

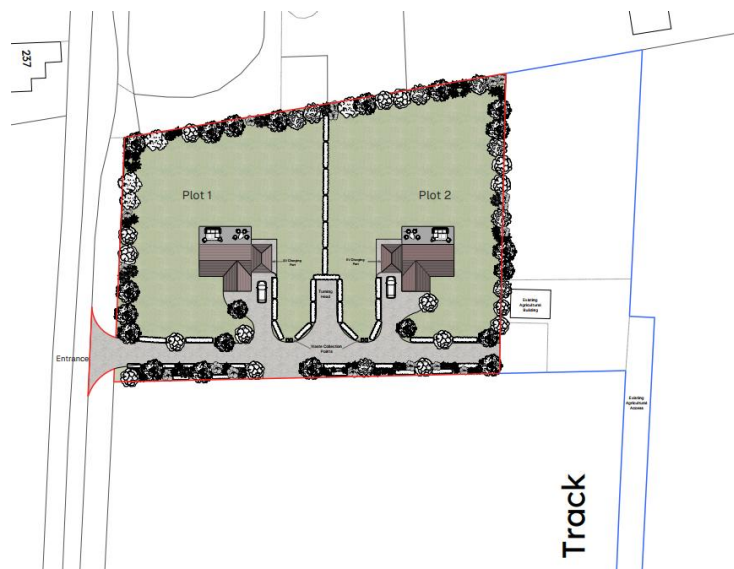
APPLICATION FOR FULL PLANNING PERMISSION

DELEGATED REPORT

APPLICATION REFERENCE:	PL/2025/09917
APPLICATION TYPE:	Outline planning permission: Some matters reserved
SITE ADDRESS:	Land to the east of New Road, Melksham, SN12 7QZ
DEVELOPMENT DESCRIPTION:	Outline permission for the erection of up to 2 self-build dwellings and associated infrastructure, all matters are reserved except for access.
RECOMMENDATION:	That Planning Permission is REFUSED

PROPOSAL

The proposal is for outline planning permission for two self-build dwellings and associated infrastructure on land to the east of New Road, to the north of the market town of Melksham. Matters relating to access only are detailed at this time, with layout, landscaping, appearance and scale reserved for future consideration. The following illustrative site layout has been received.



This illustrates that proposed access to the site is from New Road – there is no access at this location presently, the site (field) currently being accessed from an agricultural track further to the south of the site.

The access would have an opening width of 5.5m with 6m radii, and a visibility splay of 215m in both directions from a set back of 2.4. The submitted transport statement advises that vegetation would be cut back and maintained below 600mm to ensure visibility remains.

In 2025 a pre-application enquiry was received which sought advice on the siting of 3no self-build dwellings on this site. The response to that enquiry noted *“The site is located outside of the limits of development of Melksham where development would not be supported as it would be contrary to CP1, CP2 and CP15. The proposals also do not qualify for any exceptions through policies in the Core Strategy and it has not been brought forward through a neighbourhood plan or site allocation development plan document.*

It is accepted that there are existing residential dwellings along New Road, however these are largely restricted to dwellings with occupancy conditions or were conversions to existing rural buildings and as such are not direct comparisons to the proposal subject of this enquiry.

Wiltshire Council are currently unable to demonstrate a five-year housing land supply which results in paragraph 11d of the NPPF (the tilted balance) being used in decision making. However, this would be used at the time of decision making and would balance the benefits and dis-benefits of the scheme before coming to a final decision.

Wiltshire Council currently has an unmet need on the self-build register which would weigh in favour of the proposed development when making a recommendation on the application.”

As such, that enquiry was considered to be *“Potentially acceptable, subject to resolution of key issues.”*

SITE DESCRIPTION/CONTEXT

The site comprises a rectangular parcel of undeveloped land measuring approximately 0.39 hectares. Open fields lie to the east, west and south of the site, whilst to the north are the Equine Stud and Stables and Chiptrick Riding School and Livery Yard.

New Road runs north–south between Sandridge Common in the south and Woodrow Road in the north. New Road is a classified C road subject to the national speed limit. The carriageway is relatively narrow in places and includes a number of passing places which enable vehicles travelling in opposite directions to pass. There is no footway or street lighting along New Road.

The Google Street View image below shows the section of road adjacent to the site. A passing place can be seen, with the footpath fingerpost beyond. The proposed site access would be formed beyond this point



The site is outside of the development boundary for Melksham and Bowerhill, and so is in the open countryside for the purposes of development.



Above: extract of submitted location plan



Above: aerial view of site

The site is subject to the following relevant planning designations and constraints:

- Public Right of Way MELW59 lies to the west of the site, on the other side of New Road.
- Grade 3 agricultural land classification

With regard to protected species and habitats there is a recorded bat roost 600m from the site, and a pond 70m north of the site, the latter with potential for Great Crested Newts. There are also existing records for protected species within the area including birds, bats and otters.

