Melksham Neighbourhood Plan 2

- 2.11 Policy 6 ‘Housing at Defined Settlements’ of the JMNP2 states that “housing outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need”. The Council’s Delegated Report asserts that there is conflict with Policy 6 because the application site is located outside the defined settlement boundary for the large village “and no evidence of local housing need has been provided to justify the development in this particular location”.
- 2.12 The Neighbourhood Plan’s approach to housing outside the defined limits of development therefore defaults back to the WCS (Core Policies 1, 2 and 15), which as noted above has limited weight. In terms of the demonstrating there is a local housing need, the JMNP itself notes that it allocates “15 fewer [dwellings] than the emerging Local Plan housing requirement”. There will therefore be a clear unmet local need for housing based on the indicative figure which is informed by the evidence base which underpins the draft Wiltshire Local Plan.
- 2.13 The Joint Melksham Neighbourhood Plan 2 Site Allocations Topic Paper (Version: Submission September 2024) explained that it allocations approach noting that “There is no obligation on JMNP2 to allocate sites to fully or partially meet the identified draft housing requirement proposed by the Regulation 19 Wiltshire Local Plan. JMNP2 is not required to have regard to emerging NPPF and housing land requirement changes proposed by the new government in summer 2024. Nonetheless JMNP2

plans to allocate land for housing and mixed use development that meets the entire draft neighbourhood plan housing requirement for Melksham and a **substantial proportion at Shaw and Whitley** set in the emerging Wiltshire Local Plan up to 2038” (p.11). (emphasis added).

- 2.14 It is clear that the JMNP2 does not allocate a sufficient amount of land to meet the housing requirement of the Neighbourhood Plan area as identified by Wiltshire Council in line with Paragraph 69 of the NPPF. Furthermore, the current level of local housing need must to be considered within the context of the 84% uplift in housing requirement since the 2024 NPPF was published, and the Council’s current significant Housing Land Supply shortfall.
- 2.15 The appeal proposal seeks to deliver housing to meet local housing need in line with Policy H6 rather than conflict with it. The policy is not however a reason for refusal but rather the JMNP2 plan in general under reason for refusal 1 and its relationship with Paragraph 14 of the NPPF as discussed below.

Paragraph 14 of the National Planning Policy Framework

- 2.16 The original Planning Statement highlighted that Paragraph 14 of the NPPF states the following: “In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).”
- 2.17 The Council’s Delegated Report notes that “the JMNP2 was formally made in August 2025 and therefore paragraph 14 of the NPPF is engaged and part 14a is satisfied. With regards to paragraph 14b, the Council argue that JMNP2 includes policies and dedicated allocations to satisfy the areas

identified housing requirement. As the JMNP2 has been recently made, and was subject to examination, the plan has been based on the latest evidence base”.

- 2.18 It is recognised that the JMNP2 was ‘made’ in August 2025 and contains housing allocations, however the allocations fall short of the identified housing requirements as noted above (the housing need figure itself is not a ceiling on new development but the bare minimum required to meet local need). This is acknowledged within the Plan which states that “At Shaw and Whitley, **JMNP2 is continuing to take the lead in planning for local housing needs and allocates approximately 55 dwellings (15 fewer than the emerging Local Plan housing requirement)**. This approach takes account of locally valued landscapes and the distinctiveness of Shaw and Whitley” (Paragraph 4.8.9) (emphasis added).
- 2.19 The JMNP2 plan period aligns with the emerging WLP (up to 2038) and therefore is informed by the evidence base which underpins the WLP. In line with Paragraph 69 of the NPPF, the WLP Rural Housing Requirements (September 2023) report indicates that 73 dwellings should be accommodated at Whitley and Shaw over the plan period. The JMNP2 does not allocate a sufficient yield from sites to meet this level of need.
- 2.20 It is therefore clear that requirement ‘b’ of Paragraph 14 of the NPPF is not met and therefore the paragraph is disengaged. The appeal proposal should therefore be assessed under the tilted balance in accordance with Paragraph 11 of the NPPF, and is considered below in Section 3.
- 2.21 The evidence that underpins the emerging WLP is also now within question because on the 17 November 2025 the WLP Inspectors postponed the hearing sessions scheduled for December 2025 due to a number of concerns in relation to the “Sustainability Appraisal, Habitats Regulations Assessment, housing need and the housing requirement, and employment land, together with the plan period”. The timetable of the WLP, and indeed its ability to be found sound, is therefore currently unclear until further work is undertaken by the Council. The most recent

letter from the WLP Inspectors on the 22 December 2025 indicates that there is at this stage “sufficient prospect that the existing legal compliance and soundness deficiencies we have identified could be overcome”, however this would result in the plan period being extended, housing need being re-calculated as it is currently out of date, and housing redistributed between the Housing Market Areas, all of which will result in a significant uplift in housing need within the Neighbourhood Plan Area. A copy of the WLP Inspectors letters can be seen at Appendix D.

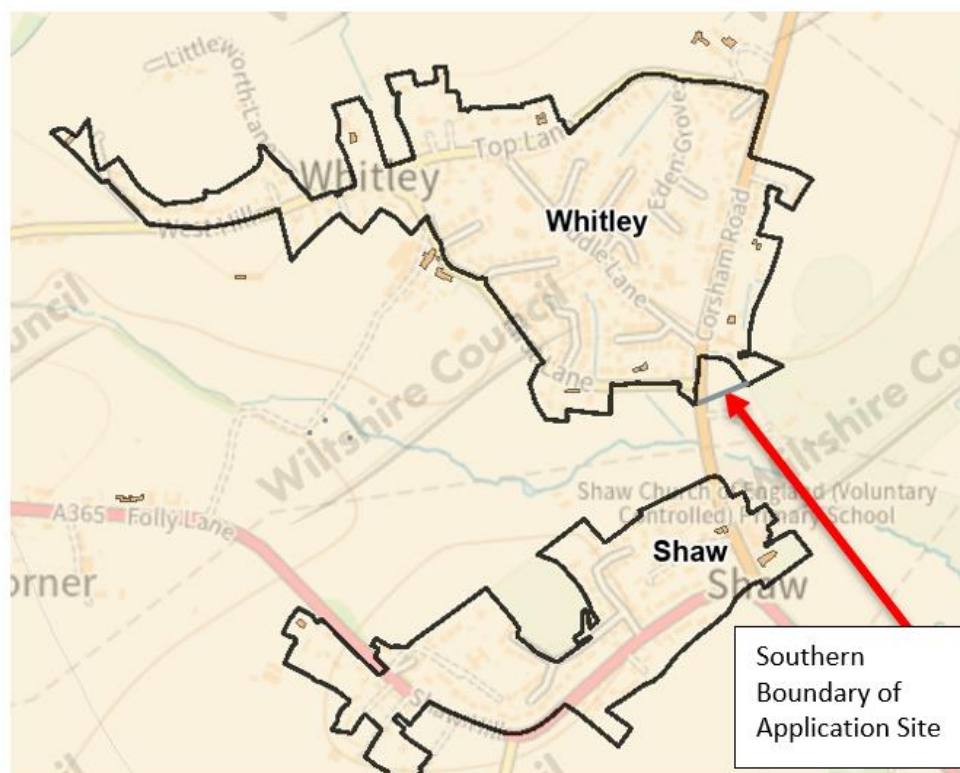
- 2.22 It is clear that the local housing requirement identified as part of the WLP evidence base is out of date and is set to rise, and the JMNP2 does not itself meet the identified level of need at Whitley and Shaw, and the fact that there has now been an 84% uplift in the level of local housing need as a result of the revised NPPF is a significant material planning consideration. Furthermore, the housing requirement identified within the current and emerging Local Plan is not an upper limit and is not a restriction on further sustainable development, but it is clear that the housing figures within the Local Plan are now out of date and need to be significantly increased. The development currently proposed will help meet the local housing need and more strategically will contribute towards the Council's current housing supply shortfall.

Reason for Refusal 2a: Impact on Landscape Character

- 2.23 The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscape and recognising the intrinsic character and beauty of the countryside (paragraph 187). These objectives are reinforced within Core Policy 51 of the WCS which seeks to ensure new developments do not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.
- 2.24 The appeal site is not a valued landscape and the Council does not raise any concerns with the impact of the appeal proposal on landscape character per se. The Council objects to the principle of development on

landscape grounds because it would be within the designated green buffer between Whitley and Shaw. The Council's Delegated Report notes that "Whilst it noted that the proposal does not seek the entire development of the parcel of land within the applicant's ownership, the proposal would result in a material erosion of the important green buffer, that provides a positive function in terms of safeguarding and distinguishing the identities of the Whitley and Shaw as distinct village contrary to CP51 of the adopted WCS and Policy 19 of the made JMNP2".

- 2.25 It is recognised that the JMNP2, through Policy 19 'Separation of Settlements', seeks to ensure individual settlements retain their character and identify and prevent the coalescence of settlements, including Whitley and Shaw. The southern boundary of the appeal site has therefore been carefully drawn to ensure the villages does not encroach further south towards Shaw, as shown on the map below. The layout of the development will respect the separation distance and landscape between both settlements and provides an opportunity to further strengthen the southern boundary through further landscaping.



Local Plan Policies

- 2.26 Policy 19 does not impose a blanket ban on development within the designated green buffer area, it states that development proposal should deliver economic, community and/or environmental benefits which would outweigh any harm to the role and function of the area between the two settlements, and minimise and mitigate their impacts through good design and enhance soft landscaping.
- 2.27 The extent of the appeal site has been carefully considered and drawn to ensure the development is well related to the established built environment, and does not encroach further south than the existing built up area of the village to ensure the development would not result in an unacceptable loss or reduction to the extent or purpose of the green buffer. The site photograph and aerial view included below show how well related the appeal proposal would be to the existing built up area of the village.



Site Photograph from the South looking North



Aerial Photograph of Appeal Site

- 2.28 The appeal proposal does not pose a risk to the separate identity of settlements, which is a key consideration under Core Policy 51 of the WCS including consideration of the transition between man-made and natural landscapes at the urban fringe. A key feature of the development of the site will be new structural landscaping along the southern boundary of the site, as identified on the aerial photograph above, to define the southern edge of the settlement and ensure the scheme neatly rounds off the settlement.
- 2.28 The appeal proposal would deliver social, economic and environmental benefits as outlined within the planning balance section below. The significant weight placed on the benefits of delivering housing to meet local needs is a significant material planning consideration when considered within the context of Policy 19, and the wider planning balance. The appeal proposal seeks to establish the principle of development only, but there will be no apparent difficulty or barrier to delivering a scheme that respects the established built environment and minimises the impact of development through good design and new landscaping.
- 2.30 It is the Appellants view that the proposed development will not have any impact on the separate history, character, and identity of the Whitley and Shaw and would not conflict with the fundamental objective of the green buffer designation which is to prevent the coalescence of villages. If a contrary view was taken, it is considered that only limited weight should be placed on the conflict with Policy 19 of the LMNP2.

Reason for Refusal 2b: Agricultural Land Classification

- 2.31 In addition to protecting and enhancing valued landscape and recognising the intrinsic character and beauty of the countryside, the NPPF advises that the economic and other benefits of the best and most versatile agricultural land (BMV agricultural land) must be recognised and considered when assessing development proposals (Paragraph 187). The potential loss of BMV agricultural land is the second part of reason for refusal 2.

- 2.32 Natural England's Agricultural Land Classification (ALC) is graded from 1 to 5, with Grade 3 being split into 3a (good quality) and 3b (moderate quality). The highest grade goes to land that gives a high yield or output, has the widest range and versatility of use, produces the most consistent yield, and requires less input. BMV agricultural land is graded 1 to 3a. This is the same for planning policy purposes with the NPPF defining the "Best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification" (p.71).
- 2.33 Natural England's Regional Agricultural Land Classification Maps (South West Region – code ALC006 – 24.08.10) identifies the land as Grade 3. It should however be noted that Natural England explains that the ALC gradings are predictions and that the map (at a scale of 1:250,000) is intended for strategic planning purposes only.
- 2.34 The threshold for consulting Natural England is where development is likely to cause the loss (or likely cumulative loss) of 20ha or more of BMV land that is not in accordance with an approved development plan. The site area of the appeal scheme is significantly below this threshold, being only 0.3ha. While it is recognised that the land falls within the larger strategic Grade 3 area, the land is not actively farmed and is not part of a larger agricultural holding. Furthermore, it is considered that a proportionate approach needs to be taken considering the small size of the site and its edge of settlement location, and within the context of the appeal proposal seeking to round off the settlement to contribute towards the Council's substantial housing land supply shortfall.
- 2.35 The Council's reason for refusal on this reason does not refer to any policies, it appears to suggest it has a lack of information to take a view. It is the Appellant's view that the appeal proposal will not result in the material loss of BMV agricultural land. If a contrary view was taken it is relevant to note that the minor loss (0.3ha) of BMV agricultural land does not amount to significant development that should trigger a reason for refusal under Paragraph 187 of the NPPF.

