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Your Ref: PL/2024/06897
Our Ref: APP/Y3940/W/25/3369892

Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

26 November 2025

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Hollins Strategic Land
Site Address: Land off Sherston Road , Malmesbury

Outcome

I enclose a copy of our Inspector's decision on the above appeal(s).

Thank you for your cooperation and patience while we reviewed your case and all relevant documentation.

What Next?

Please note that the Planning Inspectorate cannot change or revoke the outcome of the attached decision as only the High Court can quash this decision. The Planning Inspectorate is not the administrative body for High Court challenges. If you would like more information on the strictly enforced deadline for challenging a decision or a copy of the form for lodging a challenge, please get in touch with the administrative court on 02079476655.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Heather Langridge

Heather Langridge

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Appeal Decision

Hearing held on 11 November 2025

Site visit made on 10/11 November 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/Y3940/W/25/3369892

Land off Sherston Road, Malmesbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hollins Strategic Land against the decision of Wiltshire Council.
 - The application Ref is PL/2024/06897.
 - The development proposed is outline planning permission for up to 55 residential units (all matters reserved other than access).
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for up to 55 residential units (all matters reserved other than access) at land off Sherston Road, Malmesbury, in accordance with the terms of the application, Ref PL/2024/06897, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal is made as an outline application, with all matters reserved apart from means of access. The means of access is shown to be from Sherston Road, the details of which are shown on a specific plan (ref 2831-F01 Rev F). The submitted parameter plan shows the proposed location of both development and the structural public amenity areas. Also, Indicative details have been provided that show one way that the housing could be arranged on site. Whilst this demonstrates that 55 dwellings could be readily accommodated on site, it is an indicative arrangement only and as such has been afforded limited weight in my consideration of the scheme.
3. A Planning Statement of Common Ground (SoCG) and Highway related SoCG has been provided. These identify the key areas of dispute between main parties with respect to the accessibility of the site for pedestrians and cyclists and the sustainable travel opportunities afforded to the site.
4. In advance of the Hearing the Council had drawn my attention to an appeal decision (APP/Y3940/W/24/3358026) dismissed earlier this year for up to 92 dwellings in Milbourne: a village adjacent to Malmesbury. The proposal was dismissed in part because it would result in future occupiers being highly dependent on private vehicles to meet day-to-day needs. Furthermore, the scheme would necessitate a lengthy and hazardous pedestrian route to the town centre, requiring crossing of the A429, which would not provide safe or convenient

access for non-car users. At the start of the hearing, upon collecting views from the appellant I decided to take this appeal decision into account.

5. A draft S106 Legal Agreement was submitted prior to the hearing. This would secure the provision of affordable housing, on site public open space (POS)/ play provision and financial contributions towards off-site POS, a skate park, 'early years' education, waste and recycling facilities, the local footpath network and public art. The Agreement would also provide biodiversity habitat and open space management. The appellant informed at the hearing that this Agreement was to be completed shortly, and on that basis, I allowed a short period of time for this to be submitted after the event. I am now in receipt of a completed Legal Agreement¹ that appropriately addresses the Council's requirements. I shall return to this later.
6. The Wiltshire Local Plan Review (LPR) is underway, and hearing sessions have now commenced. The appellant has provided the Council's response to the Inspector's questions, in the Council's Statement of Matters, Issues and Questions (MIQs), in connection with 'Reserve Sites'. After seeking views about this from the Council at the hearing, I found that this information would be useful to take into consideration without causing prejudice to any party.
7. Also, the Council provided a CIL Compliance Statement in advance of the hearing. During the hearing it became apparent that the Council, among other provisions, has sought contributions towards a skate park, but this had not been justified in the originally submitted CIL Compliance Statement. A revised Statement was received shortly after the hearing, and the appellant has been provided with an opportunity to comment on this. I have therefore taken the updated Statement into account in this decision.

Main Issues

8. The main issues are:
 - Whether the site would be a suitable location for residential development in consideration of local and national policies, with particular regard to the accessibility of the site for pedestrians, and
 - Whether the proposal would make suitable contributions towards infrastructure requirements.