PLANNING HISTORY

Proposal / Summary
20/05680/FUL - Full planning permission Decision - Approve with Conditions Date: 16/12/2020 – Agricultural barn/shed for safe secure storage of agricultural equipment, tools and feed.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Development Plan:

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:

Wiltshire Core Strategy (WCS):

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 15 Spatial Strategy Melksham Community Area
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape

- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 67 Flood Risk;

Joint Melksham Neighbourhood Plan 2:

- Policy 6 Housing at Defined Settlements
- Policy 13 Biodiversity
- Policy 18 Landscape Character
- Policy 20 Locally Distinctive, High Quality Design

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan including the Car Parking Strategy and Cycling Strategy

ISSUES

The main issues that need to be addressed in this case include:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67)
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)
- Are there any other planning issues raised by the development?

CONSULTATION RESPONSES

Melksham Without Parish Council: Objection:

“Melksham Without Parish Council Objects to this application for the reasons set out below:

1. Conflict with the Joint Melksham Neighbourhood Plan 2 – Policy 6 (Housing in Defined Settlements) The Parish Council considers that the application site lies outside the defined settlement boundary of Melksham. Policy 6 of the Joint Melksham Neighbourhood Plan 2 directs new housing development to defined settlements. As the site is located beyond this boundary, the proposal is contrary to the spatial strategy of the Neighbourhood Plan.

2. Harm to Landscape Character and Settlement Edge – Policies 18 and 20 The Parish Council is concerned that the proposed development would result in the erosion of the rural and transitional character of the settlement edge. New Road currently forms a clear and well-defined boundary between the built-up area and the open countryside. Introducing residential development on this site would represent an encroachment into the countryside and would fail to respect the landscape transition required by Policies 18 (Landscape Character) and 20 (Locally Distinctive, High Quality Design) of JMNP2.

3. Precedent and Incremental Development

The Parish Council is particularly concerned that approval of this application would set an undesirable precedent for further development along New Road. Incremental or “creeping” development of this nature would undermine the plan-led approach of the Neighbourhood Plan and make it increasingly difficult to resist similar proposals in the future, leading to cumulative harm to the character of the area.

4. Sustainability of the Location – Policy 1

Despite its proximity to Melksham, the Parish Council does not consider the site to represent a sustainable location for residential development. The nature of New Road, limited pedestrian infrastructure, and reliance on private vehicles mean that future occupiers are likely to be car-dependent, contrary to the objectives of Policy 1 (Sustainable Design and Construction).

Melksham Without Parish Council also note that the Planning Statement and Design & Access Statement contain numerous drafting and accuracy issues, including duplicated sections, typographical errors, inconsistent dates, unsupported assertions and internal contradictions, which collectively undermine the reliability of their conclusions. In particular, the Planning Statement repeatedly refers to the Joint Melksham Neighbourhood Plan 2021 rather than the made Joint Melksham Neighbourhood Plan 2 (2020–2038), indicating that the proposal has not been assessed against the correct neighbourhood plan policies.”

Wiltshire Council` Highways: Objection

“The development site is outside of the development boundary, and therefore I would consider the proposal to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 and of Section 9, paras 104, 105, 110 & 112 of the National Planning Policy Framework 2021 the National Planning Policy Framework 2019 which seeks to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.”

Council Rights of Way Officer: No comments received.

Council Archaeologist: No objection:

“There are no archaeological issues that I would wish to raise in this instance.”

Council Ecologist: Holding objection based on the following:

The Council’s Ecology Officer has reviewed the submitted Preliminary Ecological Appraisal and supporting documents. The site comprises a field of tussocky grassland with tall forbs and hedgerow boundaries, surrounded by further grassland and an equestrian facility.

The Ecology Officer advises that insufficient ecological information has been submitted to enable the Local Planning Authority to conclude that the development would not result in harm to protected species or habitats. As a result, a holding objection has been maintained.

In particular, the Ecology Officer advises that an Ecological Parameters Plan (EPP) is required to identify areas of ecological constraint, habitat retention, and potential enhancement across

the site. This plan would need to clearly show retained habitats, dark corridors for bats, and areas for habitat creation or enhancement.

With regard to Great Crested Newts (GCN), the site contains suitable terrestrial habitat and there are several ponds within 400 m, including one approximately 60 m from the site. A rapid risk assessment identifies the proposal as “amber: offence likely.” The applicant intends to rely on the Natural England District Level Licensing Scheme; however, the Impact Assessment and Conservation Payment Certificate (IACPC) submitted is provisional and has not been completed, signed, or countersigned by Natural England, contrary to the relevant guidance. Ecology officers advise that a fully completed and countersigned certificate must be submitted prior to determination.