3.0 PLANNING BALANCE

Status of the Local Plan and the 'Tilted' Balance

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal benefits from the presumption of sustainable development (Paragraph 11.d.ii of the NPPF), due to the Council's current 2.42 years housing land supply position, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.2 The Case Officer's Report considered the tilted balance and states the appeal proposal would "provide a moderate level of public benefit through the provision of up to 5 new dwellings". Furthermore, the short-term benefits from the construction phase of the development, such as job creation, carries limited weight. These benefits are offset by the stated significant plan conflicts, despite noting that Core Policies 1, 2 and 15 and Policy 6 cannot be afforded full weight. Furthermore, the conflict with the JMNP is given substantial weight in the planning balance, along with the loss of the green buffer.
- 3.3 The Council's Housing Land Supply Position and the weight to be attributed to the Spatial Strategy of the WCS was under focus at the at Glenmore Farm appeal (reference 3345598) as mentioned in the original Planning Statement. The Council did not defend the appeal due to its Housing Land Supply Position, and the Inspector stated the following within the decision notice dated 21 January 2025 :-

*"41. Aside from the emerging Local Plan, which has only just been submitted for Examination, there is no other obvious remedy to the shortfall in the short or medium term. This overall position indicates that **the development plan is failing to meet its strategic challenges**. Thus, **its settlement strategy and limits of development are not working effectively**. These policies are therefore of **limited weight**, as is the **conflict with them**." (emphasis added)*

- 3.4 In light of the above, due to the age of the WCS and the substantial shortfall in housing land supply, it is considered that limited weight should be attributed to the conflict with the Spatial Strategy of the WCS, which as noted above is not working effectively and is failing to deliver housing in a strategic plan-led way.
- 3.5 The Council's Briefing Note which was issued to outline a strategy to address its Housing Land Supply Position, and which was appended to the Planning Statement, confirms the tilted balance should be applied to housing application and highlights that "**the magnitude of the shortfall in supply is now substantial** and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply" (emphasis added). This Briefing Note was issued before the Glenmore Farm appeal decision noted above, along with many other appeal decisions which have reached the same conclusion regarding the current failure of the Local Plan to deliver housing in a strategic plan-led way.
- 3.6 The Appellant is therefore strongly of the opinion that the planning harms associated with the appeal proposal have been grossly overstated by the Council and insufficient weight attributed to the planning benefits. In terms of the benefits, the appellant is of the opinion that the provision of up to five dwellings would contribute towards the substantial deficit in the Council's five-year housing land supply is a significant benefit that should be given **significant positive weight**.
- 3.7 The development would also produce short term benefits to the construction industry and the development would also generate ongoing revenue for the Council from Council Tax etc. There will also be further modest benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development. These benefits should be given **moderate positive weight** in favour of the proposed development. The development would also deliver ecological benefits associated with the requirement to deliver 10% Biodiversity Net Gain which would be secured at the Technical Details stage.

- 3.8 In terms of the harms, the Appellant is strongly of the opinion that any conflict with Core Policies 1, 2 and 15 and Policy 6 should only be given limited weight within the planning balance. The WCS is failing to deliver housing in a strategic plan-led way and the JMNP2 does not contain sufficient allocations to meet its housing need at Whitley and Shaw. It is also important to recognise that the site is within an accessible location benefiting from good bus services to wider services and facilities in surrounding higher tier settlements. The site is well contained, and development would not result in any site specific harms, or to the wider environment that cannot be adequately mitigated. This conclusion must of course be considered within the context of the green buffer policy and the loss of a small area of agricultural land which the Council object to in principle. However, the appeal proposal can be sympathetically designed and delivered as noted above without undermining the objective of the green buffer policy which is to prevent coalescence and protect the separate identity and character of these settlement. It is asserted that only limited weight should be placed on any policy conflict.
- 3.9 It is understood the Council seeks to ensure new development contributes towards the achievement of sustainable development which should be done in a plan led-approach. This objective is clear and understood, however the NPPF clearly indicates that decisions should also take local circumstances into account, to reflect the character, needs and opportunities of each area, and critically, be determined in accordance with the development plan, unless material considerations indicate otherwise. There are therefore clear local circumstances and material planning considerations in this appeal case that indicate the PiP should be granted as outlined above.
- 3.10 The proposed development would contribute towards the Government's aim of significantly boosting the supply of homes and it is considered that when assessing the overall tilted balance, which includes regard to the key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places, there would be no adverse impacts that stem from the development that would

significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The **moderate to substantial benefits** that weight in favour of the proposed development outweigh the **limited harm** associated with the lack of a plan-led approach and loss of a small piece of agricultural land which is designated as part of the wider green buffer area.

- 3.11 The contribution made by the approval of minor developments and single dwellings throughout the Wiltshire Council area towards addressing housing need should not be underestimated and now has greater importance considering the Council's substantial housing land supply deficit and the Government's objective to radically boost the supply of housing, as identified by the Council within the aforementioned Briefing Note. The contribution made by windfall developments is also an inherent part of the overall housing supply strategy.
- 3.12 It is also important to note that the Council's own strategy has been said to "Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated". This was outlined within its Briefing Note on '5 Year Housing Land Supply and Housing Delivery Test' (No.22-09 /April 2022).
- 3.13 The document advised at a time when the Council had a modest Housing Land Supply shortfall that it should positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated. Thus, a breach of the settlement boundary alone does not preclude development. The Council's Housing Land Supply shortfall is now substantial. It is therefore considered that PiP should have been granted in line with the Council's own strategy to address its five year HLS shortfall.

4.0 CONCLUSIONS

- 4.1 The appeal proposal seeks 'permission in principle consent' to erect up to five dwellings on land to the south of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF
- 4.2 The Council is of the option that there is conflict with the Spatial Strategy of the Local Plan and therefore object in principle due to the location of the development outside, but adjoining, the defined limits of development, and within an area designated as a green buffer between Whitley and Shaw.
- 4.3 The Planning Inspectorate has however found that the Local Plan is failing to meet its strategic challenges, and its settlement strategy and limits of development are not working effectively. As a result, these policies are therefore of limited weight, as is the conflict with them. Furthermore, the Council had clearly stated that magnitude of the shortfall in Housing Land Supply is now substantial and the weight to be given to improving housing supply greater compared to when the Council had a more marginal supply.
- 4.4 The proposal would contribute towards the Government's objective of significantly boosting the supply of homes and would contribute towards the Council's own strategy to address its housing land supply shortfall. The appeal site is within easy reach of local services and facilities via sustainable modes of transport thus making it a suitable and sustainable location for development. Substantial weight should be given to the provision of housing, bearing in mind too that even the stated annual target, which the Council is far from reaching, is not a ceiling.
- 4.5 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal benefits from the presumption of sustainable development (Paragraph 11.d.ii of the NPPF), due to the Council's current 2.42 years housing land supply position, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 4.6 The proposed development would deliver both social and economic benefits and there would be no planning harms, apart from the speculative nature of the application, which the Council considers would not align with the plan-led approach as outlined within the Wiltshire Core Strategy and Joint Melksham Neighbourhood Plan 2, and the loss of agricultural land within the green buffer zone. However, due to the age of the Local Plan and the Council's substantial housing land supply shortfall the weight to be given to the harm is limited, including the landscape harm due to the ability of the appeal proposal to round off the settlement. It is considered that moderate to significant weight should be placed on the benefits of the proposed development and therefore any limited adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
- 4.7 In the light of this statement, the Inspector is respectfully requested to allow the appeal.



The Town and Country Planning Act 1990 The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Refusal of Permission in Principle

Application Reference Number: PL/2025/08613

Decision Date: 10/12/2025

Applicant:	Mr Tom Nicholas 1 Queenfield Farm, Lower Woodrow, Melksham, Wiltshire, SN12 7RA
Particulars of Development:	Permission in Principle for the Erection of up to 5 Dwellings
At:	Land South of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF

In pursuance of their powers under the above Act, the Council hereby REFUSE Permission in Principle for the development referred to in the above application and plan submitted by you, for the following reason(s):

Refusal Reason

- 1 The development as proposed, would materially conflict with the Council's strategic core policies CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy, by virtue of the site not being allocated for housing and being located outside settlement limits, as well as significantly and demonstrably conflicting with the Joint Melksham Neighbourhood Plan 2 2020-2038, which allocates other land for housing (as made on 4 August 2025) and that the benefits of the development would not outweigh the aforesaid Plan conflicts and that the application is hereby refused in full compliance with the National Planning Policy Framework paragraph 14.

Refusal Reason

- 2 The proposal to erect up to 5 dwellings with its associated infrastructure on the identified site would materially erode a green buffer that is important to and distinguishes the villages of Whitley and Shaw. The proposed site, being outside the defined settlement limits of Whitley and Shaw, would adversely affect the character and appearance of the local area through the urbanisation of this green buffer, which is considered important to preserve the individual village identities. The proposal is contrary to Core Policy 51 of the adopted WCS and Policy 19 of the made Joint Melksham Neighbourhood Plan 2 2020-2038, which

requires proposals to conserve and respect the separate identity of these village settlements.

The applicant has also failed to evidence the site's agricultural land classification (by soil sampling) and as such, the Council cannot verify whether the proposal would result in the loss of 'best and most versatile' agricultural land.

Nic Thomas - Director of Planning, Economy and Regeneration

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: <http://www.planningportal.gov.uk/planning/appeals>.

Appeals must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.

APPLICATION FOR PERMISSION IN PRINCIPLE CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/08613
APPLICATION TYPE:	Permission in Principle
SITE ADDRESS:	Land South of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF
DEVELOPMENT DESCRIPTION:	Permission in Principle for the Erection of up to 5 Dwellings
RECOMMENDATION:	REFUSE

SITE DESCRIPTION/CONTEXT:

The subject site is located to the south-east of Whitley (a large village with reference to the CP15 of the adopted Wiltshire Core Strategy) and forms a parcel of undeveloped open countryside accessed off the B3353 road.

The application site is located outside the defined settlement boundary for Whitley (as depicted by the solid black line in the extract below from the Council's mapping system), but the site does border the settlement boundary to the north and east. Whitley Golf Club is located to the east of the site and a public right of way (a footpath), reference MELW84 runs across the north of the site.

The application site is not mapped on Defra's [Magic Map Application](#) in terms of setting out what the Agricultural Land Classification (ALC) is. The Council's mapping system (which is not based on soil sampling evidence) i9ndicatively shows the site to be Grade 3, as illustrated in the extract below. It is also important to note that the Council's mapping system does not differentiate between Grade 3a (which falls within the definition of 'best and most versatile' agricultural land) and Grade 3b.

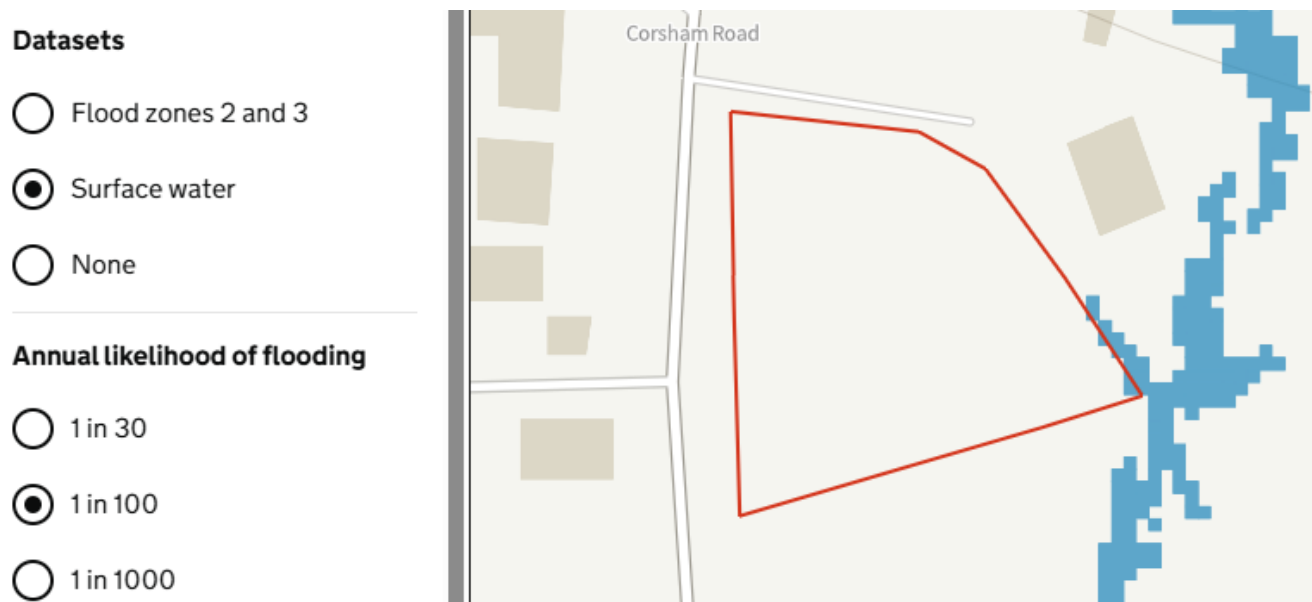


The subject site is located outside the settlement limits of Whitley and forms part of a recognised green buffer that separates and distinguishes the villages of Whitley and Shaw.