Planning policy

9. The Wiltshire Core Strategy [2015] (CS) establishes the Council's approach to the distribution of housing across the district. Core Policy 1, of the CS, seeks to focus housing within its Principal Settlements of Chippenham, Trowbridge and Salisbury and its Market Towns. It identifies that its market towns, including Malmesbury, have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. It also notes that the market towns have the potential for significant development to increase the employment and accommodation available to help sustain and enhance existing services, promote better levels of self-containment and create viable sustainable communities.

¹ Legal Agreement, between Wiltshire Council, Gloucestershire Health and Care NHS Foundation Trust and Hollins Strategic Lane LLP, dated 21 November 2025

10. CS policy 2 explains that there is a presumption in favour of sustainable development within the development boundaries of market towns and states that development beyond these boundaries will not be permitted unless specifically allowed by other policies of the plan. Furthermore, it identifies that such boundaries will only be altered through the allocation of sites for development through Site Allocation Development Plan Documents.
11. Also, saved policy H4 of the North Wiltshire Local Plan [2011] (NWLP) restricts new development in the countryside. It states that outside the Framework Boundaries, housing will only be permitted where it is required for the essential needs of agriculture, forestry or other rural enterprise or would be for a replacement dwelling.
12. It is undisputed between main parties that the appeal site is outside the development boundary of Malmesbury and would therefore result in conflict with CS policies CP2 and CP13 and NWLP Saved policy H4 in spatial planning terms. I will return to this matter later in the planning balance.

The emerging Wiltshire Local Plan Review (LPR)

13. The appeal site is identified as a Reserve Site for housing development of up to 55 dwellings in the LPR. The three identified Reserve Sites are intended to only be required, as part of the Council's housing supply provision, if the sites allocated for housing in the Plan should become stalled during their delivery. LPR Policy 3 seeks to allocate the appeal site as a 'Reserve Site'.
14. The Council's written statement on MIQs explains that the Reserve Sites provide a plan-led mechanism to address potential shortfalls in delivery, reducing the risk of speculative development and maintaining the location and quality of growth. The Reserve Sites have been through the same site selection process as allocated sites, ensuring consistency and alignment with the Plan's spatial strategy. Furthermore, the Council identify that the site would result in a minor adverse effect on the landscape character of the Cotswold National Landscape to the immediate west of the site. However, during the determination of the planning application, the Council consulted the Cotswold National Landscape Board regarding the proposed development who raised no objection, subject to conditions.
15. Due to the early stage of the LPR, and the unresolved objections against LPR policy 3, I have afforded limited weight to this emerging policy. The Council has suggested that despite its potential Reserve Site status the site has not been subject to the increased rigour of a detailed planning application when considering matters of accessibility. Nonetheless, it is an important material consideration that the Council's site selection process has advanced the site as being suitable for future housing development and has therefore already considered (to a large extent) its locational benefits, albeit on a reserved site basis.

Reasons

Locational matters

16. Core Policy 60 of the CS relates to sustainable transport. This states that the Council will seek to reduce the need to travel particularly by private car and will encourage the sustainable, safe and efficient movement of people. At limbs (i) and

(ii) this policy seeks to achieve this by directing development to accessible locations and in promoting the use of sustainable transport solutions. This policy aligns with the National Planning Policy Framework (the Framework) which identifies that the presumption in favour of sustainable development is at the heart of the Framework. The Framework also explains that the supply of large numbers of new homes can often be best achieved through new settlements or extensions to existing villages and towns provided they are well located, supported by the necessary infrastructure and provide a genuine choice of transport modes.