The Ecology Officer also notes that the site may provide foraging and commuting habitat for bats. While the trees on site are not considered suitable for roosting, the proposal would involve the loss of grassland and potentially ditch habitat, and the submitted plans do not clearly identify mitigation or habitat enhancement measures. The required Ecological Parameters Plan should therefore identify habitat retention and improvement measures to mitigate potential impacts, although additional ecological safeguards, including a Construction Method Statement and ecological enhancement measures, would normally be secured by condition.

In respect of Biodiversity Net Gain, the Ecology Officer advises that the proposal appears to be exempt from the mandatory 10% BNG requirement, as it is self-build development comprising fewer than nine dwellings on a site smaller than 0.5 ha. However, the Local Planning Authority must still be satisfied that the development would avoid harm to biodiversity and protected species.

Overall, the Ecology Officer concludes that insufficient information has been provided to demonstrate that the proposal would not result in significant adverse effects on protected species.

Council Drainage Engineer: Objection:

“In planning terms, flood risk refers to the potential for development to increase the likelihood or severity of flooding on-site or elsewhere, while drainage considerations relate to the capacity of the site and surrounding infrastructure to manage surface water runoff in a sustainable and effective manner.”

The local planning authority must be satisfied that the proposed development will not increase flood risk, either on-site or elsewhere, and that surface water will be managed in a sustainable and coordinated manner.

Where necessary, planning conditions or legal agreements may be used to secure the implementation, maintenance, and monitoring of SuDS and other drainage infrastructure.

Assessment

The application proposal comprises of 2 no. of self-build dwellings and associated infrastructure and requires outline planning permission.

The site is in Flood Zone 1 and there is a medium risk of surface water flooding in some areas and a low risk of groundwater flooding. The site layout has been developed sequentially with respect to surface water flood risk, and no development is proposed within areas identified as being susceptible to surface water flooding.

The proposal employs rainwater butts to collect run-off from the proposed development roof via rainwater downpipes and guttering, and unlined permeable paving for roads and driveways, allowing water to infiltrate and stored within a tanked sub-base, providing approximately 63.60 m³ of attenuation across two zones. Overflows from the rainwater butts are proposed to be discharged into the storage system provided by the permeable paving. The captured water is proposed to be reused to water vegetation, with the remainder infiltrating to ground. However, at this stage the infiltration rate utilised in the design has been assumed. Soakage tests must be undertaken in accordance with BRE 365 and included along with the drainage strategy to ensure the assumptions are valid. The surface water drainage strategy also shows the site to have low to moderate infiltration potential. This poses a risk if the applicant is entirely reliant on infiltration.

The applicant notes the presence of a surface water feature (a pond) located approximately 80 m north of the site, but that discharging runoff to this feature would necessitate installing drainage pipework across third-party rural land, and as such, has not been deemed feasible. There are also no public surface water or combined sewers in the vicinity of the site that could be reasonably utilised for discharge. These

constraints highlight that the site has no viable alternative discharge route if infiltration is found to be unsuitable. This underscores the importance of establishing infiltration feasibility at an early stage.

Holding objection as further information required

At this stage, a full assessment cannot be completed due to insufficient information. The following documents/information are required to enable a proper review of the drainage and flood risk aspects of the proposal:

1. Evidence that soakage tests have been undertaken in accordance with BRE 365 to demonstrate that infiltration is feasible by the provision of calculations that demonstrate that the soakaway has been designed for:

- 1 in 100yr + cc flows (for multiple properties)*
- 1 in 10yr + cc flows (for individual properties)*
- Half drain time <24hrs*
- Appropriate factor of safety in line with CIRIA C753 (Table 25.2) guidance has been included.*

2. Evidence that the highest groundwater level (taking into account seasonal variations) has been determined and this is at least 1m below the proposed bottom of any soakaway/permeable paving.

This information is necessary given that the applicant intends to discharge all surface water via infiltration, with no feasible alternative discharge routes identified.”

Wessex Water: No objection but make following comments:

“Wessex Water can advise the following.

Existing assets

There are no known Wessex Water assets within the development site.

Surface water drainage

Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations and NPPF.

No surface water runoff, land drainage or ground water will be accepted into a public sewer that carries sewerage, either directly or indirectly. Our rainwater drainage policy can be found on our website.

The National Planning Policy Framework (NPPF) mandates that Sustainable Drainage Systems (SuDS) must be incorporated into new developments to manage surface water runoff, mitigate flood risks, and provide additional benefits, including enhanced water quality and green spaces.

In line with the drainage hierarchy outlined in Approved Document H of the Building Regulations, Planning Practice Guidance, and the necessity to address water scarcity, all surface water runoff should aim to be discharged as high up the surface water discharge hierarchy as feasible.

