

Appeal Statement of Case

Town and Country Planning Act 1990

Project:	Outline permission for the erection of up to 2 self-build dwellings and associated infrastructure, all matters are reserved except for access.
Client/Appellant:	Mr Stuart Little
Site Address:	Land to the east of New Road, Melksham, SN12 7QZ
Issue and Revision Record:	Version 2 (30/03/2026)
Local Authority:	Wiltshire Council
LPA Reference:	PL/2025/09917
MDP Reference:	SL04

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MDP are instructed by Mr Stuart Little. It has worked on matters associated with the Appeal Site since 2024 and has most recently been instructed to assist in the preparation and submission of this appeal following the refusal of a planning application in respect of development at the Appeal Site.

MDP is familiar with the nature and character of the Appeal site and the background to the development and was instructed to submit this Statement of Case for the current appeal, which is proceeding via the written representations procedure. The evidence given is true, given in good faith and represents professional opinions as to the merits of the development the subject of this appeal.



1. Introduction

- 1.1 This appeal is made on behalf of Mr Stuart Little in relation to development at Land to the east of New Road, Melksham, SN12 7QZ.
- 1.2 The planning application was submitted on 19 December 2025. It was given reference PL/2025/09917 and sought outline permission for the erection of up to 2 self-build dwellings and associated infrastructure, all matters are reserved except for access.
- 1.3 A Unilateral Undertaking is attached to this appeal to secure the Self-Build nature of the scheme. Hard (wet-signed) copies of the UU will be posted to the LPA and PINS next week.
- 1.4 The development was refused on 13 March 2026 for the following reasons

1. 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. 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. 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. 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. 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.

- 1.5 This Statement addresses these reasons for refusal. It concludes that the appeal proposal would be acceptable in planning terms and accords with the Council's Development Plan. The scheme would accord with the Council's settlement strategy and would provide suitable access to services for future residents. There would not be unacceptable harm to the character of the area or to protected species. Furthermore, the scheme would be acceptable in terms of flood risk.
- 1.6 Consequently, the scheme accords with the provisions of the 2024 National Planning Policy Framework (henceforth referred to as 'the Framework') and is sustainable development for which it advocates a presumption in favour.

2. Policy Context

- 2.1 To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the plan unless there are material considerations that indicate otherwise as directed by Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 2.2 For the purposes of this appeal, the relevant parts of the Council's development plan are the 2015 Wiltshire Core Strategy (including policies saved from former District Council Local Plans as shown at Appendix D to the Core Strategy) (CS) and the Joint Melksham Neighbourhood Plan 2021 (NP).
- 2.3 Other material planning policy considerations include the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG).



- 2.4 The policies referred to in the Council’s decision notice, together with relevant national guidance and law, are summarised below.

Wiltshire Core Strategy

- 2.5 **Core Policy 1: Settlement Strategy** – This policy identifies the settlements where sustainable development will take place. Development is directed to Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages.
- 2.6 **Core Policy 2: Delivery Strategy** – This policy outlines the considerable overall housing need for the local authority area (42,000 homes). Outside of defined limits of development, development will not be permitted other than in circumstances as permitted by this plan.
- 2.7 **Core Policy 15: Melksham Community Area** – Development in this area should be in accordance with Core Policy 1. Melksham is identified as a Market Town.
- 2.8 **Core Policy 50: Biodiversity and Geodiversity** – Amongst other things, this policy seeks to ensure that developments protect features of nature conservation and geological value and avoid disturbance to species and habitats. Biodiversity enhancement is encouraged.
- 2.9 **Core Policy 51: Landscape** – This policy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Amongst other things, this policy seeks to conserve landscape features of historic and heritage value and ensure developments do not harm important views and visual amenity. It also gives great weight to the conservation and enhancement of the landscape and scenic beauty within the AONB (now known as a National Landscape).
- 2.10 **Core Policy 57: Ensuring High Quality Design and Place Shaping** – Amongst other things, this policy seeks to ensure that proposals are sympathetic to historic buildings and that they have regard to the amenities of existing occupants and the compatibility with adjoining buildings and uses.
- 2.11 **Core Policy 60: Sustainable Transport** – Amongst other things, this policy seeks to reduce the reliance on travel by private car and supports and encourages sustainable transport modes.
- 2.12 **Core Policy 61: Transport and Development** – New Development should be located and designed to reduce the need to travel, particularly by private car. Sustainable transport alternatives are encouraged.