17. In terms of pedestrian movement, Manual for Streets (MfS) identifies that walkable neighbourhoods are generally characterised as having a range of facilities within a 10-minute (about 800 metres) walk which residents may comfortably access on foot. It is also noted that MfS states that this should not be regarded as an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km. The appellant has drawn my attention to a report produced by White Young Green that suggests, based on survey assessment, that the 85th percentile of pedestrians walked 1,950 metres. This therefore provides a reasonable upper limit for the distance that most people would be prepared to walk.
18. Malmesbury is a hilltop market town. Its growth has been partly informed by topography and the proximity of the River Avon to its south, west and east edges, with development growing largely to the north and northwest away from the town centre. This means the access to the town is somewhat extended for existing residents seeking to walk into town. Accordingly, a large proportion of the town's residential areas are a greater distance than 800 metres from the town centre, whilst most are within a 2kms distance of the town.
19. The appeal site is located around 2kms from the town centre. Pedestrian access into town is most direct using Sherston Road, Bristol Street, Abbey Row and Gloucester Street. However, other slightly less direct routes are also available through established housing estates. The most direct pedestrian route into town would require future residents to navigate some footways that are either poorly surfaced, narrow or entirely absent in some places. On many occasions the footway is only on one side of the road. An awkward crossing point exists at the Corn Gastons junction. Here railings enclose large parts of the junction, created to provide a safe crossing environment for pupils of Malmesbury Secondary School, requiring passing pedestrians to cross the road or deviate from the main route.
20. Also, the footway ends on the north side of the highway approaching Gastons Road, requiring pedestrians to cross. Furthermore, the footway is narrow passing Foxley Road, and it pauses on the south side of the route at West Street, requiring pedestrians to cross again. The absence of dropped kerbs would make this route especially problematic for wheelchair users or people with buggies. Due to the narrow nature of the footway, and occasional on-pavement parking (especially around Parklands), pedestrians may have to occasionally step into the carriageway to pass other pedestrians. This route is also relatively hilly, is therefore not ideal for all pedestrians, and may deter some due to the terrain.
21. However, the route is illuminated by streetlights and provides a safe footway, on at least one side of the road, at all times. Also, a large part of this route is subject to a 20mph speed restriction zone. This would enable pedestrians to step into the carriageway if required, to avoid other pedestrians, in a safe manner. The route

would also take future residents past historic buildings, upon entering the older parts of the town, adding interest and variety to this route. Accordingly, the route would create a generally pleasant walking environment for pedestrians creating a safe, direct and attractive experience.

22. Furthermore, the appellant has provided, within the Transport Statement, a table at 5.5 showing the distances between the site and a range of services. This demonstrates that a pre-school, secondary school, White Lion Park, leisure centre and a convenience store are within 1.3kms of the site. Therefore, whilst the town centre is beyond the 800m walking distance recommended by MfS, other key services would be within a comfortable walking distance. This finding demonstrates that the site would be accessible, enabling future residents to access a range of goods and services.
23. Cycle route design guidance is provided by DfT Local Transport Note 20. This explains that ramps should not exceed 5% (1 in 20) and that a slope of 8% may only be acceptable in exceptional circumstances, for short periods, and will cause difficulty for people with reduced mobility. Although it is recognised that the route into town includes some hilly climbs and exceed DfT guidance, these are limited in duration and would be unlikely to deter cyclists from using the route. Overall, the town centre is within a reasonable distance of the site for cyclists, being less than 8kms as advised as being reasonable in the 'Cycling England' document². Furthermore, the Wiltshire Cycleway is around a kilometre from the site, connecting to it at Bristol Street. As such, the site provides good access for cyclists to the town and wider destinations.
24. In terms of access to bus services, five services operate within the vicinity of the site, with the nearest bus stops of certain services comfortably within walking distance of the site. Whilst the X79 and 99 bus services are more than 400m and 500m from the site respectively, these would nonetheless contribute to the range of destinations available to future occupiers by sustainable means. The services provided are largely daytime only and provide a limited early morning or evening service, reducing the attractiveness of buses to provide a realistic alternative to work related commuters. However, the Framework identifies that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision making. Consequently, the proximity of bus stops on Sherston Road, Parklands and Corn Gastons place them within a reasonable walking distance of the site and provide access to a range of destinations including the town centre.
25. Malmesbury does not have a mainline railway station. As such, future occupiers would need to take a bus to Chippenham for onward train travel via the bus stop at Corn Gastons. The 99-bus service provides frequent services to Chippenham. Also, at the hearing it was noted that this railway station has a good park and ride service encouraging onward sustainable travel for car borne travellers. The site therefore provides good opportunities for future occupiers to use the railway for work and leisure purposes.
26. Several appeal decisions have been referred to by both main parties in evidence. Two sites along Park Road, for 26 and 50 dwellings, were allowed at appeal as both were found to be sustainable development. Table 5.5 of the appellant's

² Cycling England 'Integrating cycling into Development Proposals', 2011

Transport Statement of Case compares the distances of local facilities to the appeal site and the allowed appeals. This demonstrates that the allowed schemes are comparable distances from the town centre and require pedestrians to travel along similar footpaths that are occasionally narrow and sometimes hilly. It also shows that some facilities such as a bus stop and the secondary school are closer to the appeal site, than the similar distances from the allowed sites.