Defra have announced new national standards for SuDS. The national surface water hierarchy has been updated and runoff from the development shall be discharged to the following final destinations, to the maximum extent practicable, in accordance with the below hierarchy:

- collected for non-potable use (water re-use)*
- infiltrated to ground*
- discharged to an above ground surface water body*
- discharged to a surface water sewer, or another piped surface water drainage system*

Note: To utilise a lesser priority final destination, appropriate evidence shall be provided that demonstrates all higher priority final destinations have been utilised to the maximum extent practicable. Higher cost alone shall not be a reason to utilise lower priority final destinations.

Review of the proposal indicates surface water will be discharged via SuDS / soakaway which we support.

The developer is required to undertake soakaway testing in line with legislative requirements.

Surface Water drainage strategy to be agreed with the LFFA.

Foul drainage

Review of the proposal indicates foul sewage will be disposed of via a package treatment plant.

Water supply

There is 4" Water distribution main located in the road to the West of the development site from which a suitable point of connection could be made.

Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements."

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 neighbour notification letters sent to adjoining and nearby properties.

One representation has been received as follows:

"We live at Equine Stud and stables New Road Melksham so directly adjacent to this application.

If you look on the government website for this address we are at medium risk for surface water flooding with this rising to high risk by 2040.

We have had three floods in the last two years into our property and with numerous occasions of us having to take preventative measures with pumps to save the property. This has started with the temporary buildings and motorhomes that are located in this field and land drains installed.

The drainage strategy submitted with the application states surface water will be to ground. This is unachievable as the underlying strata is Oxford clay.

We would suggest that a full FRA is carried out prior to a determination. There will need to be a complete attenuation design which will require pumping and a

hydrobrake to limit the outflow from the site. However in storms the ditches outside the site overflow.

There is no mains electric in the area and without permission of third parties cost to install would be uneconomical so how this system will work is difficult to understand. Generators are currently used by the caravans and motorhomes that are on the land. This creates a noise and also fumes. We would not want to have to endure this with these houses.

The planning statement suggest that the road is lightly used, this is far from the reality. New Road is single carriage way but is a Rat run from East Melksham to Chippenham. From around 7.00 to 10.00 and 3.00 to 6.30 there is a stream of traffic in both directions. Wiltshire Highways will be able to give information on how much has been spent on this road as it is not designed for the amount of traffic.

The Planning Statement also suggests that the land is within the settlement edge which again is in correct. This road has no pavements, street lighting or bus service so will be reliant on cars.

If this application is allowed it will open up not only development all along New Road but it will set a precedence for the whole of Wiltshire.”

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 development

Core Policy 1 of the Wiltshire Core Strategy (WCS) establishes a settlement hierarchy to guide the distribution of development across the county. The policy directs the majority of new development to the most sustainable locations, including Principal Settlements, Market Towns and Local Service Centres, where services, facilities and infrastructure are available to support growth. Development in Large and Small Villages is expected to be limited and proportionate to local needs. Outside the defined settlement boundaries, development is strictly controlled.

Core Policy 2 (Delivery Strategy) reinforces this approach and sets out how development will be delivered across Wiltshire. The policy supports a plan-led approach to growth and states that development outside defined settlement boundaries will only be supported where it accords with specific countryside policies. These include, for example, rural exception sites for affordable housing, accommodation for rural workers, tourism development, or other forms of development that require a countryside location.

Core Policy 15 sets out the spatial strategy for the Melksham Community Area and directs development toward Melksham and other defined settlements where growth can be sustainably accommodated.

At the local level, the recently made Joint Melksham Neighbourhood Plan 2 (JMNP2, August 2025) forms part of the statutory development plan. Policy 1 requires development to demonstrate good connections to services and facilities and to minimise reliance on private vehicles. Policy 6 confirms that housing development outside defined settlement boundaries will be managed in accordance with the adopted development plan and should respond to evidenced local housing needs.

The application site lies outside the defined limits of development for Melksham and is therefore located within the open countryside for the purposes of policy assessment.

The proposal seeks permission for two self-build dwellings on undeveloped land. The development does not represent accommodation essential for agriculture, forestry, or other rural enterprise; does not comprise the replacement of an existing dwelling; and does not fall within any of the countryside exception policies identified within Core Policy 2. The site is not allocated for housing within the WCS or the Joint Melksham Neighbourhood Plan 2.

At pre-application stage the applicant suggested that the proposal represents infill development along New Road. However, the site is not enclosed by existing residential development and does not form a logical gap within a continuous built frontage. Open fields lie immediately to the south and east of the site, and development in this location would extend built form further into the surrounding rural area. The proposal would therefore not represent infill but would instead constitute an encroachment of residential development into the countryside.