- 2.13 **Core Policy 67: Flood Risk** – Amongst other things, all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Joint Melksham Neighbourhood Plan

- 2.14 **Policy 6: Housing in Defined Settlements** – Housing is supported within settlements. In principle support will be given to proposals for custom or self-build projects in locations where new residential development is acceptable.

National Planning Policy Framework

Approach to Sustainable Development

- 2.15 **Paragraph 7** of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 2.16 **Paragraph 8** states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.



- 2.17 **Paragraph 9** states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 2.18 **Paragraph 10** states that, so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This is then detailed at **Paragraph 11**.
- 2.19 **Paragraph 39** makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.

Design

- 2.20 **Paragraph 131** states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 2.21 **Paragraph 135** seeks to ensure that developments add to the overall quality of the area.

Housing

- 2.22 The Framework shows a clear Government intention to significantly boost the supply of housing. **Paragraph 61** states that it is important that sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
- 2.23 **Paragraph 73** states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
- 2.24 **Paragraph 135** seeks to ensure that developments optimise the potential of sites and function well.

Biodiversity

- 2.25 **Paragraph 187** seeks, amongst other things, to improve biodiversity in and around developments and secure measurable net gains for biodiversity.



3 Grounds of Appeal

3.1 This section of the Statement addresses the Council's reasons for refusal. This will be done by consideration of four main issue which are:

- 1) Whether or not this is a suitable location for housing, with particular regard to local and national planning policy;
- 2) The effect of the proposal on the character and appearance of the area;
- 3) The effect of the proposal on protected species; and
- 4) The effect of the proposal in terms of flood risk.

1) Suitable Location

Policy Context

3.2 Core Policy 2 of the Core Strategy (CS) outlines the considerable housing need (42,000 units) within the local authority area over the plan period. It states that housing development will not be permitted other than in accordance with the objectives of the CS. Core Policy 1 of the CS and Policy 6 of the NP identify the settlements where sustainable development will take place. Development is directed to Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. Outside of defined limits of development, development will not be permitted other than in circumstances as permitted by this plan. To support this strategy, Core Policies 60 and 61 of the CS and Policy 1 of the NP seek to reduce the reliance on private vehicles and promote sustainable transport modes.

Discussion

Plan-led Approach to Growth

3.3 The appellant's position in relation to the site's spatial location in relation to the settlement is set out in its Planning Statement. In any event, paragraph 89 of the Framework states that decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements.



- 3.4 In terms of access to services, it is acknowledged that they would likely travel by car to services required for day-to-day living. Nevertheless, environmental harm from such trips would be negligible given the proximity of the site to Melksham town. Accordingly, and with regard to the limited scale of the development, there would be no material planning harm (emissions) in this regard. It follows that the development is not isolated for the purposes of paragraph 84 of the Framework¹.
- 3.5 It must also be acknowledged that no rural settlement can be expected to have the full panoply of services required for day-to-day living. Indeed, the importance of the interconnectivity of villages with other settlements to provide the suite of requisite services is recognised at paragraph 83 of the Framework. This indicates that the Government acknowledges that travel between areas by car is sometimes necessary. Moreover, the Framework, at paragraph 110, is clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. For the development plan's strategy of supporting the vitality of rural settlements to succeed, housing must be permitted here regardless of its direct connectivity to facilities.
- 3.6 Furthermore, there is a clear authority-wide need for housing. The Council can only demonstrate a 2 year housing land supply. Consequently, paragraph 11 of the Framework is engaged by virtue of footnote 7 to this paragraph. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This balance, therefore, is not a 'traditional' balance. Instead, there is a considerable weighted layer in favour of this scheme known as the 'tilted' balance. Furthermore, housing policies are considered out-of-date. This alone reduces the weight that can be afforded to conflict with them.