Section 2.2 of the applicant's submitted Planning Statement argues that site "covers an area of circa. 0.3ha of land which is proposed to be developed. The site is not covered by any local or national landscape or ecological designation, or any site specific constraints from a planning perspective. The site is level and can be accessed via the B3353 Corsham Road".

The Council's mapping system confirms that the subject site does not fall within any local or national ecological or landscape designations.

The application site has been screened on the Council's Strategic Flood Risk Assessment (SFRA) map and the Environment Agency's Flood Map for Planning and is shown to be at low risk of flooding from fluvial or groundwater flooding, with only the southeasternmost corner of the site to be impacted by surface water flooding, as illustrated in the extract below taken from [Map – Flood map for planning – GOV.UK](#):



Based on this mapping, officers submit that the site is not considered to be at high risk of flooding.

PROPOSAL:

This Permission in Principle (PiP) application seeks to erect up to five detached dwellings on the subject site, to be served by a new vehicular access from the B3353 Corsham Road. Section 3.3 of the submitted Planning Statement states that it would be in the intention *“to provide two storey dwellings of a scale and layout that respect the pattern of the established built environment.”*

As this appeal relates to a Stage 1 PiP application, the submitted information is limited to a planning statement, a completed application form and location plan.

As set out within Paragraph: 001 Reference ID: 58-001-20180615 of the Planning Practice Guidance (PPG) the *“permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed”*.

In addition to the above, Paragraph: 012 Reference ID: 58-012-20180615 of the PPG is clear that the *“scope of permission in principle is limited to **location, land use and amount of development**. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage”*, emphasis added by officers.

Therefore, only the principle of the development can be assessed in this instance.

PLANNING HISTORY: The following application is considered to have some material relevance to this PIP application:

16/11951/FUL - Erection of one self-build 3-bed dwelling – This application was presented to members of the Western Area Planning Committee in April 2017 and was refused on the following grounds:

- 1 The proposal is outside of the settlement boundary for Whitley and has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), Housing Site Allocations DPD or Neighbourhood Plan. The development fails to meet any of the special circumstances for the creation of additional residential units in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. The proposal fails to promote a sustainable pattern of development and is contrary to Core Policies 1, 2, 15, 51, 57, 60 & 61 of the Wiltshire Core Strategy.*
- 2 The proposed development would constitute as unwarranted encroachment of residential development onto agricultural land which lies outside of any defined development limits in the open countryside and in an established gap between two settlements, without any justification. This would result in the erosion of the separate identity of the countryside and harm the character and appearance of the area in an area where there is a general presumption against development. The proposal is therefore contrary to Core Policies 1 and 51 of the Wiltshire Core Strategy and Paragraph 17 of the National Planning Policy Framework which seek to preserve the intrinsic character of the countryside.*
- 3 The proposed development would, by reason of its scale, appearance, siting, plot size, result in an incongruous development that does not respect the existing character and appearance of the area or the existing pattern of development contrary to Core Policy 57. It would also represent an inefficient use of land contrary to Core Policy 57.*

The Council's decision to refuse planning permission was appealed by the applicant (under reference APP/Y3940/W/17/3185863), and the appointed Inspector dismissed the appeal, concluding:

“that the location of the proposed development would not be suitable, having regard to its position outside of settlement development limits and its effect on the character and appearance of the area. Conflict would therefore arise with Core Policies 1, 2 and 15, which all direct development within defined settlement limits. The proposal would also run contrary to Core Policy 51 and 57, which, amongst other things, seek to conserve the separate identity of settlements, and ensure development is complementary to the locality.”

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Context: National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

The development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Local Context: The Wiltshire Core Strategy (WCS) adopted 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP15 - Spatial Strategy: Melksham Community Area; CP50 - Biodiversity and Geodiversity; CP51 - Landscape; CP57 - Ensuring High-Quality Design and Place Shaping; CP60 - Sustainable Transport; CP61 - Transport and New Development; CP64 - Demand Management

Saved policies of the West Wiltshire District Plan (1st Alteration) adopted June 2004: U1a Foul Water Disposal

The 'made' Joint Melksham Neighbourhood Plan 2 (JMNP2) 2020-2038, formally made on 4 August 2025

Wiltshire Council Local Transport Plan 2011-2026 (LTP3) and Local Transport Plan 2025-2038 (LTP4);

Wiltshire Council Housing Land Supply Statement (using base date April 2024) published in June 2025.

Wiltshire Design Guide, adopted April 2024

Emerging Wiltshire Local Plan (WLP) Policies: Policy 1: Settlement Strategy; Policy 2: Delivery Strategy; Policy 3: Reserve sites and broad locations for growth; Policy 4: Addressing climate change; Policy 5: Securing infrastructure provision from new development; Policies 6-20: Chippenham Area Strategy; Policies 70 – 75: Transport and development; Policies 76 – 84: Social, housing, community, public open space and wellbeing; Policies 80– 101: Sustainability, ecology, water and landscape, heritage, air quality

The above reflects the strategic policies set out within the emerging WLP, and it should be noted that at the time of determining this PIP, the examination of the emerging WLP has been paused by the local plan examiners.

In accordance with the advice set out in paragraph 49 of the NPPF, the emerging WLP is however capable of carrying some weight in decision-making. It is important to mention that the WLP has reached Reg 24 stage, and the examination hearing sessions are set to be programmed for 2026.

KEY ISSUES: Principle of the development pursuant to location, land use and the amount of proposed development

CONSULTATION RESPONSES

Councillor Phil Alford: Unitary ward Cllr, Phil Alford requested that should officers be minded to recommend the application for approval, due to concerns relating to: the scale of the development; visual impact on the surrounding area; relationship to adjoining properties; design of the proposal; environmental/highway impact; and car parking, it should be reported to the western area planning committee for cllr determination.. Cllr Alford also commented that the application “*sits outside the made Neighbourhood Plan*”.

Melksham Without Parish Council: Objects to the application as follows:

- Not an allocated site in the Melksham Joint Neighbourhood Plan 2
- Not the role of the Melksham JMNP2 to fulfil the housing land supply deficit
- The JMNP2 allocates enough housing
- Conflict with CP1, CP2, CP15 and paragraph 14 of the NPPF

- Outside the settlement boundary
- Coalescence of Whitley and Shaw and therefore conflict with Policy 19 of JMNP2
- Surface water flooding concerns

Wiltshire Council Highways Department: Objects *"The site is located outside of the settlement policy boundary. The proposal is therefore, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 104, 105, 110 & 112 of the National Planning Policy Framework 2021, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternative in order to promote a sustainable pattern of development. In view of the above, I would not support such development."*

Wiltshire Council Rights of Way: No objections

REPRESENTATIONS:

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of a site notice displayed near the site, which was issued to the applicant.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

Third-party Representations:

A total of 17 representations have been received on the application, with 1 in support and 16 representations raising the following summarised objections:

- Erosion of the green rural gap
- It is not an allocated site in the Melksham Neighbourhood Plan
- Conflict with the made neighbourhood plan
- The neighbourhood plan was made through a democratic referendum, and approving this site would undermine this
- The site is outside the defined limits of development
- Rural gaps are needed to separate the villages and the town and to prevent them from merging
- Donation requested towards the local community
- Access and visibility are poor
- Traffic and parking are already a problem
- Surface water issues
- The majority of the nearby homes are bungalows
- The proposed two-storey buildings would dominate the existing dwellings
- Previous application on this site from 2016 was refused

One letter of support was received that argued the proposal would *"fit in nicely with the village and a good use of the land"*.

ASSESSMENT:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of the Development:

As set out in paragraph 012 of the PPG, the matters to be considered when determining a 'permission in principle' application are limited to location, land use and the amount of development. This application relates to the construction of up to 5 dwellings on a parcel of agricultural land located outside any defined settlement boundary to the south of Whitley.

In assessing the appealed development against the spatial strategy set out within the adopted WCS, CP1 'Settlement Strategy' and CP2 'Delivery Strategy' of the adopted WCS outline the Council's settlement hierarchy and identify the settlements where sustainable residential development should take place.

Whitley and Shaw are identified in CP15 of the adopted WCS as being a 'Large Village', to which the WCS CP1 defines such settlements having a *"limited range of employment, services and facilities"*.

The application site is located outside of the defined limits of development for the village of Whitley and thus is considered to be located in the open countryside.

WCS policy CP2 sets out the delivery strategy, which aims to deliver development in the most sustainable manner through directing new housing growth to the defined settlements, as well as through neighbourhood plans and site allocation plans.

Policy CP2 of the adopted WCS is also clear that, other than in *"circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans"*. This proposal is not considered to satisfy any of the 'exception policies' listed in paragraph 4.25, which comprise:

- Additional employment land (CP34)
- Military establishments (CP37)
- Development related to tourism (CP39 and CP40)
- Rural exception sites (CP44)
- Specialist accommodation provision (CP46 and CP47); and development that
- Supports rural life (CP48)

In addition to the above, Policy 6 of the made JMNP2 'Housing at Defined Settlements' states that *"proposals for sustainable housing accommodated through development and redevelopment opportunities within existing settlement boundaries of the Plan area will be supported"* and continues in point 2 that housing proposals *"outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need"*. This application is considered to be in conflict with CP2 and CP15 of the adopted WCS, and Policy 6 of the made JMNP2, as the application site is located outside the defined settlement boundary for the large village, with none of the above-listed

exception policies applying to this proposal, and no evidence of local housing need has been provided to justify the development in this particular location.

This particular site has not been included as an allocated site within the recently made JMNP2 or the emerging WLP, and the limits of development have not been altered to include this site.

The applicants planning statement argues that the *“NP Site Assessment Report by AECOM...states the site is unconstrained with no landscape or biodiversity designations”*.

However, the AECOM Joint Melksham Neighbourhood Plan Site Options and Assessment 2023, only graded this site (reference 3246) as ‘potentially suitable’ not as ‘suitable’.

The AECOM report acknowledges that the site could potentially be suitable for residential development, due to it being adjacent to the existing settlement boundary for Whitley, with the site being located close to existing bus stops and local services in Shaw and Whitley, and with the site also being connected to a pedestrian network. However, the report acknowledged that the site contributes to the rural separation of the two villages, stating that development of this site poses a *“risk of coalescence of Shaw and Whitey with some impacts on the local landscape character”* with the southern section of the site contributing *“to the rural separation of the two settlements and should remain relatively open in character.”*

At present Whitley does not have a clear southern settlement edge to the east of Corsham Road. Existing mature trees along the site’s southern boundary could potentially help soften the settlement edge and support the rural transition of Whitley to the open countryside. Any potential mitigation landscape buffers should consider how they may support the local green infrastructure network. The site falls under the recommended Green Wedge between Whitely and Shaw (Location 1) of the JMNP Green Gap and Green Wedge Assessment 2023”.

This particular matter is appraised later in this report.

The AECOM also recognises that the development of this site *“may lead to the loss of the Best and Most Versatile Agricultural Land subject to detailed surveys (Grade 3)”*, as identified above, and since the application has not been accompanied by any scientific soil sampling assessment or evidence to confirm and verify what the true ALC of the site is, this is a fundamental failing of the application.

It is important to record that Paragraph 187 of the NPPF states that local planning authorities should contribute to and enhance BMV land. Development on such land is unsupported unless it can be clearly demonstrated that the benefits of a proposal outweigh the loss of productive agricultural land, or evidence is provided that robustly confirms what the true ALC is and concludes that the site is not BMV.

Paragraph 187b of the NPPF requires planning decisions to recognise the *“intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”* and to protect such land from unnecessary development.

The Council has not been provided with any evidence to verify the ALC of the site, and therefore it cannot be confirmed at this stage whether the proposal would result in the loss of BMV land or not. This is a failing of the application.

The application site was not selected as a preferred housing allocation in the JMNP2 and nor is identified for housing development in the emerging WLP.

Therefore, developing this site for housing would clearly conflict with the plan-led approach to sustainable development.

In addition to the above, CP60 and CP61 of the WCS seek to promote sustainable development through the reduction on the reliance of private vehicles by encouraging the sustainable and safe movement of people within Wiltshire.

The Council's highways officer has noted in their consultation response that occupiers of the proposed dwellings would have reliance on the use of private vehicles to access necessary employment, services and facilities due to the site being located outside the settlement boundary.

This matter is discussed further in this report; however, the proximity of the application site to existing residential properties and bus stops from which services to Bath city centre, Corsham, Devizes, Melksham and Trowbridge operate is duly noted. On this basis, no conflict with CP60 and CP61 has been found by the Council's planning officers.

To conclude, whilst the application site is adjacent to the existing settlement boundary, the application site itself falls entirely outside the defined limits of development for Whitley, and such development for market housing is considered to be unacceptable in principle and contrary to the CP1, CP2 and CP15 of the adopted WCS and Policy 6 of the made JMNP2. Furthermore, the application site has not been included within a site allocation in the made JMNP2, nor does the proposed development fall within any of the exception policies listed in the WCS which permit housing outside the settlement boundary in certain specific circumstances.

Housing Land Supply Statement:

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 and regularly update a supply of specific deliverable sites sufficient to provide a housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply).

