



To:
Planning Department
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

14th January 2026

Via the Planning Portal

Dear Planners

TO REMOVE CONDITION OF PLANNING PERMISSION REFERENCE PL/2024/07571 AT 11 QUEMERFORD, CALNE, WILTSHIRE, SN11 0AR

Introduction

We are pleased to enclose a planning application under s73 of the Town and County Planning Act (as amended) to remove Condition 4 imposed on planning permission reference PL/2024/07571 for a new dwelling at 11 Quemerford in Calne.

Planning Permission

The planning permission was granted at appeal by the Planning Inspectorate by decision dated 23 July 2025. The appeal reference is APP/Y3940/W/25/3361260. Condition 4 imposed on the planning permission restricts occupation of the approved dwelling, stating:

"The development hereby permitted shall be occupied only by:

- *Persons of over the age of 55; or*
- *Persons living as part of a single household with such a person or persons; or*
- *Persons who were living as part of a single household with such a person or persons who have since died".*

The appeal successfully overturned the following reasons for refusal cited by the local planning authority in determining the original planning application. The main issue in the determination of the appeal was the effect of the proposal on the character and appearance of the area.

Appeal Decision

It is evident from the appeal decision that:

- The Inspector was cognisant of the planning history of the site, which included a previously refused planning application (PL/2022/03438) and dismissed appeal (APP/Y3940/W/22/3303889) for a larger 4-bedroom dwelling with a different location and orientation on the plot.



- The design alterations made from the refused development proposals ensured the approved dwelling is materially different from the previous proposal in its siting, form and visual prominence from the street. This conclusion was fundamental to the Inspector decision in granting planning permission.
- The approved residential plot and the remaining to No. 11 on the street would not be of irregular shape or size that would be fundamentally different to the plots present to properties in the surrounding area, particularly those to Wessington Park and Wessington Court. The plot style will be consistent with the locality.
- The approved development is well designed to reflect the architectural language of the area. It will respect and maintain the amenity of occupants of neighbouring properties. The proposal would not harm the character and appearance of the area.
- The approved development accords with Policy CP57 of the Wiltshire Core Strategy (Jan 2015) (the Local Plan), Policy BE1 of the Calne Community Neighbourhood Plan 2 (2025) and with Chapter 12 of the National Planning Policy Framework (2024) (NPPF).
- The Inspector considered housing need in detail, concluding that:
 - Weight must be applied to the identified significant need for flexible accommodation for persons over the age of 55; and
 - Weight must be applied to the overarching housing need in Wiltshire owing to the absence of a demonstrable five year housing land supply;
 - The development will not harm the significance of, or the setting of, the Grade II Talbot Inn listed building; and
 - In this context, paragraph 11d of the NPPF is engaged for decision making purpose.

It can only be read from the appeal decision that the approved scheme constitutes sustainable development that complies with prevailing development plan policy in all respects. The balance of material considerations weighs heavily in its favour. This is the basis on which the Inspector granted planning permission.

Application Proposal

The s73 application seeks the removal of the Condition 4 imposed on the planning permission. It would result in an open market residential occupation of the approved development within Use Class C3.

The request follows a period of unsuccessful marketing of the project opportunity at the plot since the appeal decision and the planning permission being granted. It is supported by market intelligence from a local estate agent that the development is unlikely to be successfully delivered if restricted to over 55 accommodations, only. The letter is enclosed as supporting evidence forming part of the application.



It is important to note that the application does not seek any form of physical change to the approved development.

Planning Policy Context

Development Plan

The development plan includes the Wiltshire Core Strategy Development Plan (WCS; adopted 2015) and Calne Community Neighbourhood Plan 2 (CCNP; adopted 2025).

Core Policy 2 of the confirms an overall housing target of 42,000 homes in Wiltshire. Core Policy 45 of the same document requires well-design market housing, reflecting local needs and offering a mix of types, tenures and sizes to support balanced, inclusive communities. Core Policy 57 sets criteria to ensure high quality design and place shaping.

Policy BE1 of the CCNP reasserts the requirement for good quality design through its design principles for local distinctiveness. Policy H1 of the same plan promotes housing within the settlement boundaries where it will not cause unacceptable harm to locally valued landscape setting and green infrastructure, protect heritage significance and is of a proportionate scale, land-use character and design that enhances the local character of the settlement.