The Effect of the NP (Paragraph 14 of the Framework)

- 3.7 The Council refer to paragraph 14 of the Framework in order to attempt to demonstrate that the adverse effects of this scheme would significantly and demonstrably outweigh the benefits. This paragraph states that:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the

¹ With particular regard to case law *Braintree DC v SSCLG (2018) EWCA Civ 610; (2018)* and *City & Country Bramshill Limited and SOSHCLG (2019) EWHC 3437 (Admin)*.



neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

*a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; **and***

*b) the neighbourhood plan contains **policies** and allocations to meet its **identified housing requirement (see paragraphs 69-70).***

- 3.8 The NP meets the first criterion of paragraph 14 of the Framework. However, both criteria must be met for it to be engaged and applied in this case. Criterion b) refers to paragraphs 69-70 of the Framework. Paragraph 69 states that:

“Strategic policy-making authorities should establish a housing requirement figure **for their whole area**, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be **met over the plan period.**”

(Appellant’s Emphasis)

- 3.9 Consequently, paragraph 14 only applies where the NP allocation meets identified housing requirements which are tied to the whole local authority area over the plan period. It is not appropriate to state that the NP allocates housing for its specific local region and that this meets the Framework’s housing objectives. Indeed, it is not uncommon for neighbourhood plans to underestimate and therefore underprovide for housing. They are typically more restrictive in this regard than the broader development plan.
- 3.10 It follows that, regardless of the NP’s allocation of housing, it simply cannot meet the chronic and persistent area wide need for housing. Criterion b) of paragraph 14 of the Framework is not met and this paragraph cannot be used to further frustrate the delivery of housing.
- 3.11 Furthermore, ‘need’ in line with the Framework’s objectives at paragraphs 69-70 is not simply linked to standard market housing alone. Rather, it must take into account provision for other types of housing, including self-build plots. Such plots form a separate body of consents outside of the Council’s more typical housing stock.
- 3.12 Indeed, the Self-Build and Custom Housebuilding Act 2015 (as amended) places a statutory duty on local authorities to maintain a register of individuals and associations seeking to acquire serviced plots of land for self-build and custom housebuilding. Local authorities must also grant sufficient



development permissions to meet the demand for self-build and custom housebuilding as evidenced by their register. This duty is intended to ensure that individuals wishing to build their own homes have suitable opportunities to do so.

3.13 National policy, as outlined in the Framework and PPG, also requires local authorities to address self-build demand by granting sufficient development permissions.

3.14 The explanatory note to the 2016 Housing and Planning Act states that:

“The Government has an ambition to double the number of custom-built and self-built homes by 2020. In March 2015 Parliament passed the Self-build and Custom Housebuilding Act 2015. The Act, which came into force on 1 April 2016, requires local planning authorities to compile a register of persons seeking to acquire land to build or commission their own home and to have regard to that register when carrying out their planning, housing, land disposal and regeneration functions. The Housing and Planning Act 2016 requires local planning authorities to ensure that there are sufficient serviced permissioned plots consistent with the local demand on their custom build registers. This is intended to make it much easier for people to find land to build or commission their own home, diversifying housing supply and revitalising smaller builders who have not experienced the same level of recovery as the large housebuilders since the financial crisis.”

3.15 The recent amendments through the Levelling Up and Regeneration Act 2023 (LURA) underscore the importance of councils proactively supporting self-build projects. The LURA amendments clarified that only permissions explicitly for self-build housing can be counted towards statutory obligations, further emphasising the need for dedicated self-build permissions. This change means that local authorities can no longer count planning permissions that merely 'could' be for self-build towards their statutory obligations. Only permissions that are explicitly for self-build and custom housebuilding, as defined by the Act, can be counted.

3.16 Additionally, the LURA amendments clarified that demand not met within three base periods will be rolled over to the next base period, making it a cumulative requirement. This means that councils must proactively grant permissions for self-build plots to meet not only current demand but also any unmet demand from previous periods.

3.17 These legislative changes, which came into force in January 2024, highlight the increased accountability placed on local authorities to ensure that self-build housing demand is met in a timely and effective manner.



3.18 When forming policy for self-build the government guidance is clear:

"Relevant authorities should use preferences expressed by those on the register to guide their decisions when looking at how to meet the duty to grant planning permission etc. This will help ensure that relevant authorities permission land suitable for self-build and custom housebuilding which people are actually keen to develop."