27. Taking the above matters into consideration, the proposed scheme would be a suitable location for housing and provide sustainable access to a range of goods and services for pedestrians, cyclists and bus and train users. As such, the site would not be heavily reliant on private car journeys and would provide realistic alternative travel options for future occupiers. Accordingly, the proposal would comply with CS policies CP57, CP60 and CP61. These seek, among other matters, for development to be located in places that would reduce the need to travel by private car and encourage the use of sustainable transport alternatives.

Infrastructure provision

28. The Council's CIL Compliance Statement explains that the Affordable Housing obligation would ensure that 40% of the residential units are affordable. This would accord with CS Policy CP43 on affordable housing and would meet an identified housing need in the Malmesbury area. The Early Years Education Contribution obligation would help provide additional early years educational facilities services for the local area. This would accord with CS Policy CP3 which, amongst other matters, seeks appropriate off-site infrastructure requirements arising from the proposal.
29. The On-Site POS obligation would secure POS, including play areas. This would accord with CS Policies CP3 and CP52 which require the provision of accessible open space in accordance with the Council's Open Space Standards and ensure the appropriate long-term management of any green infrastructure directly related to the development. The sums required are calculated in accordance with the Council's Planning Obligation SPD [2016].
30. The Playing Pitch Contribution obligation would be used to improve and enhance built sports facilities and playing pitch investment with priority given to the existing cricket pitch at the Worthies Cricket Ground, Malmesbury which has support from Sport England and/or other sport pitches within the vicinity of the development. This would accord with the Council's Playing Pitch Strategy [2025] which identifies playing pitch priorities for the Council. A Skate Park Contribution is also sought that would provide funding for the proposed 'Malmesbury Skatepark, pump track and multiuse games area' which are likely to be located at White Lion Park, adjacent to the site. This would further the provision of a healthy, inclusive and safe space in accordance with the Framework.
31. The Waste and Recycling contribution would provide the required waste and recycling facilities needed for each dwelling. This is required by CS policy CS3 and policy WSC 6 of the Waste Core Strategy. The Public Rights of Way obligation would improve parts of the local routes through improved signage, surfacing and access points. This would accord with CS Policy CP52 in seeking development that ensures that suitable links to the network are provided and maintained. The Public Art contribution is required by CS policies CP3 and CP57 and the Art and

Design in the Public Realm SPG [2024], requiring public art contributions through planning obligations.

32. The Biodiversity Monitoring fee would be required for the monitoring and delivery of on-site biodiversity units as required through the Habitat Management and Monitoring Plan. The provision of a 10% Biodiversity Net Gain is a statutory requirement of Schedule 7A of the 1990 Town and Country Planning Act. Developers are required to demonstrate how they will contribute towards enhancing biodiversity by CS policy CP50. A monitoring fee is also sought that would be necessary for the Council to administer the obligations.
33. Given the above, I am satisfied that all the above obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 58 of the Framework. Therefore, I can take all the obligations in the agreement into account as part of my decision.
34. Consequently, the proposal would make suitable and necessary contributions towards infrastructure requirements in compliance with CS policy CP3, the requirements of which are set out above.