The surrounding pattern of development along New Road is characterised by sporadic and dispersed buildings set within a largely rural landscape. Introducing two new dwellings in this location would consolidate and extend built form along the road beyond its current extent, eroding the transition between the settlement edge and the open countryside.

The site lies outside the defined settlement boundary of Melksham, within the open countryside where residential development is strictly controlled. The proposal does not fall within any of the policy exceptions that would justify new housing in this location and would represent an unjustified extension of built development into the countryside.

Furthermore, the site lies outside the areas identified for housing growth within the recently made Joint Melksham Neighbourhood Plan 2, which allocates sites to meet the identified housing need within the neighbourhood area. Allowing development in this location would therefore conflict with the plan-led spatial strategy for directing growth to appropriate and sustainable locations.

The proposal therefore conflicts with Core Policies 1 and 2 and 15 of the Wiltshire Core Strategy and policy 6 to the Joint Melksham Neighbourhood Plan 2 and, in principle, is not supported.

5 Year Housing Land Supply

The Wiltshire Housing Land Supply Statement (June 2025) provides the Council's most recent assessment of deliverable housing land supply. Following revisions to the National Planning Policy Framework in December 2024, the calculation of local housing need and the requirement for a five-year supply of deliverable housing sites has resulted in a significant increase in the housing requirement to be met.

When assessed against the current supply of deliverable sites, Wiltshire Council can presently demonstrate a housing land supply equivalent to approximately 2.42 years, which represents a substantial shortfall against the five-year requirement.

Paragraph 11(d) of the National Planning Policy Framework therefore applies. In such circumstances, the most important policies for determining applications for housing should be considered out-of-date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Accordingly, the so-called “tilted balance” of paragraph 11(d) is engaged.

However, in this case, the Joint Melksham Neighbourhood Plan 2 was made in August 2025. The development plan allocates a number of sites for residential development to meet the housing needs of the area. Those allocations were informed by evidence including a Housing Needs Assessment and represent a locally supported strategy for accommodating growth within the neighbourhood plan area. For this reason, the provisions of paragraph 14 are engaged and, as advised in that paragraph, the adverse impact of allowing development that conflicts with the development is likely to significantly and demonstrably outweigh the benefits.

Design, appearance and impact on landscape

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Core Policy 51 of the Wiltshire Core Strategy requires development to:

- Protect, conserve, and enhance landscape character and quality.
- Respect local distinctiveness, key views, and visual receptors.

The Wiltshire Design Guide SPD (2024) promotes a context-led approach, encouraging integration with natural features and settlement patterns while avoiding visual intrusion.

Section 12 of the National Planning Policy Framework (NPPF, 2021) emphasises that development should be visually attractive, functionally effective, and contribute positively to the quality of the built environment.

The Wiltshire Design Guide encourages sensitivity to local character, building materials, and architectural styles while supporting modern living standards.

In this case, the site is a rectangular parcel of open countryside outside the defined settlement boundary of Melksham, approximately 0.39 hectares in size. The surrounding area is characterised by:

- A dispersed, rural settlement pattern along New Road;
- Large plots with two-storey dwellings, equestrian buildings, and open fields;
- Generous spacing between buildings, maintaining openness and rural character;
- Views across open countryside, enhancing the sense of space and landscape quality.

New Road is a narrow, rural route with no footways or street lighting, relying entirely on passing places to enable vehicles to pass safely. It carries through traffic during peak periods, creating a busy route in an otherwise rural setting. The constrained width and absence of pedestrian infrastructure highlight the limited suitability of the site for intensification.

The proposed development of two self-build dwellings would extend built form further into the countryside, beyond the current loose pattern of development. While the dwellings are in generous plots the site is isolated: There are no dwellings immediately to the south or east, with open land continues for over half a mile in these directions; to the west, a small cluster of houses lies across New Road, beyond which the land remains open. As such the site does not form a logical gap within a continuous built frontage, and the proposal would elongate the existing settlement pattern along the road. This is inconsistent with the dispersed, rural character along New Road and fails to maintain the clear transition between the settlement edge and open countryside.

Turning to the landscape character, the application site is located in an area of open countryside with extensive views to the east and south, identified as “Open Clay Vale” in the county’s landscape character assessment. The strategy here is to “conserve and improve”.

The proposed development would extend the existing built form of Melksham along New Road into otherwise undeveloped land, resulting in encroachment into the rural landscape. While

the dwellings are modest in scale and generous plots partially mitigate visual impact, the proposal would still interrupt the open character of the area and reduce the sense of openness along this stretch of road.

The proposal would cause harm to the character and visual quality of the rural landscape, contrary to Core Policy 51 of the Wiltshire Core Strategy and guidance in the NPPF and would be inconsistent with the objectives of the Wiltshire Landscape Character Assessment for the Open Clay Vale.