Paragraph: 028 Reference ID: 57-028-20210508

3.19 A vast majority of those wanting to build their own house wanted to do so either on a single plot or on developments of between 1 and 10 homes.

3.20 The Right to Build Task Force - a government-supported organisation established to promote and enable the growth of the self-build sector - provides guidance on this matter. In their guidance document "Delivering a Sufficient Supply of CSB Homes" (PG2.1) paragraph 48 states:

"In planning positively for the future supply of CSB plots, LPAs must seek to deliver the type of plots preferred by prospective self-builders. It is therefore important that a range of opportunities are offered on large and small sites providing diversity, and that planning policies positively encourage CSB windfall proposals in appropriate areas such as infill plots, locations on the edge of settlements and brownfield sites."

3.21 Therefore, policy that relies solely on a percentage of the large strategic sites to deliver self-build is in conflict with the most recent national advice. Such policy is likely to be considered unsound.

3.22 The LPA are also required to provide the latest details of how the LPA are meeting their obligations to Self-Builders. The Council has a need for **136 plots**. The Council is failing to meet its legal and register demands.

3.23 Indeed, the Bacon Review (2021) highlighted that actual demand for self-build plots is likely much higher than indicated by the registers. It noted that only 13% of the population are aware of the Self-Build Registers, and many self-builders do not join them. The local need is likely much greater than depicted. This reinforces the considerable weight given to the self-build nature of the development.

3.24 It follows that the Council is failing in its legal duty to meet requisite self-build needs. The NP does not address this through its allocation process. This further emphasises that the NP does not contain policies and allocations to meet its identified housing requirement in relation to self-build



plots. Furthermore, its housing policies are also out-of-date by virtue of the Council's overall housing shortfall.

- 3.25 For all of these reasons, it cannot be that paragraph 14 of the Framework can be twisted so that some low-level local NP housing allocation results in a scenario where the disbenefits of this scheme significantly and demonstrably outweigh the benefits.

Appeal Decisions – Weight to Self-build Plots

- 3.26 Recent appeal decisions demonstrate that substantial weight should be given to the provision of self-build housing in areas where councils are failing to meet their statutory duties under the Self-Build and Custom Housebuilding Act 2015 (as amended).

- 3.27 For example, in the appeal decision at Banbury Road, Gaydon, Stratford-Upon-Avon (Appeal Ref: APP/J3720/W/23/3336035, dated 14th June 2024), the Inspector allowed a Permission in Principle application for self-build housing. The Inspector stated:

"...this site would assist the Council in its delivery of SBCH sites and help address its existing shortfall. Accordingly, the benefit of the proposed delivery of SBCH is attributed substantial weight in the planning balance."

- 3.28 Similarly, in the appeal decision at Malmesbury (Appeal Ref: APP/Y3940/W/23/3317252, decided on 5th March 2024), the Inspector acknowledged the deficit of self-build plots as a key consideration. The Inspector concluded:

"Given what would appear to be a considerable level of under-delivery against a high level of demand for self-build development, I find that I should give substantial weight to the self-build nature of the proposal."

- 3.29 In an inquiry decision at St Albans City Council (Appeal Ref: 3312277, decided on 22nd March 2024) the appeal inspector concluded: *"[...] substantial weight should also be afforded to self-build plots as a discrete element of housing supply."*

- 3.30 A local appeal at Shrivenham (APP/V3120/W/22/3297610) was allowed for 7 self-build plots in November 2022. The Inspector concluded that despite being adjacent to a listed building, and outside the defined built-up area of Shrivenham (therefore in open countryside and conflicting with Core Policies CP3 and CP4 of the VoWH Local Plan), the deficient supply of (and notable demand for) self-build homes was a sufficient material consideration to allow the appeal:



"I have outlined that the public benefits of the appeal scheme are considerable in respect of the contribution they make towards the provision of self-build and custom build houses.... the appeal scheme would not accord with the development plan, when considered as a whole, but the adverse impact of the proposal is a matter of moderate weight against granting planning permission.... This leads me to an overall conclusion that material considerations indicate the decision should be taken otherwise than in accordance with the development plan."