Other Matters

35. Malmesbury Town Council object on the basis the Malmesbury has met the housing requirements of the Malmesbury Neighbourhood Plan [2015](NP) and that the appeal site falls beyond the development boundary of the town. However, whilst the NP has met its housing requirements, no policy has been drawn to my attention that precludes development outside its settlement boundary or precludes the site from residential development.
36. Interested parties have raised concerns that the town's infrastructure would be put under pressure by the proposed development, identifying impacts on medical care and educational facilities. However, the impact on medical care provision would be limited and is a service that is obliged to grow to meet demand in growth points, such as the district's market towns. In terms of education provision, the County's Department of Children Services identified that the local schools could accommodate the primary school and secondary school demand created by the proposed development. Whilst it identified that an early year's provision would be required, this would be secured, through the provided planning obligation.
37. The site has been recognised as providing important habitat and foraging value for local wildlife. The Preliminary Ecological Appraisal (PEA) identifies that the majority of the site consists of unmanaged modified grassland with largely hawthorn hedging enclosing the site, the hedgerows being regarded as the most notable habitat features. The site was found suitable to provide habitat for bats, breeding birds, Great Crested Newts, Reptiles, Badgers, Otters and Hedgehogs. Also, well established mammal runs were found within the boundary features.
38. The site provides habitat suitable for a range of breeding birds, and many were recorded as being present on site, providing suitable breeding habitats within the hedgerows and mature trees of the site. Bats were also observed crossing and foraging within the site and five mature trees were deemed to have bat roosting

potential. Whereas badger activity was found to be limited across the site, with only runs and tracks noted. Furthermore, hedgehogs were considered likely to use the site, based on the habitats present on site. The PEA recommends that bird and bat boxes, new landscaping and hedgehog highways are provided, sensitive lighting used, and a Construction Environmental Management Plan is provided, all of which can be secured by conditions. I am therefore satisfied that the proposal would not result in an adverse effect on wildlife, subject to mitigation, a conclusion shared with the Council's ecologist.

39. The proposal is supported by a Transport Assessment. This states that the scheme is predicted to generate 28 two-way trips on a weekday AM peak and 27 on a weekday PM peak. This results in a minimal increase in traffic levels locally, having a minimal effect on the local highway network that is not found to be significant. As such, the scheme would not result in a harmful impact on highway safety.
40. The construction period may result in an adverse environmental effect, causing some noise and disturbance to the living conditions of neighbouring occupiers. However, any disturbance would be temporary and managed by environmental legislation, causing a minimal adverse effect on the living conditions of existing residents.
41. The Council has referred to a number of appeal decisions outside the district in Devizes, Bedworth, Clavering and Finchampstead. In those decisions Inspectors have found various residential schemes to have poor accessibility links to goods and services. Furthermore, the dismissed appeal scheme at Milbourne, whilst close to the town is separated from the built-up area of Malmesbury and was found to be unsafe for pedestrians to walk into town. It is therefore materially different to the proposed scheme. Overall, the Council's appeal decisions demonstrate sites with poor accessibility, and the appellant's similar submissions demonstrate a contrary conclusion found on other sites. These decisions illustrate the importance of the consideration of the context of an individual scheme and the requirement for each to be considered on its own merits, a process I have employed in this case.
42. It is undisputed between parties that the Council cannot demonstrate a 5 year housing land supply, with a provision of 2.42 years, causing a substantial shortfall.

Planning balance

43. As set out above, the development would be contrary to the Council's spatial housing policies at CS Policies CP2 and CP13 and NWLP saved policy H4. These support development within the development boundaries of market towns and states that development beyond these boundaries will not be permitted. It also states that dwellings in the countryside, beyond settlement boundaries, will only be permitted if these are essential for needs of agricultural, forestry or other rural enterprise. However, aside from the failure to comply with the Council's spatial housing policies, the proposal has not been found to conflict with other policies of the Plan.
44. Consequently, the location of the development outside the settlement boundary of Malmesbury results in conflict with the policies referred to above. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. Whilst CS Policies CP2 and CP13 and saved policy H4 are generally consistent with the Framework, the

Council's housing land supply of only 2.42 years means that they are deemed to be out of date for the purposes of the Framework.