National Policy – Material Consideration

The NPPF was last updated in December 2024 and sets out the Government’s planning policies for England and how these are expected to be applied. The NPPF is underlined by the presumption in favour of sustainable development (Paragraph 10). Paragraph 11 states that, for decision-taking, this presumption means:

- Approving development proposals which accord with the development plan without delay; and
- Where the development plan is absent, silent, or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would considerably and demonstrably outweigh the benefits having regard to key policies or specific policies within the NPPF provide a strong reason for why development should be restricted.

Paragraph 61 confirms that the Government’s objective of substantially boosting the supply of homes requires a sufficient amount and variety of land coming forward where it is needed. The paragraph confirms that the overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community. Paragraph 78 is focused around significantly boosting the supply of housing. It states that Local Planning Authorities should maintain and updated annually a 5-year supply of deliverable sites.

Paragraph 124 confirms that planning policies and decisions should support development that makes effective use of land.

Supplementary Planning Documents – Material Consideration

The most relevant Supplementary Planning Document to the application is the Wiltshire Design Guide (2024). The document seeks to ensure a high standard of design that reflects the local context and character.



Five Year Housing Land Supply – Material Consideration

The Wiltshire's Housing Land Supply Statement¹ was published June 2025. The document assesses the Council's housing land supply for the five-year period April 2024 to March 2029. It confirms the Council has just 2.42 years supply, with a shortfall of 9,561 homes. The absence of a five-year housing land supply identified by the appeal Inspector for the approved development forming the subject of this application remains.

The appeal Inspector concluded that the presumption in favour of sustainable development at paragraph 11 d) of the NPPF is engaged. It means that planning permission should be granted, unless:

"i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would considerably and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".

Summary

The prevailing planning policy context for the site in Wiltshire remains as it was at the time of the appeal decision. The Council cannot evidence a demonstrable five-year housing land supply. There is a significant unmet need for housing in the locality. The presumption in favour of sustainable development set out in paragraph 11 of the NPPF is applied to determination of the application.

Assessment of the Application

The Inspector appeal decision and extant planning permission at the site establishes the principle of development for a single residential dwelling at the site.

The s73 application seeks the removal of the Condition 4 imposed on the planning permission to allow flexible open market occupation of the development falling into Use Class C3. This is justified by the local market intelligence that an over 55 limitation will significantly inhibit the marketability of the dwelling in this location. In contrast, an open market dwelling in this location is likely to be attractive to the market and come forward to meet an element of local need.

The need to deliver new housing is identified by the Council's own evidence base. It is underlined by the absence of a demonstrable housing land supply. This continued under supply since the publication of the appeal decision underscores the conclusion drawn by the Inspector that meeting housing need weighs heavily in favour of the approved development. This weight is equally applicable for unrestricted occupation of the approved dwelling at the site.

¹ https://www.wiltshire.gov.uk/media/17422/Wiltshire-Housing-Land-Supply-Statement-2024/pdf/Housing_Land_Supply_Statement_2024.pdf?m=1750250132067



The proposal for unrestricted occupation will not result in any physical changes to the approved development. It will not result in any material change to the intensity of approved residential use that would have any greater impact on the site and its surrounding context. The design and technical assessments taken into account by the appeal Inspector remain relevant. Their conclusions will not be materially altered by the removal of Condition 4. The assessments demonstrate the dwelling is policy compliant in all respects.

In summary, it is evident that the development plan is out of date. The NPPF is clear that any policies that would restrict otherwise sustainable development from coming forward, must be given reduced weight. It remains (supported by the conclusion of the appeal Inspector) that the application must be determined against the 'tilted balance' of Paragraph 11 (d) of the NPPF. There are no adverse impacts of granting permission for the dwelling on an open market housing basis that would considerably and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This application accords with, and is supported by, the presumption in favour of sustainable development. It accords with the development plan when read as a whole.

Conclusion

This application seeks full planning permission for the change of use of Units F6, F7, and F8 (First Floor, Block D) from Sui Generis to Class C3 residential. The proposal complies with national and local planning policy objectives, contributes to housing delivery, and makes effective use of land. The benefits of the scheme on an unrestricted occupancy basis clearly outweigh any residual negative impacts. There are no up to date policies to indicate that development should be resisted in this location. The application is acceptable when considered against the development plan and NPPF when read as a whole.

We look forward to receiving confirmation of the registration of the application. Please contact us with any queries.

Nick Charlton

Managing director

For an on behalf of:

Sophem Limited trading as Inspire Architects and Box Development Services