The proposal fails to respond positively to the character of the surrounding area, the dispersed settlement pattern, or the rural landscape. The development would result in a harmful encroachment of built form into open countryside, eroding the settlement edge and undermining the established visual and functional qualities of the area.

Accordingly, the scheme conflicts with policies CP51 and 57 of the Wiltshire Core Strategy, JMNP2 Policies 18 and 20, and the design principles set out in the NPPF and the Wiltshire Design Guide. The adverse effects on character, landscape, and settlement edge carry substantial weight in the overall planning balance.

Amenity

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

The proposed development comprises two detached dwellings on generous plots, located in an isolated area of open countryside. There are no existing neighbouring properties to the south or east, and the nearest dwellings to the west and north are separated by distances of over 500 m. Given this separation, the development would not result in any material overlooking, overshadowing, or overbearing impact on neighbouring residential properties.

Future occupiers would enjoy private amenity space consistent with guidance in the Wiltshire Design Guide and Building for a Healthy Life, with sufficient garden areas for outdoor use and potential provision for bin storage.

The proposal is considered acceptable in terms of residential amenity for both existing neighbours and future occupiers, with no unacceptable harm identified.

Highways and parking

Transport implications are a key factor in assessing planning applications. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.
- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Proposals must also ensure safe access for refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

The site is located outside the defined settlement boundary of Melksham, along a rural stretch of New Road. In this location there are no footways, street lighting, or formal pedestrian facilities connecting the site to nearby services or facilities. The carriageway itself is relatively narrow and includes passing places to allow vehicles travelling in opposite directions to pass safely, reflecting the constrained rural character of the road.

The submitted Design and Access Statement identifies that local facilities such as the nearest primary school and Melksham town centre are within a short driving distance of the site. However, the same document confirms that these destinations are accessed primarily by car, with the nearest primary school approximately a three-minute drive away and Melksham town centre approximately a six-minute drive away. Whilst reference is made to a local shop and recreational facilities within walking distance, the route to these facilities would require pedestrians to walk along New Road, which has no footway, lighting, or other pedestrian infrastructure.

Furthermore, there is no bus service serving New Road. As such, future occupiers of the development would have limited realistic transport options other than the private car for day-to-day journeys, including access to employment, education, shopping, and services.

In this context, the site cannot reasonably be described as a sustainable location for new residential development. The proposal would therefore give rise to a pattern of development heavily reliant on private vehicle use and would fail to promote sustainable modes of transport, contrary to the aims of Core Policies 60 and 61 of the Wiltshire Core Strategy and the sustainable transport objectives set out in the National Planning Policy Framework.

The development would result in an unsustainable form of residential development with reliance on private vehicles. As such, the proposal fails to accord with Core Policies 60 and 61 of the Wiltshire Core Strategy and the sustainable transport objectives of the NPPF.

Ecology and Biodiversity Net Gain

The ecological impact of development is a key planning consideration, especially for larger schemes. Proposals must assess and address potential effects on:

- Protected species
- Priority habitats
- Ecological networks
- Green and blue infrastructure

Core Policy 50 of the Wiltshire Core Strategy requires development to:

- Avoid harm to ecological assets.
- Deliver measurable Biodiversity Net Gain (BNG), in line with the Environment Act 2021.
- Support habitat restoration and connectivity.
- Integrate biodiversity into site design.

The Green & Blue Infrastructure Strategy (2022–2030) promotes nature recovery, ecosystem services, and habitat connectivity through development.

Unless exempt, developments must deliver a minimum of 10% BNG via Biodiversity Metric calculations and ecological assessments.

The site lies within an area with recorded ecological interest, including a bat roost approximately 600 m away and a pond 70 m north with potential for Great Crested Newts (GCN). Records also indicate the presence of protected species such as bats, otters, and birds in the wider area.

The applicant has submitted a Great Crested Newt District Level Licensing (DLL) Impact Assessment and Conservation Payment Certificate. However, the Council's Ecologist has advised that the certificate is incomplete, unsigned, and undated; neither the applicant nor Natural England have filled in the required sections. It is understood that the conservation payment will not be made until the applicant is certain of approval, as the fee is non-refundable in the event of refusal. Until a fully completed and valid certificate is provided, the holding objection remains and the potential impact on protected species cannot be confirmed as acceptable.

While the scheme is exempt from the formal 10% BNG requirement (as a self build application for up to two dwellings, on a site approximately 0.39 ha), Core Policy 50 and national guidance still require that any development avoids harm to biodiversity, minimises impacts, and integrates ecological considerations into site design wherever possible.

In carrying out its statutory duties, the Local Planning Authority must be satisfied that a proposal would not result in harm to protected species before granting planning permission.