45. The appeal site is functionally and visually linked to Malmesbury. The location of the site allows future occupiers access to a range of facilities within reasonable walking and cycling distances and by public transport that provide good access to both the town centre and other settlements. In these regards, the development would be accessible to a range of sustainable travel choices.
46. Socially, the dwellings would make a moderate contribution to the Council's housing land supply position and thus would contribute to the Government's objective to significantly boost the supply of homes. Furthermore, the scheme would deliver 40% of the units as affordable housing and would include some accessible homes. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. The development would also assist in supporting the businesses and medical practices within Malmesbury.
47. In environmental terms, the proposal would result in limited harm to the character and appearance of the area and would cause no significant harm to the National Landscape. Furthermore, the provision of new green infrastructure and additional landscaping would provide biodiversity enhancements. The proposal would also deliver a Biodiversity Net Gain (BNG) of 25.5% in habitat units and 28.46% in hedgerow units, substantially in excess of the statutorily required 10% BNG.
48. Overall, the benefits of the scheme are afforded significant weight in favour of the proposal.
49. The Council accepts that it cannot demonstrate a deliverable five-year supply of housing land as required by paragraph 78 of the Framework. The Council's housing land supply position of 2.42 years is significantly below Government expectations, and it is therefore evident that there is a pressing need for housing when considering this shortfall.
50. Considering the 5-year housing land supply position, paragraph 11(d)(ii) of the Framework indicates that, when policies are deemed to be out of date, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole, having particular regard to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes, individually or in combination.
51. As I have found that the appeal site would provide future residents with access to employment, goods and services by sustainable travel options, the proposal would meet sustainable transport requirements of the framework. Consequently, the proposal benefits from the presumption in favour of sustainable development.
52. Overall, there is conflict with the locational requirements of the development plan. However, my findings above indicate that the development would be sustainably located and that several benefits would be delivered. In the absence of any identified harm, these considerations indicate that despite conflict with the development plan, my decision should be made other than in accordance with it. I therefore conclude that the location of the proposed development would be appropriate.

Conditions

53. I have considered the use of conditions in line with the guidance set out in the Planning Practice Guidance (PPG) taking the Council's agreed conditions into account, I shall impose these with some adjustments as discussed at the hearing. As such, I have included the standard timeframe conditions and applied a condition that requires the scheme to be built in accordance with the approved plans in compliance with advice within the PPG and to provide certainty [1, 2, 3 and 4].
54. Conditions are required for details of materials, means of enclosure, and landscaping to ensure the proposal would maintain the character and appearance of the area [5, 6, 11 and 12]. Conditions 7 and 8, for the submission of a Traffic Construction Management Plan and for full details of the access, are required to ensure the site complies with highway safety interests. Furthermore, conditions are required for off-site pedestrian improvement measures and a Travel Plan to ensure that the proposal supports sustainable travel means and provides a genuine choice of travel for future occupiers [9 and 10].
55. Details of a Construction Environmental Management Plan, Wildlife enhancement features and for a Habitat Management and Monitoring Plan would be necessary to ensure that biodiversity interests of the site are protected and enhanced [Conditions 13, 14 and 15]. A sustainable urban drainage scheme and a condition requiring its maintenance and management would also be required to be submitted to ensure that the proposal reduces flood risk and meets sustainable drainage principles [16 and 17]. Conditions 18 and 19, seeking to establish the maximum height of the dwellings and require details of a lighting scheme would be required to protect the character and appearance and dark skies of the National Landscape.
56. Furthermore, a condition is necessary to ensure that 7% of houses are provided as adapted/accessible housing to meet a locally identified need by the Council's Housing officer [20].

Conclusion

57. For the above reasons, the appeal is allowed.

B Plenty

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Symons - Associate Director, Maybern Planning and Development Limited

Stephanie Hall - Counsel

Phil Wolliscroft - Highway Consultant, Eddisons Chartered Surveyors

FOR THE LOCAL PLANNING AUTHORITY:

Mark Reynolds - Planning Consultant representing Wiltshire District Council

INTERESTED PARTIES:

Cllr Phil Exton - Chair of the Town Planning and Environment Committee

Campbell Ritchie - Malmesbury Civic Trust

Cllr Kim Power - Malmesbury Town Council

Tom Pitman - Brokenborough Parish Council

ADDITIONAL EVIDENCE SUBMITTED APPROACHING THE HEARING

Document A – Wiltshire Plan Preview– Council's response to 'Matters, Issues and Questions' posed by the examining Inspector, regarding Matter 2 and Matter 4.

Document B – Appeal decision APP/Y3940/W/24/3358026, Land west of Milbourne, Malmesbury.