The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include WCS CP2) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Case law however has established that it is down to the planning judgement for the decision maker to decide what weight to afford to policies within a plan that is considered not up to date.

This application has been assessed against the Dec 2024 iteration of the NPPF and the most up-to-date PPG (including the Local Housing Need calculation), and Housing Delivery Test results.

The Council published its current Housing Land Supply Statement in the summer of 2025 with a April 2024 base date): <http://www.wiltshire.gov.uk/planning-policy-monitoring-evidence>. This Statement forms the basis for the Council's housing land supply position for decision-taking purposes. Notably:

- This was the Council's first Housing Land Supply Statement released since the December 2024 changes to the NPPF. These changes required councils to now demonstrate a five-year housing land supply in all circumstances, have reintroduced the need to include a buffer on the housing requirement, and introduced a revised method for calculating the Local Housing Need.

- The housing land supply position for Wiltshire is **2.42 years**. This is below the five-year housing land supply required by the NPPF. This indicates that the presumption in favour of sustainable development (“tilted balance”) applies in decision-taking of planning applications and appeals.
- The latest Housing Delivery Test results (which measure housing delivery over the past three years) shows that the Council has performed well in the level of housing delivery in Wiltshire. The latest results indicate that the Council have achieved **135%** of its housing requirement in the past three-year period – this requires that only a 5% buffer should be added to the housing requirement in the calculation.
- The housing land supply position used in the operation of NPPF paragraph 78 is calculated at a unitary authority level. However, the Statement also includes details of housing delivery and supply assessed against the indicative housing requirements set out in the adopted WCS provide more localised evidence of delivery and supply which can also be used in the decision-taking exercise.
- The housing land supply is made up of qualifying permissions and resolutions to grant, and allocations from saved district Local Plans, Wiltshire Core Strategy, Chippenham Site Allocations Plan, Wiltshire Housing Site Allocations Plan, and made Neighbourhood Plans.
- The presumption in favour of sustainable development (‘tilted balance’) set out in paragraph 11(d) continues to apply for Wiltshire, where relevant. This paragraph has been amended to adjust the circumstances under which protection policies set out in footnote 7 apply, and when particular regard must be had to certain policies set out in footnote 9.
- The implications of the housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications. The extent of the housing land supply shortfall and how it has arisen, the actions being taken to recover the shortfall, and the potential for the proposal to deliver housing in the forthcoming five-year period to help remedy the current shortfall should also be taken into account in the balancing exercise. Following the December 2024 changes, the extent of the housing land supply shortfall has changed significantly, and the council currently has a shortfall in its housing land supply position. This should be taken into account in the balancing exercise.
- The presumption in favour of sustainable development does not mean that all applications for housing should be permitted. However, it does mean that the most important policies (which are likely to include CP2 of the WCS in relation to settlement boundaries and housing requirements, and the relevant Community Area Strategy policy in Core Policies 4 - 33) should not have full weight applied to them in the decision-making exercise. The weight to be attributed to such policies is however a matter of judgement for the decision maker.
- Applications where the adverse impacts would significantly and demonstrably outweigh the benefits can, and should, still be refused. The shortage of a sufficient housing land supply is a material consideration in the decision-taking exercise but this, in itself, does not indicate that all housing applications should be granted permission.
- The annualised housing supply requirement for Wiltshire changed following the December 2024 Government revisions as set out below:

Number of homes per annum under previous Local Housing Need calculation ² .	Number of homes per annum under revised Local Housing Need calculation.	Percentage change
1,917	3,525	+84%

As set out in paragraph 11d) of the NPPF, planning permission should be granted for new housing unless i) the application of policies in the Framework that protect areas or assets of particular importance detailed in Footnote 7 provides a strong reason for refusing the development proposed or ii) any adverse impacts of doing so would *"significantly and demonstrably outweigh the benefits"*.

In applying the tilted balance, regard must also be given to paragraph 14, in light of the recently made JMNP2. Paragraph 13 of the NPPF is clear that the *"application of the presumption has implications for the way communities engage in neighbourhood planning"*, with neighbourhood plans supporting the delivery of strategic policies contained in local plans or spatial development strategies to *"shape and direct development that is outside of these strategic policies"*.

The NPPF continues in Paragraph 14 by clearly stating that in *"situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply (officer emphasis added)*

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)"*

The JMNP2 was formally made in August 2025 and therefore paragraph 14 of the NPPF is engaged and part 14a is satisfied. With regards to paragraph 14b, the Council robustly argue that JMNP2 includes policies and dedicated allocations to satisfy the areas identified housing requirement. As the JMNP2 has been recently made, and was subject to examination, the plan has been based on the latest evidence base.

It is also worthy of noting that the JMNP2 was described by the Independent Examiner in their report dated May 2025 as being

"an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date. It includes a variety of policies and identifies positive and sustainable development. It addresses housing delivery in the Plan period".

On the basis of the above, officers robustly argue that paragraph 14b of the NPPF is satisfied.

Paragraph 15 of the NPPF makes it very clear that the *"planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings"*.

The JNMP2 sets out to achieve this, and allowing this PIP proposal contrary to the plan-led approach would undermine the neighbourhood plan-making process and the plan-led approach to sustainable development, contrary to the NPPF.

Given that the site is not allocated for housing and lies outside the village's defined development limits, the proposal would result in a significant and demonstrable conflict with the JMNP2, which identifies five alternative housing site allocations under Policies 7.1–7.5 of the made plan. Consequently, the limited benefits that would arise from this proposed scheme would not outweigh these conflicts. The application shall therefore be refused, not only due to the identified conflict with CP1, CP2 and CP15 of the adopted WCS and Policy 6 of the JMNP2, but also in accordance with paragraph 14 of the NPPF, which safeguards communities that have proactively planned for growth by ensuring they retain control over where development takes place.

Impact on the Character and Appearance of the Area and wider Landscape:

Policy CP51 of the WCS states that developments “*should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures*” and continues in criterion iii that proposals would need to demonstrate that the landscape character has been conserved and where possible enhanced to preserve the “*separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe*”.

The application site is considered to be located on a green buffer, which is located outside the settlement boundary in open countryside, and contributes towards preventing the coalescence of Whitley with Shaw and neighbouring settlements. This green buffer contributes towards the separation of the villages, and the erosion of this would adversely affect the character and appearance of the local area through the development and urbanisation of this green buffer as a result of the proposed development.

Policy 19 of the JNMP2 seeks to protect the rural setting of existing settlements and the “*countryside gaps across the Plan area*”, an extract of which is provided below:

Policy 19: Separation of Settlements 1. Development proposals should respect the separation between the following settlements: • Whitley and Shaw; • Shaw and Melksham; • Beanacre and Melksham; and • Berryfield and Semington. 2. Proposals for development between the settlements listed above should: a. be in conformity with development plan policies; b. demonstrate that they would deliver economic, community and/or environmental benefits which would outweigh any harm to the role and function of the area between the two settlements (individually or cumulatively) as set out in section 1 of this policy, and as detailed in the Green Gap and Wedge Study (2023);	c. minimise and mitigate their urbanising effects, such as artificial lighting and traffic movements; and d. where practicable, retain trees and hedgerows and, as appropriate to their scale and nature, incorporate additional screening trees and hedgerows as edge features to minimise the impact of development on the separation of the settlements concerned. Development proposals which would result in the loss of, or an unacceptable reduction of the contribution which it makes to the separation of the settlements concerned will not be supported.
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The Planning Committee Report pursuant to the refused 16/11951/FUL application for 1 dwelling, included the following appraisal:

It is considered that the development of this site would erode the visual gap between the settlements and would have an adverse impact on the character and appearance of the area. Views from the PROW to the north of the site would be significantly altered as it would be bounded to the south by domestic curtilage rather than the open countryside. The applicants have not considered landscape impact in the submitted Planning Statement or Design and Access Statement which considered a fundamental flaw within the submission.

As outlined above, it is considered that the proposed development would represent an unacceptable and incongruous encroachment into the open country side and would result in an unacceptable erosion of the open countryside between the separate settlements of the Whitley and Shaw which would have an adverse impact on the character and appearance of the area contrary to Core Policy 51 and 57 of the Wiltshire Core Strategy.

The appointed appeal Inspector, in their assessment, as detailed in the Appeal Decision (reference APP/Y3940/W/17/3185863), concluded the following which remains relevant today:

5. The appeal site occupies approximately half of a flat, triangular-shaped portion of agricultural land that is characteristically open, laid to rough grass with mature hedgerow boundaries. This land physically and visually separates the individual settlements of Shaw and Whitley. While it is possible to see surrounding development from it, the site's verdant, undeveloped characteristics create a green 'buffer', which ensures the identities of each settlement remains distinct. Moreover, even with a more marked continuation of built form on the other side of Corsham Road, the appeal site help to synthese the transition from the built-up edges of the settlement into the countryside beyond.

6. There is notable variety in building ages, scales and styles locally. I therefore do not consider that neither the two-storey height nor the detailed design of the proposed dwelling would be harmful per se. Nevertheless, the introduction of a detached, three-bedroomed dwelling on the site would fundamentally diminish its softer, open and verdant characteristics. Although some of the intervening land would be left undeveloped, the proposal would nevertheless interpose domestic built form, resulting in a discernible encroachment into it. Rather than 'round off' the settlement, the development would result in an incremental, harmful extension of the urban edge into the open countryside.

7. Contributing to a gradual yet tangible loss of the green 'buffer' that distinguishes Whitley and Shaw, the proposal would also result in a harmful degree of coalescence between the two settlements. Given the site's location just off Corsham Road, the harm would be obvious from the main route, as well as from the adjacent Public Rights of Way.

It is recognised that the site still serves as a valuable green buffer that helps separate settlements. The proposed development of this buffer, involving the construction of up to five dwellings and related access, on-site car parking provision, and domestic paraphernalia, would significantly erode this green buffer through its urbanisation and the expansion of the urban edge into open countryside.

The applicant's submitted planning statement argues that:

Policy 19 'Separation of Settlements' seeks to ensure that new development proposals therefore respect the separation between settlements, including Whitley and Shaw. The southern boundary of the application site has been carefully drawn to ensure the villages does not encroach further south towards Shaw... The layout of the development will respect the separation distance and landscape between both

settlements and provides an opportunity to further strengthen the southern boundary through further landscaping.

Whilst it noted that the proposal does not seek the entire development of the parcel of land within the applicant's ownership, the proposal would result in a material erosion of the important green buffer, that provides a positive function in terms of safeguarding and distinguishing the identities of the Whitley and Shaw as distinct village contrary to CP51 of the adopted WCS and Policy 19 of the made JMNP2.

Highways Matters:

The site is located outside the defined settlement boundary for Whitley and as such, is located in open countryside when assessed against the adopted WCS.

Whitley and nearby Shaw do have some local services and facilities that are accessible and within walking distance of the application site. This includes Shaw's Church of England Primary School, which is a c. 4-minute walk south of the subject site, the Pear Tree Inn, which is located a c. 11-minute walk from the application site and Whitley Stores Community Shop, an approximately 10-minute walk from the site.

As previously mentioned, there are bus stops along Corsham Road (c.1 minute walk from the application site) from which services to other settlements operate, thus connecting the application site to Melksham, Chippenham, Trowbridge, Bath and Devizes, at least during weekdays.

Whilst it is appreciated that the application site is located outside of the settlement boundary, it is not considered that future residents of the site would suffer from any less access to services or be any more likely to rely on the use of a private vehicle to travel to services, facilities and amenities compared to the existing residents of nearby properties located within the settlement.

Furthermore, despite dismissing the appealed 16/11951/FUL application (APP/Y3940/W/17/3185863) the appointed inspector did not identify conflict with CP60 and CP61 of the adopted WCS, quoting in paragraph 10 that

"There are some policies within the development plan that would not be breached by the proposal; including those that encourage locating development where it would reducing the need to travel by private car" and officers do not identify such conflict for this PIP proposal.

PLANNING BALANCE AND CONCLUSION:

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

For this application, the Council is limited to assessing appraise the location, land use and amount of development as part of this permission in principle submission.

For the reasons identified above, the proposed development is not considered to be acceptable in principle, due to the site being located outside of a defined settlement boundary, with Melksham having a recently made a joint neighbourhood plan, which identifies several sustainable and suitable sites for housing growth to meet local needs.

With both paragraphs 11d and 14 of the NPPF engaged, officers have carefully considered the benefits of the proposal and have concluded that approving this development would give rise to harm that would significantly and demonstrably outweigh the benefits of the proposal.

The proposal would landscape harm through the erosion of the green buffer and the urbanisation of this underdeveloped green gap between settlements.

The lack of identified mitigation and enhancement measures to demonstrate how the proposal would respect the separation of Whitley and Shaw, conflicts with CP51 of the adopted WCS and Policy 19 of the JMNP2.

The Council duly acknowledges that it cannot, at present, demonstrate a 5-year housing land supply, with the current position being a 2.42 year supply of housing, which demonstrates a significant shortfall. With this in mind, the PIP proposal would provide a moderate level of public benefit through the provision of up to 5 new dwellings. It is also appreciated that there would be some short-term benefits from the construction phase of the development, such as job creation, which carries limited weight.

