
Appeal Decision

Site visit made on 26 August 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/Y3940/W/25/3367502

Kington Langley Garage, Malmesbury Road, Kington Langley, Chippenham SN15 5PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by KLD Property Investments Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2025/00998.
 - The development proposed is the erection of up to 8no dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the proposed erection of a minimum of 4 and a maximum of 8 dwellings at Kington Langley Garage, Malmesbury Road, Kington Langley, Chippenham SN15 5PY in accordance with the terms of the application, Ref PL/2025/00998.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted.
4. A site layout plan has been submitted as part of the proposal. This is an indicative plan only and shows just one way that the scheme could be developed. I have therefore attributed limited weight to this plan in my consideration of the appeal.

Background and Main Issues

5. The Council's objections to the proposal concern the principle of the development and its accessibility. My decision is therefore focused on these matters. However, the main issue in this case is whether the site is suitable for the proposed development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. Policies CP1 and CP10 of the Wiltshire Core Strategy (WCS) outline the hierarchical spatial strategy for accommodating new housing in Wiltshire, with

development focused on principal settlements, then market towns, then local service centres, then large villages and small villages.

7. Policy CP2 of the WCS sets out the Council's housing delivery strategy and states that, unless permitted by other policies within the WCS as set out at paragraph 4.25, development will not be permitted outside the limits of development. In addition, Policy CP2 states that at small villages, such as Kington Langley, development will be limited to infill within the existing built area. The site is classified as a location outside the defined limits of development under Policy CP2 and there is little to indicate that any of the paragraph 4.25 exceptions apply in this case.
8. The appeal site is developed, accommodating two large commercial buildings with associated yard areas. It is positioned within a small development cluster which includes residential properties, a place of worship and a pub. Whilst the small village of Kington Langley is nearby, it is physically separated from the appeal site by the A350 dual carriageway.
9. With regards to the appeal site's relationship with Kington Langley, the Council have drawn my attention to an earlier appeal decision¹ which found that the separation distance from the village, lack of consistent pavement and physical severance by the A350 resulted in the site being found unsustainable and contrary to Policies CP1, CP2 and CP10. Given the geography of the site has not changed and based on the evidence before me, I have no reason to disagree and I find accordingly that the proposal would be outside the existing built area of Kington Langley. As a consequence, it would not constitute infill as defined in Policy CP2, nor would it accord with policies CP1 and CP10.
10. Policies CP60 and CP61 of the WCS identify that new development should be located and designed to reduce the need to travel by private car and encourage the use of sustainable transport alternatives.
11. For the reasons I have given above, dwellings in this location would not necessarily support services and facilities in Kington Langley.
12. With regards to access to services and facilities outside of Kington Langley, the evidence before me indicates that there are two bus stops which are approximately 100m away from the appeal site on Old Malmesbury Road and approximately 160m away on the opposite side of the A350. These stops provide hourly bus services between Chippenham and Kington St Michael on weekdays from mid-morning until early evening and services on Saturdays and hourly weekday services between Chippenham, Malmesbury, Wootton Bassett and Swindon from early morning to early evening, and services on Saturdays.
13. I observed on my site visit that the A350 is a busy road but that there is a blister pavement crossing point at the traffic lights, therefore it would be possible to cross with care, albeit the nature of the crossing might be a deterrent to some of the future occupiers of the proposed dwellings. Therefore, whilst there would be access via public transport to nearby towns and larger settlements some residents would need to travel by private car to meet their day-to-day needs.

¹ Appeal Reference APP/Y3940/W/20/3244779

14. Accordingly, I find that the appeal site is not optimally located in terms of minimising the use of private car to reach Kington Langley and other nearby towns and larger settlements. The proposal would therefore conflict with the housing strategy of the development plan, specifically WCS policies CP60 and CP61 and would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Other Considerations

15. Set against the harm identified, the proposal would deliver an additional 8 housing units toward the area's housing supply.
16. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure of future occupiers in the local economy.
17. From my observations of the commercial uses at my site visit, the loss of the commercial site, would likely provide some further environmental benefits to the living conditions of the occupants of nearby residential properties through reduced noise and commercial activity. Although a matter for the TDC stage, landscaping would also provide biodiversity enhancements.

Planning Balance

18. The Council sets out it has a housing land supply position of 2.42 years. Therefore, there is a significant shortfall against the requirement to demonstrate a five-year supply of deliverable housing land, as set out at paragraph 78 of the Framework.
19. In this circumstance, paragraph 11(d) (ii) of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. Despite the presence of nearby bus routes, the proposed development would not be optimally located to reduce the need to travel and encourage the adoption of sustainable transport options. However, paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, therefore I attach moderate harm to the proposal's conflict with Policies CP1, CP2, CP10, CP60 and CP61 of the WCS.
21. In terms of benefits, paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and paragraph 89 of the Framework also gives substantial weight to the value of using previously developed land where suitable opportunities exist.
22. The proposal would provide up to 8 additional dwellings, thus making a modest but important contribution towards the area's housing requirement. Considering the magnitude of shortfall in the area's housing supply, the provision of 8 dwellings would make a valuable contribution, to which I assign substantial weight. I also afford modest favourable weight to the scheme's economic and environmental benefits along with a larger quantum of favourable weight to the utilisation of a brownfield site.

23. Consequently, the adverse impacts of the proposal associated with its location outside the development boundary and conflict with policies of the WCS, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which is a material consideration that weighs heavily in favour of allowing the appeal.

Conditions

24. The PPG advises that there is a default time limit duration of 3 years for a permission in principle and that, it is not possible for conditions to be attached to a grant of permission in principle.
25. The PPG also advises that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings, which are, in principle, permitted. Whilst Kington St Michael Parish Council has suggested that the site could accommodate a higher quantum of dwellings, as the description of development identifies 8 dwellings and the application form indicates a minimum of 4 dwellings, I include a range of 4-8 dwellings in granting permission in principle.

Conclusion

26. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal is allowed.

SE Hughes

INSPECTOR