Schedule of conditions

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:
 - a. The scale of development;
 - b. The layout of the development;
 - c. The external appearance of the development: and
 - d. The landscaping of the site.The development shall then be carried out in accordance with the approved details.
- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan Drawing no 001 Rev A, Proposed site access arrangements Drawing no 2831-F01 rev F and Parameters Plan Drawing no 3 rev C.
- 5) No above ground works shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the boundary treatment for the plot has been erected.
- 7) No development shall commence until a Construction Traffic Management Plan (to include details of all development phases) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of: Construction vehicle numbers, type, routing; Access arrangements to the site; Traffic management requirements; Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas); Siting and details of wheel washing facilities; Cleaning of site entrances, site tracks and the adjacent public highway; Timing of construction activities (including delivery times and removal of waste); Provision of sufficient on-site parking prior to commencement of construction

activities; and Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

- 8) Prior to any approved access as shown on plan 2831-F01 Rev F – Site Access Arrangement being brought into operational use full details of the works generally shown on the approved plan 2831-F01 Rev F shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details.
- 9) Prior to the commencement of development full details of the off -site works generally shown on the highway plan 2831-F02 Rev E – Offsite pedestrian improvements plan (Part 1 west) and 2831-F03 Rev C – Offsite pedestrian improvement plan (part 2 east) shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details. The agreed off-site works shall be constructed prior to occupation of the development.
- 10) No development shall be occupied or brought into use until such time as a Full Travel Plan including the appointment of a Travel Plan Co-ordinator and scheme of monitoring has been submitted to and approved in writing by the Local Planning Authority.
- 11) In accordance with the details of the Reserved Matter for landscaping, the scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include • location and current canopy spread of all existing trees and hedgerows on the land; • full details of any to be retained, together with measures for their protection in the course of development; • a detailed planting specification showing all plant species, supply and planting sizes and planting densities; • finished levels and contours; • means of enclosure; • car park layouts; • other vehicle and pedestrian access and circulation areas; • all hard and soft surfacing materials; • minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); • proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).
- 12) All soft landscaping comprised in the approved Reserved Matter for landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

- 13) Prior to the commencement of works, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The CEMP will be

prepared in accordance with recommendations set out in Section 4 of the Preliminary Ecological Appraisal (July 2024). The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following: a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing. b) Working method statements for protected/priority species, such as reptiles, nesting birds, badger, brown hare and hedgehog. c) Restrictions on artificial lighting and any measures to be implemented to reduce light spill on sensitive ecological features. d) Details of pollution prevention measures including safeguarding measures to deal with the following pollution risks: the use of plant and machinery wheel washing and vehicle wash-down and disposal of resultant dirty water oils/chemicals and materials the use and routing of heavy plant and vehicles the location and form of work and storage areas and compounds the control and removal of spoil and wastes. e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site and f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW). Development shall be carried out in strict accordance with the approved CEMP.

- 14) Prior to the commencement of any works, including vegetation removal, details of the number, design and locations of features for wildlife (i.e., bat and bird boxes, hedgehog highways, hibernacula and enhancements for invertebrates) shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.
- 15) No development shall commence on site until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including: a. a non-technical summary; b. the roles and responsibilities of the people or organisation(s) delivering the HMMP; c. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and d. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- 16) No development shall take place until surface water drainage strategy, complying with Wiltshire Council requirements, NPPF, and the Non Statutory Technical Standards for Sustainable Urban Drainage System (SuDS) has been submitted to and approved in writing by the Local Planning Authority.
- 17) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage

scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 18) No dwelling approved by this permission shall exceed 9 metres in height, measured from natural ground level to the main roof ridge.
- 19) No development shall take place above slab level until a detailed lighting scheme has been submitted to and approved in writing by the local planning authority demonstrating compliance with the requirements of ILP Guidance Note 01/21 on 'The Reduction of Obtrusive Light'. The development shall proceed in accordance with the approved details.
- 20) Prior to the commencement of development, a schedule identifying the specific plots to be constructed in accordance with Building Regulation Requirement M4(3)(2)(a) – Wheelchair Adaptable Dwellings shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall demonstrate that no less than 7% of the total number of dwellings within the development comply with M4(3)(2)(a). The development shall thereafter be carried out in accordance with the approved schedule, and the identified dwellings shall be constructed to meet the requirements of M4(3)(2)(a) of Part M, Volume 1 of the Building Regulations 2010 (as amended).

End of conditions