Turning to the adverse impacts/harms, the proposal fails to comply with the development plan as a whole, given the policy conflict with CP1, CP2 and CP15 of the Wiltshire Core Strategy, and Policy 6 of the Neighbourhood Plan. By reason of the site being located outside the limits of development, the conflict with these policies cannot be afforded full weight by virtue of the housing land supply deficit, but the Plan conflicts nevertheless are significant.

In light of the JMNP2 being recently made, which allocates several sites for housing over its plan period, approving this development contrary to NPPF paragraph 14, would undermine the neighbourhood planning process and would demonstrably outweigh its benefits in delivering a community-led approach to shaping local communities. This must be given substantial weight in the planning balance.

The proposal would result in the erosion of an existing green buffer, which contributes towards the separation of the villages of Whitley and Shaw. The proposed development would adversely impact the character and appearance of the area through the urbanisation of this buffer, contrary to CP51 of the WCS and Policy 19 of the JMNP2, which is afforded significant weight.

The applicant has also failed to evidence the site's agricultural land classification status, and the Council's mapping system illustrates the site to be Grade 3 on the ALC. The Council cannot, therefore, verify at this stage whether the proposal would result in the loss of 'best and most versatile' agricultural land. The proposed development would therefore have the potential to result in the irreversible loss of productive agricultural land. This is a material failing of the application that merits being added to a refusal decision.

RECOMMENDATION: That Planning Permission be REFUSED.

- 1. The development as proposed, would materially conflict with the Council's strategic core policies CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy, by virtue of the site not being allocated for housing and being located outside settlement limits, as well as significantly and demonstrably conflicting with the Joint Melksham Neighbourhood Plan 2***

2020-2038, which allocates other land for housing (as made on 4 August 2025) and that the benefits of the development would not outweigh the aforesaid Plan conflicts and that the application is hereby refused in full compliance with the National Planning Policy Framework paragraph 14.

- 2. The proposal to erect up to 5 dwellings with its associated infrastructure on the identified site would materially erode a green buffer that is important to and distinguishes the villages of Whitley and Shaw. The proposed site, being outside the defined settlement limits of Whitley and Shaw, would adversely affect the character and appearance of the local area through the urbanisation of this green buffer, which is considered important to preserve the individual village identities. The proposal is contrary to Core Policy 51 of the adopted WCS and Policy 19 of the made Joint Melksham Neighbourhood Plan 2 2020-2038, which requires proposals to conserve and respect the separate identity of these village settlements.***

The applicant has also failed to evidence the site's agricultural land classification (by soil sampling) and as such, the Council cannot verify whether the proposal would result in the loss of 'best and most versatile' agricultural land.

TOWN & COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

PERMISSION IN PRINCIPLE FOR THE PROPOSED ERECTION OF UP TO FIVE DWELLINGS

**ON LAND OFF CORSHAM ROAD, WHITLEY,
MELKSHAM, WILTSHIRE, SN12 8QF**

Prepared by

**Morgan Jones BSc (Hons), MA, MRTPI
Associate
LPC (Trull) Ltd**

Our Reference: LPC.5771

October 2025

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Appendices

Appendix A: Wiltshire Housing Land Supply Statement (July 2025)

Appendix B: APP/Y3940/W/24/3345598

Land at Glenmore Farm, Westbury BA13 4HQ

Appendix C: Council Briefing Note No.24-20

Implications of Revised NPPF

Appendix D: Appeal Ref: APP /Y3940/W/24/3345527

Land at West Street, Great Somerford, Wiltshire

1.0 INTRODUCTION

- 1.1 LPC (Trull) Ltd have been instructed by Mr Tom Nicholas to submit a Permission in Principle (PiP) application for the erection of up to five detached dwellings on land to the south of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF.
- 1.2 The application approach is defined in the National Planning Practice Guidance (PPG), as below;

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

- 1.3 This establishes that the application is a two-stage process, with the first stage solely intended to establish whether the site is suitable in principle and the second stage then considering the detailed development proposals and potential impacts. The Government's guidance sets out that the scope of the first stage of permission in principle is limited to location, land use and the amount of development.
- 1.4 Accordingly, the purpose of this Planning Statement is focused on the principle of development at this location only. Any further details in respect of the intended new house development and its acceptable assimilation will be submitted at the technical details stage. The statement will however provide an overview of the planning policy context and an assessment of the key material planning considerations, demonstrating the proposal's acceptability within the context of the Government's presumption in favour of sustainable development.

2.0 SITE DESCRIPTION & PLANNING HISTORY

- 2.1 The application site comprises an area of land to the south-east of Whitley on the eastern flank of the B3353 Corsham Road as shown on the Location Plan below:-



Location Plan

- 2.2 The site covers an area of circa. 0.3ha of land which is proposed to be developed. The site is not covered by any local or national landscape or ecological designation, or any site specific constraints from a planning perspective. The site is level and can be accessed via the B3353 Corsham Road.



Aerial Photograph

- 2.3 A review of the planning history of the site reveals one previous planning application, reference 16/11951/FUL, which sought full planning permission for the erection of one self-build dwelling on part of the site. The application was refused in 2016 due to conflict with the residential development policies of the Local Plan, however, there have been many material updates to national planning policy since this decision which as discussed further below.
- 2.4 The application site (and entire field) was also recently assessed as part of the allocation of sites for the neighbourhood plan. The made Plan allocated some larger sites as discussed below, however the current application site was found to be suitable for development. This is confirmed within the NP Site Assessment Report by AECOM which states the site is unconstrained with no landscape or biodiversity designations.

3.0 THE PROPOSAL

- 3.1 The proposal seeks 'permission in principle consent' for the erection of up to five dwellings on the application site. The PiP application has a narrow focus with only the principle of the proposed residential development being considered. The second stage which involves the 'technical details consent' will follow should the 'permission in principle consent' be granted.
- 3.2 The PPG confirms that the scope of permission in principle is limited to **location, land use and amount of development**. However, issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage (Paragraph: 012 Reference ID: 58-012-20180615).
- 3.3 The proposed dwellings would be served by a new vehicular entrance from the B3353 Corsham Road within a central position along the western boundary of the site, which would benefit from good visibility splays due to the straight alignment of the road at this point, and typical road speeds. The intention will be to provide two storey dwellings of a scale and layout that respect the pattern of the established built environment.

4.0 PLANNING POLICY CONTEXT

National Planning Policy

4.1 The National Planning Policy Framework (NPPF) (published December 2024, updated 7 February 2025), and associated PPG, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions. The policies within the following chapters of the NPPF are relevant to the assessment of the proposed development:-

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment

The Local Development Plan

4.2 The NPPF highlights that planning law (section 70 [2] of the Town and Country Planning Act 1990 and section 38 [6] of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.3 The associated PPG confirms that the same applies to an application seeking permission in principle; “A decision on whether to grant permission in principle to a site following a valid application ... must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise” (Paragraph: 011 Reference ID: 58-011-20180615).

4.4 The development plan relevant to the proposed development is the Wiltshire Core Strategy (WCS) (adopted January 2015), which includes saved policies from the former West Wiltshire District Plan 2004, and the ‘made’ Joint Melksham Neighbourhood Plan 2 (JMNP2) 2020 – 2038 (August 2025) The key policies relevant to the ‘in principle’ matters of location, land use and amount of development, are:-

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 15 Spatial Strategy: Melksham Community Area
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- JMNP2 Policy 3 Flood Risk and Natural Flood Management
- JMNP2 Policy 6 Housing in Defined Settlements
- JMNP2 Policy 19 Separation of Settlements

Emerging Planning Policy

4.5 The WCS was adopted in 2015 and is therefore being reviewed. The review is termed the ‘Local Plan Review’. The draft Wiltshire Local Plan (WLP) rolls forward the strategy for housing and employment delivery in the WCS, and updates the housing and employment requirements for the period 2020 to 2038.

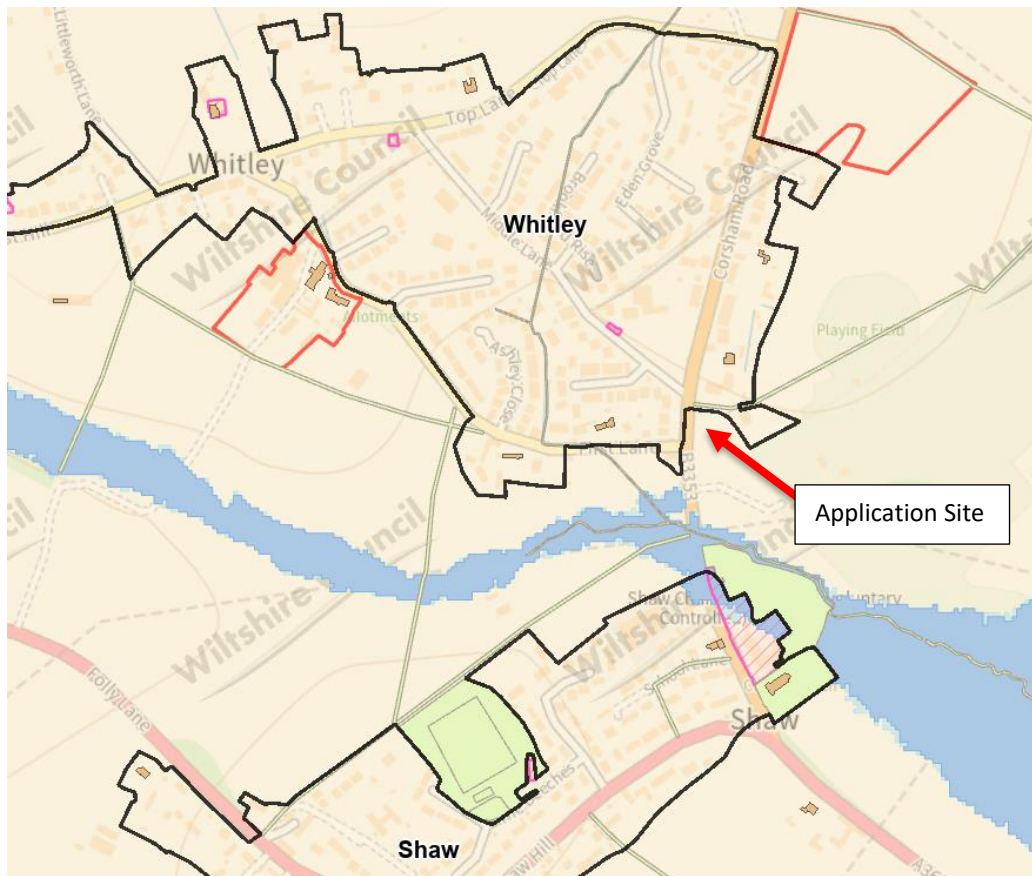
4.6 The draft WLP was submitted to the Secretary of State for Housing Communities and Local Government for independent examination on 28 November 2024. The recently updated Wiltshire Local Development Scheme (September 2025) outlines that the Council expects to adopt the WLP by the end of June 2026.

4.7 There are no fundamental changes proposed to the Spatial Strategy of the Local Plan, as presented within Pre-Submission Draft (2020 – 2038) (Regulation 19) Wiltshire Local Plan (September 2023), however the draft plan pre-dates the recently published NPPF (12 December 2024). A key purpose of the WLP is to ensure the Local Plan for Wiltshire is up to date and consistent with national planning policy, however the NPPF has been

updated several times during the plan making process, and there was a significant update as a result of the new Labour Government which post-dates the aforementioned version of the WLP. The progression of the plan-making progress does benefit from certain transitional arrangements but due to the recent update to national planning policy there are significant areas that are not up-to-date as discussed further below.

Local Plan Policies Maps

- 4.8 The adopted Local Plan is accompanied by the Policies Maps, which provides a spatial representation of the Local Plan policies. The site falls within Flood Zone 1 and is not covered by any local or national landscape or ecological designation, or any site specific constraints, from a planning perspective.



Local Plan Policies Map

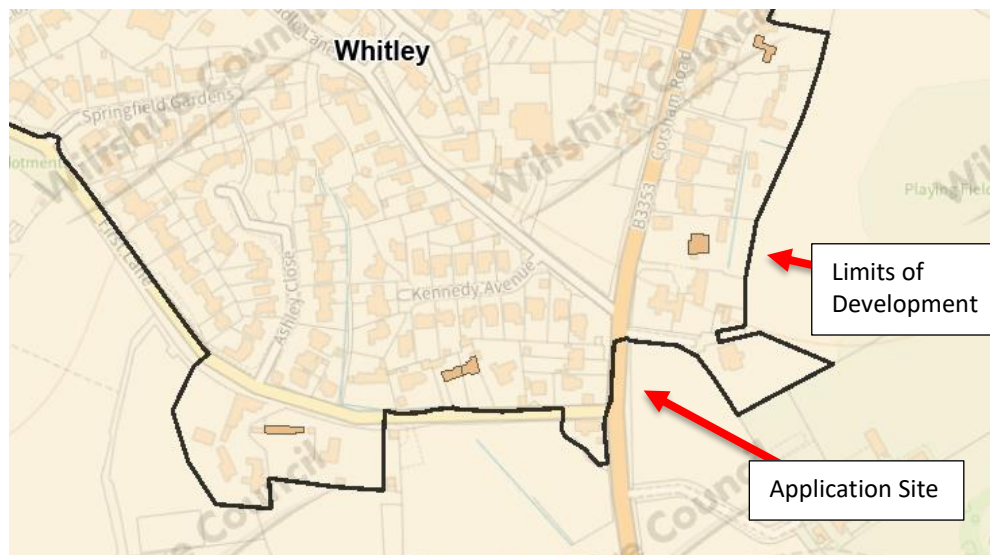
5.0 PLANNING ASSESSMENT

- 5.1 The planning considerations associated with this permission in principle application are limited to **location, land use and amount of development**. These matters associated within the principle of development will be addressed below in order to demonstrate that the site can comfortably accommodate up to five dwellings without any adverse local or environmental impacts.