3.31 The provision of self-build plots can only be afforded substantial weight.

Conclusion – Suitable Location

3.32 Even if the Inspector finds that this is a countryside location, and even if there was conflict with the Council's settlement strategy, this would only be academic in nature (the site simply falling on the 'wrong side' of a cartographic line). Additionally:

- The Council's housing strategy is failing to provide requisite homes as it can only evidence a 2 year supply of deliverable housing land.
- Housing policies are restrictive and are out-of-date.
- The Framework and local policy assert that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements.
- There is no actual planning harm arising from the site's location adjacent to a settlement boundary, particularly noting that the site is in an accessible location, which is the fundamental objective of the Council's spatial housing strategy.
- Paragraph 14 of the Framework does not dictate that the adverse impacts would significantly and demonstrably outweigh the benefits.
- Substantial weight should be given to both the provision of housing and the provision of self-build plots.

3.33 For all of these reasons, hypothetical technical conflict with the Council's spatial strategy, simply by virtue of the site being on the wrong side of a cartographic line, should carry only limited weight against this proposal. It would be outweighed by other material considerations.



2) Character and Appearance

- 3.34 The Council's main concern in this regard relates to the urbanisation of the site. The appellant's position in relation to effects on the character and appearance of the area, including the Open Clay Vale Landscape Character Area, are set out in its Planning Statement. Importantly, the site's immediate setting is influenced by built form and does not contribute in any meaningful way to rural area beyond. Rather, it is an edge of settlement location, influenced by dwellings, existing domestic paraphernalia including parked cars, lighting and boundary treatments. While the proposal would inevitably urbanise the site, the scheme's limited overall scale is proportionate and the new dwellings would be entirely compatible with the developed character of the immediate area.
- 3.35 Furthermore, development would be mainly appreciated in long distance views. These views would be restricted, noting the limited scale of dwelling and the presence of hedgerows and established trees along carriageways. When glimpsed from restricted vantage points, new units would be seen against the silhouette of existing residential properties, further reducing its visual presence in this part of Melksham. Consequently, the proposed dwellings would not be harmful in terms of its urbanising effect and there would be no 'spread' of built form beyond the envelope of the settlement and into open countryside.



3.36 It should also be noted that application Ref. PL/2024/10345 is still pending considerations. This is a scheme for 295 homes close to the appeal site. The illustrative layout is provided below.



Figure 1: Illustrative layout for application Ref. PL/2024/10345. (Appeal site is just to the north of this plan)

3.37 This development would extend the settlement eastward towards the appeal site and would considerably urbanise the immediate landscape. Indeed, it is not unrealistic to expect that, at some point in the future, the settlement will be fully extended up to the appeal site. This reinforces assertions that the immediate area is not true open countryside. Rather, it is, and will be, influenced by the presence of large scale built form. The development cited above would also provide new pedestrian linkages to the settlement (in the north eastern corner of the site) which dramatically reduces the length of unlit road which is needed to access services. The LPA are invited to update PINS with the outcome of this case which was submitted in 2024.

Overall Conclusion – Character and Appearance

3.38 Taking everything together, the urbanising presence of the proposed units would not appear discordant in a developed setting (that is developing further still with a sizeable urban expansion nearby). Built form would not project beyond the site's boundaries and into the true open countryside beyond. No tree of significant visual amenity value would be lost and new planting



would soften the presence of development as it establishes. The scheme's layout and arrangement would not appear incongruous in the context of the fluctuating spatial pattern of nearby development. Furthermore, the units would not appear cramped upon their plots in relation to their size, and would not introduce a visually dominant or oppressive feature.

- 3.39 For these reasons, the proposal would not harm the character and appearance of the area. This is in accordance with Core Policies 51 and 57 of the CS.

3) Protected Species

- 3.40 The Council's concern in this regard relates to the absence of a signed and completed Great Crested Newt District Level License and Conservation Payment Certificate. However, payment is not refundable in the event of a refusal of planning permission. Consequently, the applicant has provided a Unilateral Undertaking legally securing this contribution upon any grant of planning permission.
- 3.41 It follows that a mechanism is in place to secure requisite licensing and payment contributions pursuant to the protection of Great Crested Newts. This is in accordance with Core Policy 50 of the CS.