In the absence of a confirmed mitigation strategy or a fully completed DLL certificate, the proposal fails to demonstrate that it would not result in harm to protected species. Ecology officers' holding objection remains, and the scheme does not currently meet the expectations of Core Policy 50 or the NPPF. Although the site is exempt from the mandatory BNG development must still ensure biodiversity is not adversely affected.

Given the absence of sufficient ecological information at this stage, and the resulting uncertainty as to whether appropriate mitigation could be secured, it is not considered reasonable for this matter to be deferred to a planning condition.

Flood risk and drainage

Core Policy 67 of the Wiltshire Core Strategy and NPPF paragraphs 170–182 require:

- Avoidance of increased flood risk.
- Use of appropriate mitigation measures.
- Application of the sequential and exception tests for developments in Flood Zones 2 or 3.

Sustainable Drainage Systems (SuDS) are required for all major developments and must:

- Manage runoff near its source.
- Improve water quality.
- Support biodiversity and amenity.
- Be integrated into the site layout and green infrastructure.

The site lies in Flood Zone 1 and is subject to medium risk of surface water flooding in parts, with low risk of groundwater flooding. The applicant proposes rainwater butts, permeable paving, and surface water attenuation to manage runoff. However, infiltration rates have not been verified through BRE 365-compliant soakage testing, and the feasibility of infiltration across the site remains unconfirmed. No alternative discharge route is available, and Wessex Water has confirmed that discharge to public sewers is not feasible.

As a result, there is significant uncertainty that surface water could be managed sustainably on this site. The absence of verified infiltration testing and a robust drainage strategy represents a fundamental risk, and it cannot be assumed that any issues could be satisfactorily addressed via condition. Until the required testing and evidence are provided, the proposal fails to demonstrate compliance with Core Policy 67 of the Wiltshire Core Strategy and the relevant provisions of the NPPF, and is therefore unacceptable in terms of flood risk and drainage.

PLANNING BALANCE AND CONCLUSION

Paragraph 11(d) of the National Planning Policy Framework (NPPF, 2021) sets out the “tilted balance” for decision-making where a local planning authority cannot demonstrate a five-year housing land supply. In such circumstances, permission should be granted unless the adverse impacts of granting permission significantly and demonstrably outweigh the benefits.

Wiltshire Council is currently unable to demonstrate a five-year housing land supply (5YHLS of 2.42 years). This means the presumption in favour of sustainable development is engaged.

However, the recently adopted Joint Melksham Neighbourhood Plan 2 (JMNP2, August 2025) allocates sufficient housing sites within Melksham to meet local need, informed by an updated Housing Needs Assessment. This means that the provisions of paragraph 14 to the NPPF are also engaged.

In weighing the planning balance, the following factors have been considered:

Identified harms:

Principle of Development

- The site lies outside the defined settlement boundary of Melksham, in open countryside where residential development is strictly controlled.
- The proposal does not meet any exception policies in Core Policies 1, 2, or 15 and is not allocated in JMNP2.
- The site is not bounded on all sides by existing dwellings and does not form a logical gap within a continuous built frontage and cannot be considered to be infill development. Rather, development would extend built form into open countryside, conflicting with the spatial strategy of the development plan.

Harm / Weight: Departure from the development plan – in view of the tilted balance, limited weight.

Design, Character, and Settlement Edge

- The proposed dwellings are on generous plots. While plot sizes broadly reflect some larger dwellings along New Road, the site is isolated within open countryside.
- To the south and east, the landscape remains rural for over half a mile; to the west, a few houses lie across New Road, with open land beyond.
- Introducing new dwellings here would elongate the built form along New Road, eroding the clear settlement edge and rural character.
- The layout is urban in character, uniform, and out of keeping with dispersed, spacious development along the road.
- Core Policies 51 and 57, the Wiltshire Design Guide, and the NPPF require development to respond to local character and landscape context. The proposal fails to meet these requirements.

Harm / Weight: Moderate to great weight.

Highways, Sustainability, and Access

- New Road is narrow and rural, with passing places rather than continuous carriageway, and lacks footways, street lighting, or public transport.
- Future residents would be heavily reliant on private vehicles, contrary to Core Policies 60 and 61 and the sustainable transport objectives of the NPPF.

Harm / Weight: Moderate weight.

Ecology / Protected Species

- No confirmed Natural England district level licence or mitigation strategy has been provided.
- Potential impacts on bats and Great Crested Newts remain unresolved, contrary to Core Policy 50 and NPPF biodiversity objectives.

Harm / Weight: Moderate to significant weight.

Drainage / Flood Risk

- Surface water management relies on untested infiltration, with no alternative discharge routes.
- Insufficient information has been provided to demonstrate that flood risk would not increase on or off-site, contrary to Core Policy 67.

Harm / Weight: Moderate weight.