Site Sustainability & Accessibility

- 5.2 The WCS includes a Spatial Strategy which sets the foundations for how 'sustainable development' is defined and applied within Wiltshire. It has three key elements; a Settlement Strategy, Delivery Strategy and Infrastructure Requirements. The settlement and delivery strategies define where development will be the most sustainable across Wiltshire's settlements.
- 5.3 Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the WCS outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the Limits of Development other than in exceptional circumstances as set out within the relevant core policies contained within the plan, i.e. the 'exception policies' or via a Neighbourhood Plan.
- 5.4 In the Melksham Community Area, where the site is located, the most sustainable location to which most growth is directed is the 'Market Town' of Melksham (and Bowerhill), with the surrounding 'Large Villages' (namely Atworth, Seend, Semington, Shaw / Whitley and Steeple Ashton) being able to accommodate some growth in order to help retain the vitality of these communities. The WCS states that at Large Villages "development will predominantly take the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application)".

- 5.5 The Spatial Strategy of the WCS reflected within Policy 6 ‘Housing at Defined Settlements’ of the JMNP2 which states that “housing outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need”. The proposed development is designed to meet the current local need for housing within a sustainable location as discussed further below.
- 5.6 The application site lies adjacent to the Limits of Development of Whitley and is well related to the established built environment, as shown on the map and aerial view below. The proposed scheme will be in-keeping with the development along Corsham Road and will be well enclosed by the existing mature boundary treatments.

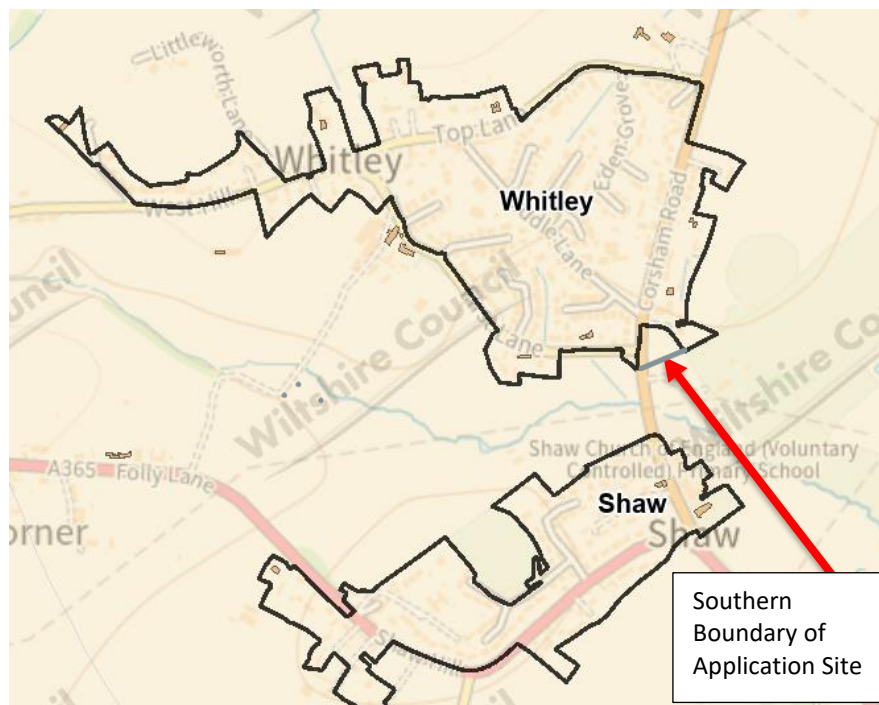


Local Plan Policies Map



Aerial Photograph (source: Google 2025)

- 5.7 The JMNP2 seeks to ensure individual settlements retain their charter and identify and prevent the coalescence of settlements. Policy 19 ‘Separation of Settlements’ seeks to ensure that new development proposals therefore respect the separation between settlements, including Whitley and Shaw. The southern boundary of the application site has been carefully drawn to ensure the villages does not encroach further south towards Shaw, as shown on the map below. The layout of the development will respect the separation distance and landscape between both settlements and provides an opportunity to further strengthen the southern boundary through further landscaping.



Local Plan Policies

- 5.8 The site adjoins Corsham Road which has a footpath on either side of the road leading to facilities within Whitley and south towards Shaw. There is also a bus stop directly in front of the site, as identified on the aerial photograph above, which has many services in both directions throughout each day (services 14, 68, 69, 271, 272, 273, 555, x69) connecting the site to the larger settlement of Melksham and Trowbridge.
- 5.9 The NPPF advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken

into account in both plan-making and decision-making, however the current site is well served by a number of bus services which offers a genuine convenient alternative choice of means of travel for future occupiers. This site is therefore considered to be an accessible location and the development would accord with Core Policies 60 and 61 of the WCS which together support development in locations which reduce the need to travel and support sustainable transport alternatives to the use of the private car.

- 5.10 Notwithstanding the accessibility of the site via sustainable modes of transport, the Spatial Strategy of the WCS does support small scale development at Whitley & Shaw as set out within Core Policy 15. The village has a Primary School, Post Office and Cafe, a Public House & Restaurant (The Pear Tree), and sports facilities. It is recognised that the proposed development does not strictly align with the Spatial Strategy of the WCS due to the location of the site outside the Limits of Development, however, this factor does not make the site any less sustainable than one nearby within the Limits of Development, and a key material planning consideration which weighs heavily in favour of the proposal is its ability to meet current local housing need, in line with national policy as outlined below.

Status of the Local Plan

- 5.11 The Spatial Strategy of the WCS is now out of date. The Council's Housing Land Supply Position is now 2.42 years, as detailed within the Wiltshire Housing Land Supply Statement (base date April 2024 / published June 2025). A copy of the statement can be seen in Appendix A.
- 5.12 The Council's Housing Land Supply Position and the weight to be attributed to the Spatial Strategy of the WCS has been the focus on numerous appeals recently. An initial key appeal decision earlier this year was for a residential development scheme on Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury (appeal reference 3345598). A copy of the appeal decision notice can be seen in Appendix B. The Council

did not defend the appeal due to its Housing Land Supply Position (which was 2.03 years supply), and the Inspector stated the following within the decision notice dated 21 January 2025 :-

*“41. Aside from the emerging Local Plan, which has only just been submitted for Examination, there is no other obvious remedy to the shortfall in the short or medium term. This overall position indicates that **the development plan is failing to meet its strategic challenges**. Thus, **its settlement strategy and limits of development are not working effectively**. These policies are therefore of **limited weight**, as is the conflict with them.” (emphasis added)*

- 5.13 In light of the above, due to the age of the WCS and the substantial shortfall in housing land supply, it is considered that limited weight should be attributed to the conflict with the Spatial Strategy of the WCS, which as noted above is not working effectively and is failing to deliver housing in a strategic plan-led way. This conclusion is important and is considered further below within the Planning Balance section.

Principle of Development Conclusion

- 5.14 In summary, the **location, land use** and **amount of development** is considered to be acceptable in principle. The site can be accessed via sustainable modes of transport, and the development can be designed to ensure it does not appear out of place with the established pattern of the built-environment or contribute towards the coalescence of Whitley and Shaw. The scheme can be designed to ensure no unacceptable harms to landscape character, visual amenity, the amenity of the occupiers of neighbouring properties, the historic environment, or highway safety.

Housing Need and Planning Balance

- 5.15 The NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed to support the Government’s objective of **significantly boosting the supply of homes**” (emphasis added) (paragraph 61). The level of need identified within the development plan should not be seen as an upper limit, and new development that is

otherwise sustainable should not automatically be refused, in particular in the context of the Council's housing land supply position.

- 5.16 The Council's most up to date Housing Land Supply Statement (HLSS) details that it has 2.42 years of deliverable housing land supply as mentioned above. The Wiltshire Local Plan (WLP) will identify future levels of need for new homes and employment land over the period 2020-2038, and it has reached the Examination 19 stage. However, the evidence that underpins the draft WLP was prepared in accordance with the now superseded December 2023 version of the NPPF.
- 5.17 The Council therefore published a Briefing Note (No.24-20) (available to view in Appendix C) which sets out the implications of the new NPPF and revisions to the standard methodology on its housing land supply position. It explains that due to the change to the standard methodology, which is used to calculate local housing need, the number of homes the Council must plan for on an annual basis has increased from 1,917 to 3,525 (the annual Local Housing Need figure), an increase of 84%.
- 5.18 The Briefing Note explains that "the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately". The Council therefore confirms that the tilted balance should be applied to housing application and highlights that **"the magnitude of the shortfall in supply is now substantial** and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply" (emphasis added). The Council also advises within the Briefing Note that the application of the presumption in favour of sustainable development should be considered within the national aim of radically boosting the supply of housing.
- 5.19 In terms of the implications for plan-making, the Council confirms that because the housing requirement in the emerging Local Plan will meet less than 80% of the revised Local Housing Need, the Council will be expected to begin work on a new Local Plan promptly (when the revised

plan-making system comes into force in 2025). However, when the new Local Plan is adopted, the five-year Housing Land Supply position will be determined based on the previous Local Housing Need calculation, albeit the updated NPPF requires a 20% buffer to be added, which in essence will require a six-year Housing Land Supply position to be demonstrated.

- 5.20 The Director of Planning clearly advises within the Briefing Note that “To meet this increased buffer, the council will need to continue to approve planning applications to ensure a sufficient housing land supply can continue to be met at, and beyond, this date”.
- 5.21 In these circumstances, NPPF paragraph 11d advises that policies which are most important for determining the application (which in this case would include Core Policies 1, 2 and 15) should not be considered up to date. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged, so permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.22 There are no policies within the NPPF, which aim to protect areas or assets of particular importance, that provide a strong reason for refusing the proposed development. The tilted balance is therefore engaged and is considered below.
- 5.23 It is considered that there would be no adverse impacts associated with the approval of the PiP application that would significantly and demonstrably outweigh the benefits. In terms of the benefits, the proposed development would result in the provision of new dwellings that would contribute towards the substantial deficit in the Council’s five-year housing land supply, which is a significant benefit that should be given substantial weight.
- 5.24 The NPPF recognises that “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new

homes and are often built-out relatively quickly.” (paragraph 73). The proposal is deliverable within a short timeframe which will ensure it contributes to the substantial shortfall in the Council’s housing land supply.

- 5.25 The development would also produce short term benefits to the construction industry, and the development would also generate ongoing revenue for the Council from Council Tax etc.. There will also be further modest benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development. These benefits should also be given moderate weight in favour of the proposed development. The development would also deliver ecological benefits associated with the requirement to deliver 10% Biodiversity Net Gain that will be considered during the technical details stage.
- 5.26 In terms of the harms, it is recognised the proposed development does not strictly align with the Spatial Strategy of the WCS due to the location of the site, however only limited weight should be attributed to this factor within the overall planning balance because Core Policies 1, 2 and 15 are now out of date and are not working effectively, as concluded by the Planning Inspectorate. It is also important to recognise that the site is within a settlement which is identified as being suitable for small scale growth by the Local Plan, and it has good access to local facilities and is an accessible location benefiting from a good bus service to wider services and facilities in surrounding higher tier settlements. The site is well contained and it will be demonstrated during the technical details stage that the development would not result in any site specific harms, or to the wider environment that cannot be adequately mitigated. The introduction of planting along the southern boundary will ensure the development is well screen and contained to ensure the landscape gap is not unacceptable compromise, and the development will in essence round off this part of Whitley.
- 5.27 The proposed development would contribute towards the Government’s aim of significantly boosting the supply of homes in a sustainable location and it is contended that when considering the overall tilted balance, which

includes regard to the key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places, there would be no adverse impacts that stem from the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The moderate to substantial benefits that weigh in favor of the proposed development outweigh the limited harm associated with the lack of a planned approach.

- 5.28 The contribution made by the approval of minor developments and single dwellings throughout the Wiltshire Council area towards addressing housing needs should not be underestimated and now has greater importance considering the Council's substantial housing land supply deficit and the Government's objective to radically boost the supply of housing, as identified by the Council within the aforementioned Briefing Note

The Neighbourhood Planning Process

- 5.29 The NPPF advises, at Paragraph 14, that "In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)."
- 5.30 The NPPF advises at Paragraph 69 that "Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing

need if, for example, it includes provision for neighbouring areas or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations”.