4) Flood Risk

- 3.42 It is noted that percolation is poor at the site given the nature of the soil (clay). However, a Sustainable Drainage System can be implemented at the site to manage surface water. In essence, this would store water in enlarged blue infrastructure within the appellant's ownership. This would then be released appropriately to a nearby watercourse at the rear of the site (to which the appellant has riparian rights). An updated technical drainage report has been submitted with this appeal to show that this strategy would be both effective and feasible.
- 3.43 It follows that the proposal, which falls within Flood Zone 1, would not be unduly susceptible to flood risk (including from surface water). Neither would it raise the risk of flooding off-site. This is in accordance with Core Policy 67 of the CS.

4. Conclusion

- 4.1 The Council cannot sufficiently evidence a five year supply of deliverable housing land. Consequently, paragraph 11 of the Framework is engaged by virtue of footnote 7 to this paragraph. This states that planning permission should be granted unless any adverse impacts of doing so



would significantly and demonstrably outweigh the benefits. This balance, therefore, is not a 'traditional' balance. Instead, there is a considerable weighted layer in favour of this scheme known as the 'tilted' balance. For reasons given, paragraph 14 of the Framework is not engaged and does not alter one's weighing exercise.

- 4.2 The Government is seeking to significantly boost the supply of housing. This proposal would provide additional dwellings of a type for which there is a recognised need (self-build units). These would be in an accessible location, on a small site (for which the Framework specifically supports development at paragraphs 73 and 89) that could be delivered now. The proposed units would also provide economic benefits through construction and occupation and would support the retention and growth of local services and facilities. The social and economic benefits cumulatively attract significant weight.
- 4.3 Balanced against this, even if the proposal is found to fall outside of a settlement boundary, the Council's housing strategy is failing to provide requisite homes as it can only evidence a 2 year supply of deliverable housing land. Housing policies are restrictive and are out-of-date and the Framework itself asserts that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements.
- 4.4 Moreover, there is no actual planning harm arising from the site's location, particularly noting the absence of any material harm from private vehicle travel.
- 4.5 For all of these reasons, any technical conflict with the Council's spatial strategy, simply by virtue of the site being on the wrong side of a cartographic line, should carry only limited weight against this proposal.
- 4.6 Furthermore, there would be some inevitable harm to the site in character and appearance terms. However, such harm would be localised, tempered by the amount of open space at the site, softened by new planting and reduced given the site's developed context. Harm to the landscape should therefore carry only moderate weight against this proposal.
- 4.7 Technical matters in relation to species contributions and flood risk can be suitably addressed. These are neutral factors in the balance and are of no consequence.
- 4.8 The following weighting table results:



Material Consideration	Weight Ascribed
Provision of housing in an accessible location in circumstances of a critical local and national housing shortfall.	Significant weight in favour.
Provision of legally secured self-build plots in circumstances of a significant shortfall of such units.	Significant weight in favour.
Supporting community services.	Significant weight in favour.
Economic benefits at a time of economic uncertainty.	Significant weight in favour.
Academic conflict with the spatial strategy by virtue of potentially being outside of a settlement boundary.	Limited weight against. - Fundamental accordance with spatial strategy as site is in an accessible location. No material planning harm. - Housing policies are restrictive and out-of-date given the Council's housing land supply position. - Framework itself asserts that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements
Harm to the undeveloped site in character and appearance terms.	Modest weight against. - Localised harm.



	- Tempered by planting, the developed context and the amount of open space at the site.
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4.9 Overall, there would be no harmful impacts that would significantly or demonstrably outweigh the benefits of the development. This scheme would therefore accord with the provisions of the Framework when read as a whole and the weighted presumption in favour of sustainable development remains applicable.

4.10 Consequently, the proposal should be approved without delay as it is in accordance with the development plan as a whole and there are no other considerations which outweigh this finding.

Overall Conclusion

4.11 A duly signed legal agreement has been submitted with this appeal to secure the Self Build nature of the scheme, off-site ecology and a proportionate monitoring fee, paid to the LPA.

4.12 It is concluded that the proposal would represent sustainable development for which the Framework advocates a presumption in favour. It is therefore respectfully requested that the appeal be allowed, amid a national and local housing crisis.

Mark Doodes MSc MRTPI

Independent Planning Consultant