Local Representations

- Melksham Without Parish Council objects, citing principle, landscape and settlement edge, incremental development, and unsustainable location.
- Representation from local stakeholder reinforces landscape, drainage, and transport concerns.

Harm / Weight: Significant weight.

Benefits of the proposal:

Provision of Housing

- Provision of two self-build dwellings, which could contribute towards demand on Wiltshire Council's Self-build Register. However, no evidence is provided that the plots would be serviced or capable of being serviced in accordance with the Self-build and Custom Housebuilding Act 2015. No agreement under s106 of The Act has been offered by the applicant as a means of securing the dwellings as self or custom builds.
- The proposal is for merely two dwellings, and with no supporting infrastructure. IN addition, the application site is located in the Melksham neighbourhood plan area which has allocated sufficient housing land supply. The contribution is therefore modest.

Benefit / Weight: Limited weight.

Paragraph 15 of the current NPPF sets out that the planning system “should be genuinely plan-led” which includes providing “a platform for local people to shape their surroundings”. This is reinforced by paragraph 30 NPPF, which emphasises that neighbourhood planning *“gives communities the power to develop a shared vision for their area”*, and that neighbourhood plans *“can shape, direct and help deliver sustainable development, by influencing local planning decisions as part of the statutory development plan”*. The Joint Melksham Neighbourhood Plan 2 (“JMNP2”) has sought to do just that. As the Independent Examiner for the JMNP2 highlighted in their report, this plan represents a *“first class example of a local community refreshing its neighbourhood plan”*.

Paragraph 14 NPPF provides a critical safeguard. It directs that where a neighbourhood plan is in force that is less than five years old (which is the case here), and it contains policies and allocations to meet its identified housing requirement (again, here), then the adverse impact of allowing development that conflicts with the neighbourhood plan “is likely to significantly and demonstrably outweigh the benefits”. This is one of the rare circumstances where national policy gives explicit guidance as to the likely outcome of the planning balance.

In light of the harms and impacts identified and the relatively limited benefits, in the context of the provisions of paragraph 14 to the NPPF, it is concluded that the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits.

RECOMMENDATION: That Planning Permission be REFUSED for the following reasons:

1. Principle of development

The site lies outside the defined settlement boundary of Melksham in open countryside. The proposal does not meet any of the exception policies in Core Policies 1, 2, or 15 of the Wiltshire Core Strategy and is not allocated in the Joint Melksham Neighbourhood Plan 2, and therefore contrary to Policy 6. Residential development in this location would conflict with the plan-led spatial strategy for housing growth and is therefore unacceptable in principle.

2. Landscape and appearance

The development would extend the built form along New Road into otherwise open countryside, eroding the rural character and visual quality of the Open Clay Vale. The proposal fails to respond to the local context or settlement edge, contrary to Core Policies 51 and 57, the Wiltshire Design Guide, and guidance in the NPPF.

3. Sustainability and highways

The proposed development is located outside the defined settlement boundary of Melksham, within the open countryside, where new residential development is strictly controlled. The site is not well related to existing services and facilities and is located along a rural section of New Road which has no footways, street lighting, or public transport provision. As a result, future occupiers of the development would be heavily reliant on private motor vehicles to access day-to-day services and facilities.

The proposal would therefore represent an unsustainable pattern of development that fails to promote sustainable transport choices and would be contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and the sustainable transport objectives of the National Planning Policy Framework.

4. Ecology

The site lies in proximity to known protected species, including bats and potential Great Crested Newts. No confirmed Natural England district level licence or mitigation strategy has been provided, and there is significant doubt that the required mitigation could be successfully secured. As a result, the proposal presents unresolved ecological risks, contrary to Core Policy 50 and the NPPF.

5. Drainage and flood risk

The proposal relies solely on infiltration to manage surface water, but soakage testing has not been undertaken and no alternative discharge route exists. There is significant doubt that the development could provide effective surface water management, and it cannot be assumed that this matter could be adequately addressed by condition. As a result, the scheme fails to demonstrate compliance with Core Policy 67 of the Wiltshire Core Strategy and national guidance, and is unacceptable in drainage and flood risk terms.

Informative:

For the avoidance of doubt, the assessment of the scheme has been made against and with regard to the following plans and documents:

Design & Access Statement SL03 received 13 Jan 2026

Technical Note Proposed Vehicle Access received 8 Jan 2026

Swept Path Analysis PCD781/TR01 received 19 Dec 2025

Topographical Survey received 19 Dec 2025

Application Form received 19 Dec 2025

Proposed Site Access PCD781/001 received 19 Dec 2025

Illustrative Site Layout Plan received 19 Dec 2025

Planning Statement v1 received 19 Dec 2025

Preliminary Ecological Appraisal received 19 Dec 2025

Surface Water Drainage Strategy received 19 Dec 2025

Site Location Plan received 19 Dec 2025