- 5.31 The JMNP2 was ‘made’ in August 2025 and contains housing allocations, however the allocations do fall short of the identified housing requirements (the housing need figure itself is not a ceiling on new development but the bare minimum required to meet local need). This is acknowledged within the Plan which states that “At Shaw and Whitley, **JMNP2 is continuing to take the lead in planning for local housing needs and allocates approximately 55 dwellings (15 fewer than the emerging Local Plan housing requirement)**. This approach takes account of locally valued landscapes and the distinctiveness of Shaw and Whitley” (Paragraph 4.8.9) (emphasis added).
- 5.32 The JMNP2 plan period aligns with the emerging WLP (up to 2038) and therefore is informed by the evidence based which underpins the WLP. In line with Paragraph 69 of the NPPF, the WLP Rural Housing Requirements (September 2023) report indicates that 73 dwellings should be accommodated at Whitley and Shaw over the plan period. The JMNP2 does not allocate a sufficient yield from sites to meet this level of need.
- 5.33 Notwithstanding the shortfall noted above, the fact that there has now been an **84%** uplift in the level of local housing need as a result of the revised NPPF is a significant material planning consideration. The housing requirement identified within the current and emerging Local Plan is not an upper limit and is not a restriction on further sustainable development, but it is clear that the housing figures within the Local Plan are now out of date and need to be significantly increased. The development currently proposed will help meet the local housing need and more strategically will contribute towards the Council’s current housing supply shortfall.

Wiltshire Council 'Tilted Balance' Example

- 5.34 Whilst it is recognised that all cases should be considered on their own merits there are a number of very recent decisions on applications where the Council's current housing land supply shortfall has been considered and the tilted balance applied. Permission in Permission, reference PL/2024/08878, for a single dwelling on land at No 1, Lamberts Marsh, Southwick, was granted following an earlier refusal due to the location of the site outside the defined Limits of Development for the Large Village. The Case Officer noted that "in the absence of adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole, officers in acting reasonably and mindful of the difficulties a refusal of this PIP would present, the application is recommended for approval".
- 5.35 A more recent example is Permission in Permission, reference PL/2025/00407, for a single dwelling on Land at School Lane, Lea, Malmesbury, SN16 9PQ granted on the 10 April 2025, which was again granted following an earlier refusal. The Case Officer noted that considering the reduced weight that must be given to the harm arising from the technical breach in planning policy, "it is not considered in this case that the adverse impacts of permitting the development proposed would significantly and demonstrably outweigh the benefits. Following the process required in the tilted balance, therefore, it is recommended that the principle of development of a single dwelling at this site should not be resisted.". It is considered that the same conclusion should be reached for the development the subject of this current application.
- 5.36 There are also many recent decisions by the Planning Inspectorate which are material to the consideration of this current application. One recent appeal example is against the decision of the Council to refuse PiP for 2 No. Dwellings on Land at West Street, Great Somerford, Chippenham, Wiltshire, SN15 5EH (appeal ref APP/Y3940/W/24/3345527). The site is located outside, but adjoining, the defined Limits of Development for the Large village of Great Somerford.

- 5.37 The appeal was however allowed on the 19th November 2024 (a copy of the Decision Notice can be seen in Appendix D). The Inspector stated there would be conflict with Core Policies 1 and 2 of the WCS because the site lies outside the defined settlement boundary and therefore in the countryside for planning purposes. However, the development of rural homes in an accessible location which would help to support rural communities, services and facilities is a positive aspect of the scheme that weighs in its favour. The tilted balance was applied and the following conclusions reached:

“When assessed against the policies in the Framework as a whole, the adverse impact does not significantly and demonstrably outweigh the benefits of two additional homes on a windfall site. Consequently, the presumption in favour of sustainable development indicates that permission should be granted.” (paragraph 31).

- 5.38 These examples demonstrate that any conflict with the Spatial Strategy of the Local Plan is given limited weight within the overall planning/tilted balance, which certainly does not demonstrably outweigh the benefits of housing delivery, especially when considering the current national planning policy position which seeks to boost the supply of housing and the local shortfall in housing delivery to meet the minimum need. These examples and the precedent set weight heavily in favour of granting PiP for the current application.

6.0 CONCLUSION

- 6.1 The application seeks Permission in Principle for the construction of up to five detached dwellings on land to the south of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF. The proposal would contribute towards the Government's objective of significantly boosting the supply of homes and would contribute towards the Council's own strategy to address its housing land supply shortfall.
- 6.2 The site lies adjacent to the defined Limits of Development for Whitley which is a settlement identified as being suitable for small scale developments by the Spatial Strategy of the Local Plan. The site is also accessible on foot to public transport services which connect the site to higher tier settlements with a greater range of facilities. The proposal would result in the provision of up to five dwellings tailored towards meeting local need and would respect the layout, height and appearance of neighbouring houses. The site can be developed without unacceptable harm to landscape character, visual amenity, the historic environment or highway safety.
- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal benefits from the presumption of sustainable development (Paragraph 11.d.ii of the NPPF), due to the Council's current 2.42 years housing land supply position, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.4 The Joint Melksham Neighbourhood Plan 2 was recently 'made' however it does not meet the identified level of housing need for Whitley and Shaw as identified by the Council. The tilted balance is not therefore disengaged. However, notwithstanding this point, the proposed development would align with the objectives of the plan by providing new housing within a

sustainable location to meet local housing need without any unacceptable environmental or landscape impacts.

- 6.5 The proposed development would deliver both social and economic benefits and there would be no planning harms, apart from the speculative nature of the application thus not aligning with the plan-led approach as outlined within the Wiltshire Core Strategy. However, due to the age of the Local Plan and the Council's substantial housing land supply shortfall the weight to be given to the harm is limited. It is considered that significant weight should be placed on the benefits of the proposed development and therefore any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
- 6.6 In light of the above, having considered the individual planning merits of the proposal, it is considered that the material considerations indicate that permission should be granted. It is therefore respectfully requested that permission in principle be granted.

Examination of the Wiltshire Local Plan Review

Inspectors: Philip Mileham BA (Hons) MA MRTPI
Gareth Wildgoose BSc (Hons) MSc MRTPI

Programme Officer: Ian Kemp
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17 November 2025

Dear Mrs Clampitt-Dix,

Wiltshire Local Plan examination – Outcome following Stage 2 hearings

Further to the sessions held on 11-13th November, we have now had time to reflect on the discussions in the hearings over the course of last week.

We have already heard significant discussion on the Sustainability Appraisal, Habitats Regulations Assessment, housing need and the housing requirement, and employment land, together with the plan period. We have a number of concerns on these matters and as discussed with you, further work will be required.

In this light, there has already been significant discussion on the implications of these matters on the spatial strategy. It is also clear that the further work we require will likely impact future discussions on the spatial strategy and other aspects of the plan.

As a result, we consider that in order for the examination to be effective, the remaining hearing sessions currently in the draft programme should be postponed to allow for this further work to be completed.

We will write to you again in due course to set out in greater detail what work we consider will be required at this stage. However, in the interests of expediency, we felt it necessary to advise you and the other participants of our intentions as soon as possible noting the timings in the hearing programme.

We are also mindful of the deadline for the next stage of hearing statements set for 21 November. As a result, we do not wish for these statements to be submitted by any parties as this may result in abortive work. However, the remaining notes arising from the hearings that have taken place are still required by the agreed deadlines.

We hope the above is clear but if you have any further questions at this stage please let us know via the Programme Officer.

Yours sincerely,

Philip Mileham

INSPECTOR

Gareth Wildgoose

INSPECTOR

Examination of the Wiltshire Local Plan Review

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22 December 2025

Dear Mrs Clampitt-Dix,

Wiltshire Local Plan examination – Inspectors’ post Stage 2 hearings letter

1. Further to the hearing sessions held on 11-13 November 2025 and our post hearings letter sent on 17 November 2025, we are now writing to you to set out our initial views on the next steps of the Wiltshire Local Plan (the Plan) Examination. In summary, having had regard to the written statements received in response to our Matters, Issues and Questions and the subsequent discussions in the hearing sessions to date, we have identified several significant issues in terms of the Plan as submitted which we go on to set out in detail in this letter.
2. We are satisfied at this stage that there is sufficient prospect that the existing legal compliance and soundness deficiencies we have identified could be overcome. This is, however, subject to the Council outlining an achievable timetable for the preparation and submission of additional evidence that would not unreasonably delay the progress of the Examination. The timetable should be provided to us by not later than **5pm on Friday 30 January 2026** and should include provision for monthly progress updates. To assist with the preparation of the timetable, we set out in this letter the further work which we consider to be necessary at this stage to overcome the shortcomings that we have identified so far.
3. In reaching our initial conclusions, we have considered all evidence submitted and representations made relating to the Plan to date, including the written statements and oral contributions at the hearing sessions. Our overall conclusions on soundness and legal compliance will be given in the Final Report, which will be produced taking into account all stages of the Examination. As such, any views expressed in this note are preliminary and may alter in the light of any further evidence that emerges. This includes as part of any subsequent consultation process and any necessary work on the sustainability appraisal (SA) or habitats regulations assessment (HRA). It therefore follows that the views expressed in this letter are without prejudice to the conclusions of our Final Report.

Initial Views and Required Actions

Housing Need and the Housing Requirement

4. As submitted, the housing requirement is 36,738 dwellings over a plan period of 2020 to 2038. This is based on a local housing need calculation (LHN) of 2,041 homes per year. However, the base date of that calculation was 1 April 2022 and more recent Office for National Statistics (ONS) workplace affordability ratios have since been published.
5. The Council has referred to the Planning Practice Guidance (PPG) which advises that the LHN calculated using the standard method may be relied upon for two years from submission of the Plan. However, it is evident that the LHN calculation informing the Plan was already more than two years old when the Plan was submitted on 28 November 2024. The PPG is clear that the LHN calculation should be kept under review and revised where appropriate.
6. It follows that we request the Council to rebase the Plan period to 1 April 2023 to match the date of the median workplace-based affordability ratios (at the time of the Plan's submission). The Council should then recalculate the LHN for the Plan period. In doing so, the housing requirement may also need to be recalculated. If the Plan period were to be extended (see later paragraphs) this would likely result in a significantly higher number of homes to be delivered. This is evident even before any detailed testing of the housing supply and would have significant implications for the examination going forward.

Stepped Housing Requirement / Distribution of Development

7. Turning to the proposal to include a stepped housing requirement in the Plan as submitted, we consider that it is neither positively prepared nor justified. Whilst we note that the HRA indicates that a stepped trajectory should be considered, no clear evidence has been provided to justify at what level the step might be set at or its duration. Furthermore, the level of the step does not appear to have been subject to SA. Evidence was also provided during the hearings that the step was lower than current rates of housing delivery in the County. We are therefore concerned that it is not justified and would serve to unnecessarily delay meeting identified housing needs. In reaching this view, we note that there has not been a significant change in the level of the proposed housing requirement in the Plan when annualised and compared with the Wiltshire Core Strategy (document DP/01). Moreover, the housing trajectory provided in the submitted Plan does not seemingly correspond with a reliance upon strategic sites that would have phased delivery, nor is a majority of housing to be delivered later in the Plan period.
8. The approach pursued is instead influenced by rigidly following a distribution of development between the four Housing Market Areas (HMAs) informed by the Wiltshire Local Housing Need Assessment Update Volume One (document

SD/21). In doing so, the strategy is derived from nutrient neutrality constraints in the HRA (document SD/65) which affects the short-term deliverability of some sites in the Salisbury HMA in advance of upgrades to existing wastewater treatment works. However, in pursuing that strategy, there has been insufficient consideration of alternative distributions of development between the four HMAs which could have supported a much higher rate of housing delivery over the Plan period. This includes the alternative of allocating additional sites in HMAs other than Salisbury to provide sufficient deliverable sites in Wiltshire upon adoption and throughout the Plan period. It is necessary to assess those alternatives, given that they have the potential to be a realistic means of meeting identified housing needs in the early years of the Plan period.

9. Further work is therefore required to consider a range of alternative distributions between the four HMAs to ensure that housing needs can be met in the earlier parts of the Plan period. This should be informed by updates to the SA, which should consider a range of reasonable alternatives.

Proposed Salisbury Area New Community

10. The hearing sessions confirmed our earlier concerns (see document ID1) that there is no substantive evidence to justify the proposed search area for a new community, or the related approach in Policy 21 and the Key Diagram. This is also reflected in the SA Annex 3 (document CD/03U) which provides very little detail on how Policy 21 meets SA objectives. There is also insufficient evidence to inform the HRA conclusion of no likely significant effect on European sites. The latter finding is inconsistent with the Plan, which expects around 300 homes from the new community. In that regard, we do note that there is no evidence of a reasonable prospect that any homes from this new community could realistically be delivered within the Plan period as submitted.
11. Setting aside the inconsistency between the HRA and the Plan, the intention of Policy 21 to confirm the new community only through a future review suggests it is not currently supported by sufficient evidence. The Plan also conflicts with paragraph 22 of the NPPF, which requires that where large-scale developments (such as new settlements or significant extensions to existing villages and towns) form part of the strategy for the area, that policies should be set within a vision that looks further ahead (at least 30 years) to take into account the likely timescale for delivery. In addition, the evidence provided does not adequately show the likely nature or scale of development likely to come forward, meaning the Plan cannot be modified to meet this requirement.
12. In reaching the above view, it is appreciated that the delivery of large-scale developments may need to extend beyond an individual plan period and the associated infrastructure requirements may not be capable of being identified fully at the outset. However, when taking account of the shortcomings of the SA assessment and the lack of detailed HRA

assessment, the Plan's approach is not justified nor consistent with national policy insofar as seeking to establish the principle for the strategic distribution of development beyond the Plan period and deferring the detail to a future Plan review.

13. We therefore consider that the inclusion of the proposed Salisbury area new community is not supported by sufficient evidence and is unsound. Having considered the extent of work that would likely be required to justify its inclusion in the Plan, we consider that it would not be achievable in a reasonable timescale during this Examination. Accordingly, the proposed Salisbury area new community should be removed from the Plan.

Broad Locations

14. The NPPF paragraph 68 b) allows for the identification of a supply of land for homes for years 6-10 and where possible for years 11-15 years of the Plan, to include broad locations for growth. NPPF paragraph 23, however, indicates that strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period. In that context, we appreciate that broad locations by their very nature often have a degree of ambiguity in terms of the precise location, scale of development, infrastructure requirements and delivery timescales. Nonetheless, the approach of the Plan to the proposed broad locations still falls considerably short of the expectations of the NPPF. The broad locations have not been identified on the Key Diagram, and need to be more specific in terms of the extent of growth that is expected to be brought forward/required during the Plan period.
15. The lack of certainty regarding the intended broad locations in Chippenham, Melksham and Trowbridge is exacerbated by the approach in Policy 3 and its supporting text which relies on further Development Plan Documents (DPDs) to assist in delivering the strategic objectives of the Plan. As such, there is insufficient evidence to demonstrate that there is a reasonable prospect that the proposed broad locations can be developed within the timescales envisaged. Therefore, we consider there are similar shortcomings to Policy 21 in terms of the demonstration of consideration of alternative approaches to the distribution of development and other locations as described above.
16. It follows that the Council are requested to reassess the inclusion of the broad locations in Chippenham, Melksham and Trowbridge. This should be undertaken as part of the additional work required relating to the distribution of development across the plan area, including revisiting the site selection process and updates to the SA and HRA. It should also include consideration and assessment of reasonable alternatives such as the identification of additional specific allocations in each of those settlements or elsewhere in Wiltshire. Following that process, if the Council was to find that one or more of the broad locations are still required, this should be fully justified in evidence including the contribution required from each along with some further details on their location and extent. The justification should also

include proposed main modifications to the Key Diagram and Policy 3 of the Plan to provide a positively prepared and effective strategy that would enable any broad location(s) to be brought forward by the end of a Plan period (without reliance solely on the preparation of a future DPD).

Reserve Sites

17. We also have concerns about the justification and effectiveness of the approach taken in Policy 3 of the Plan as submitted to reserve sites. This is particularly notable given that their limited scale is likely to offer little contingency for the circumstances of housing land supply shortfall identified in the Plan. There is also concern that the trigger for the release of the reserve sites which relies upon the calculation of land supply on an HMA basis is not justified. No clear evidence has been provided why the reserve sites were not proposed to be allocated to simply provide a further land supply buffer.
18. The Council is, therefore, requested to revisit the status of the proposed reserve sites as part of the additional work required on the site selection process and updates to the SA and HRA. This should include consideration of whether they should be allocated immediately.

Employment Need and Delivering the Employment Requirement

19. To reflect the changes to the housing requirement and those that may be required to the Plan period (see later paragraphs), further work will also be required to recalculate the employment land requirement. As part of that process, the Council should provide additional justification for the approach pursued in the Plan. This should include further assessment and explanation of any intended balance between homes and jobs being planned for in each of Wiltshire's Functional Economic Market Areas (FEMAs). It should also set out the extent to which supply and demand for the numbers of workers and sectoral priorities have influenced the distribution of proposed allocations in the Plan.
20. Notwithstanding the above, there are other evident shortcomings in the approach of the Plan to additional employment land in terms of soundness that will also need to be addressed. A significant concern is the approach of Policy 64 which provides support for the principle of development of unallocated sites within or adjacent to Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages where appropriate to the role and function of the settlement subject to listed criteria. The flexibility afforded in the policy and the absence of prioritisation of the most sustainable locations, serves to demonstrate that there is a deficiency in setting out an overall strategy for the pattern and scale of employment sought to be delivered contrary to NPPF paragraph 20. The spatial strategy therefore lacks justification as the Plan does not bring sufficient employment land forward through allocations and broad locations noting the deliverability risks of some sites identified in the Wiltshire Employment Land Review Update (document SD/20). There is also an evident need for main

modifications to revise the policy for effectiveness to allow opportunities for existing businesses in other locations to appropriately expand.

21. We consider that further work is therefore required insofar as assessing a suitable range of alternative distributions of development between the three FEMAs in the Wiltshire Council area. This should be underpinned by revisiting the approach to site selection that informed the Plan given the potential necessity to identify an additional supply of employment land for an extended Plan period (see later paragraphs). The additional work should include updates to the SA to assess the broader range of reasonable alternatives and the HRA to both inform the proposed modifications to the Plan and to ensure that the cumulative effects are appropriately assessed and addressed.

Planning for Strategic Logistics Development

22. There are further deficiencies of the Plan and Policy 64 in terms of the approach to strategic logistics development adjacent to M4 Junction 17. In that respect, we acknowledge that the evidential basis for identifying a specific quantum of logistics development in the Plan area to address regional and local needs is not currently available. Nonetheless, given the likelihood that planning applications may come forward imminently during this Plan period, it is essential that the policy approach in the Plan is clearly written and unambiguous so that it is evident how a decision maker should react to development proposals for strategic logistics development.
23. It follows that main modifications will be required to refine the criteria-based approach set out in Policy 64 for national and regional logistics development adjacent to M4 Junction 17. For effectiveness, we recommend that this would be most appropriately achieved through a new policy focussed specifically on strategic logistics development. Ideally, such a new policy in the Plan would be supplemented by identifying a new broad location on the Key Diagram or specific allocations to clearly denote the location where the new policy would apply. The identification of a new broad location or alternatively specific allocations would inevitably require additional work to identify the potential scale/boundaries. This process would need to take account of any likely constraints such as capacity of infrastructure and/or protective land-use designations. The identification of a new broad location or specific allocations should also be informed by updates to the SA, including the assessment of reasonable alternatives for bringing sufficient land forward. Updates to the HRA would also be required to assess any proposed changes that the Council provide to us, including in terms of the cumulative effects with plans and projects elsewhere.

The Plan Period

24. As discussed during the hearing sessions, paragraph 22 of the NPPF - September 2023, amongst other things, requires that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities, such as

those arising from major improvements to infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.

25. Given the extent of work required in this letter, together with the remainder of the hearings programme and consultation process that would likely follow, we consider it unlikely that the Plan would be adopted until 2027. The Plan period may, therefore, need to be extended by at least a further four years to 2042 to ensure that the Plan is consistent with national policy and effective.
26. The implications of extending the Plan period by a further four years would be that the housing and employment requirements would need to be recalculated as previously stated. Further main modifications may also be required to identify sufficient land to ensure that needs could still be met.

Updates to Key Evidence

27. The Council should be mindful that any proposed changes to the Plan will need to be supported by relevant and up-to-date evidence beyond the specific additional work we have already identified in this letter. Adequate and proportionate updates to key evidence, sufficient to inform robust SA and HRA assessments and justify the proposed changes, are likely to be required. The range of evidential updates required will be dependent upon the extent of necessary changes to the distribution of development and identification of new site allocations and/or new or revised broad locations, and their relationship with their surroundings. However, as a minimum they are likely to include updated transport modelling, viability and infrastructure work. In addition, where applicable and relevant, it may be necessary to undertake further localised assessments of potential effects of any new site allocations and new or revised broad locations, such as upon air quality, historic environment, landscape and flood risk.

Other Matters

28. To address our concerns expressed during the recent hearings regarding the identification of strategic policies, we also request that the Council undertake a thorough review of the policies of the Plan having regard to the strategic priorities insofar as they align with Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2024. When undertaking that process, we encourage the Council to be conscious of the differences between strategic and non-strategic policies in the context of NPPF paragraphs 11, 13, 17, 18, 19, 20, 21, 23, 28, 29, 30, 33, 36, 61, 66, 74, 119, 156 and 160.
29. Following on from the legal opinion provided by the Counsel for the Local Planning Authority regarding the ability to partially supersede policies from the existing Development Plan and the Council's further response on this

matter, we also request that the Council clearly sets out which elements of any existing policies the Council proposes to partially supersede through the Wiltshire Local Plan review.

30. The hearings to date have yet to cover the neighbourhood area designation requirements set out in the Plan. However, we are mindful of our soundness concerns regarding the Plan seeking to defer delivery of its strategy and associated strategic objectives to future DPDs. This is also likely to apply to neighbourhood area designation requirements that are included above and beyond the allocations proposed in the Plan.
31. The additional work set out in this letter provides an opportunity for the Council to prepare additional evidence and/or propose modifications to the Plan that provide greater certainty of how neighbourhood area designation requirements are to be delivered. As a minimum it should be made clear how each of the individual requirement figures have been derived and how they are intended to be met (i.e. existing commitments, windfalls or a combination of the two), and whether the Plan incorporates any specific contingencies should the neighbourhood plan process be unable to deliver the identified local needs.
32. The provision for accommodation for Gypsies, Travellers and Travelling Showpeople is not currently addressed by the Plan on the basis that a separate Gypsies and Travellers DPD is under preparation. The Gypsies and Travellers DPD is identified in the Wiltshire Local Development Scheme - March 2025 (document SD/39A) as expected to be submitted for examination in the 3rd quarter of 2025. It follows that we would be grateful for an update of the progress on the preparation of the DPD in response to this letter. The provision of accommodation for Gypsies, Travellers and Travelling Showpeople is necessary to be included in the development plan for consistency with NPPF paragraph 62. As such, we also request that the Council prepare a proposed modification to the Plan that would provide certainty that the matter will be addressed by a separate DPD.

Next Steps and Concluding Remarks

33. We would like to thank the Council and participants for their co-operation during the Examination to date. Assuming that the Council would be content to progress the Examination based on the actions which we have indicated are necessary, we would be grateful of an estimate of the likely timescales associated with the individual actions. In summary the actions are:

Spatial Strategy

- Consider a range of alternative distributions of housing and employment between the four HMAs to determine whether housing needs can be met in the earlier parts of the plan period. This should be informed by updates to the SA and HRA, which should consider a range of reasonable

alternatives, including whether a stepped housing requirement is needed at all.

- Revisit the site selection methodology to identify additional housing and employment land as may be required.

Broad Locations

- Provide additional evidence to demonstrate that there is a reasonable prospect that the broad locations can be developed within the timescales envisaged, or if not, suggest how the soundness issues can be overcome by main modifications.

Potential for Plan Period Extension

- Assess and set out the implications of extending the Plan period to meet the minimum 15-year plan period envisaged by the NPPF making the Plan period run to 2042.
- Update the housing and employment land requirements accordingly.

Potential Main Modifications

Aside from the issues identified above, the following changes will also be necessary to the Plan and should be addressed by the Council in responding to our Initial Findings:

- Deletion of the Salisbury Area New Community Area of Search;
- Amendments to the approach to employment land and strategic logistics (including possible new policy and allocations);
- Clarification of the relationship with the Gypsies and Travellers DPD;
- Explanation of the approach to delivery of requirements in neighbourhood area designations;
- Clarification of the alignment of strategic policies with legislation and national policy, and;
- Amendments to provide greater specificity of the approach to the partial superseding of existing policies.

Evidence and Assessments

- Updates to any key evidence considered necessary to justify the resultant changes proposed to the Plan.

34. We look forward to receiving a response from the Council **by not later than 30 January 2026**. The Council's response should include the intended programme for the next stage of the Examination consisting of the expected dates of completion for each item of work, key milestones and the dates when monthly progress updates will be provided. Ideally the entire programme of works should be completed as soon as possible to avoid unreasonable delay to the examination. Please note that whether the Examination can proceed to the remaining hearings would then be dependent on our consideration of the additional work provided and the responses to a consultation that will follow.

35. Having regard to the amount of time that has already elapsed since the Plan was submitted, we should be informed as soon as possible if the Council is unable to complete the requested additional work in a timescale that would avoid an overly long examination. In those circumstances, we would have to reconsider how best to take the Examination forward.
36. If there are any procedural or other questions arising from this letter, the Council should contact us via the Programme Officer in the first instance. We would be grateful if this letter could be placed on the examination website at the earliest opportunity. We are not inviting, nor envisage accepting, any comments from other examination participants at this stage.

Yours sincerely,

Philip Mileham

INSPECTOR

Gareth Wildgoose

INSPECTOR