



Context Planning Ltd
Cambridge House
Henry Street
Bath
BA1 1BT
hannah@contextplanning.co.uk
Mobile Tel: 07502082361
Office Tel: 01225 251758

Application Reference: PL/2025/08329

Site: Land south of Lewis Court, Goose Street, Southwick, BA14 9RQ

Proposal: Erection of 9 dwellings and associated works

Date: 25 March 2026

Subject: Briefing Note – Paragraph 14 position, Core Policy 45 compliance and NDP alignment

1. Purpose of this Note

This note has been prepared in response to a request for a written explanation of three matters: a) why the above proposal does not benefit from the protections afforded by paragraph 14 of the December 2024 NPPF; b) how the proposal addresses local housing need under Core Policy 45 of the Wiltshire Core Strategy; c) and how the proposal aligns with the Southwick Neighbourhood Development Plan (NDP).

2. Policy and Legal Framework

The Presumption in favour of sustainable development – paragraph 11(d)

It is common ground that Wiltshire Council cannot currently demonstrate a five-year housing land supply, currently acknowledged to be 2.42 years (although has been found to be closer to 2.03 years at a recent appeal examination ref: APP/Y3940/W/24/3349828 dated 17 Jan 2025). This engages the tilted balance under paragraph 11(d) of the NPPF, requiring permission to be granted unless adverse impacts would *significantly* and *demonstrably* outweigh the benefits, assessed against the Framework as a whole. The limited options available with regards to the progress of the current Local Plan Review further entrenches this position for the foreseeable future, with the prospect of an adopted replacement strategic framework unlikely for a number of years.

Paragraph 14 – the two conditions

Paragraph 14 of the NPPF (2024) provides an exception to the tilted balance for housing proposals that conflict with a neighbourhood plan, where both of the following conditions are met:

(a) the neighbourhood plan became part of the development plan five years or less before the date of the decision; and

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

3. Why the Southwick NDP Does Not Qualify Under Paragraph 14

Condition (a) – Age

The Southwick NDP was made on 5th October 2021. The plan is therefore currently within its five-year window and so currently satisfies condition (a). However, this protection will expire in less than 7 months' time. In the event of an appeal being prepared and lodged it would certainly go beyond this date.

Furthermore, the ongoing NDP review commenced in early 2026 and is expected to take at least 12 months. There is no prospect of a remade NDP providing a refreshed five-year clock before the current neighbourhood plan expires.

Condition (b) – Policies and allocations Meeting the Identified Housing Requirement

This is the more substantive ground on which paragraph 14 protection cannot be relied upon.

For an NDP to benefit from paragraph 14 protection it must contain not only policies but specific allocations sufficient to meet the identified housing requirement in full. Whilst the made NDP was informed by a rural Housing Needs Survey (HNS), published in January 2018¹, it is

¹ <https://www.wiltshireintelligence.org.uk/wp-content/uploads/2019/02/Southwick-Parish-Survey-Report-Final-06.11.18.pdf>

acknowledged that it is '*not a full census of local housing need*' and limited to '*snapshot of the need for affordable housing at the time of the survey and do not take account of future changes in need*' (paragraph 5.16 of the NDP). Importantly, the NDP making body did not seek from the Council an 'identified housing requirement' having regard to NPPF paragraphs 69 and 70 in the development of the NDP. The NDP clearly does not purport to have an 'identified housing requirement' and makes no reference to this within the document. It is impossible for paragraph 14b to be engaged in circumstances where the adopted NDP does not include an identified housing requirement.

In the case of Melksham the Joint Melksham Neighbourhood Plan 2 (JMNP2) includes an identified housing requirement which was also included in the Local Plan Review (LPR). The circumstances are completely different in this regard in comparison to Southwick and granting permission here would in no way undermine, or run contrary to, the Council's position on the Melksham appeals.

The intended vehicle for providing a fresh, sound strategic housing requirement figure for Southwick - the Wiltshire Local Plan, has now been found to have fundamental soundness problems and faces withdrawal. There is therefore no prospect of a corrective strategic framework being put in place in the near future to meet the requirements of paragraph 69-70. The absence of sound strategic policies makes it impossible to anchor the NDP's housing requirement to a figure that withstands scrutiny.

4. How the Proposal Addresses Local Housing Need – Core Policy 45

Core Policy 45 (Meeting Wiltshire's Housing Needs) requires new housing, both market and affordable, to be well designed to address local housing need by incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities. Housing size and type will be expected to reflect demonstrable need for the community within which the site is located, as identified through the Wiltshire Strategic Housing Market Assessment or other credible evidence sources including the Council's housing register and local needs surveys.

The proposal comprises 2 x 3-bedroom semi-detached dwellings and 7 x 4-bedroom detached dwellings. It is submitted that this mix is consistent with Core Policy 45 for the following reasons.

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- **The mix includes a meaningful component of smaller homes.** Two of the nine dwellings, 22% of the scheme, are 3-bedroom semi-detached properties. These represent the more accessible end of the market housing spectrum in terms of price point and household size suitability, addressing the needs of smaller households, young families, couples and those looking to downsize. Their provision as semi-detached units reflect a proportionate design approach responsive to local character and demand.
 - **The 4-bedroom detached homes address identified family housing need in the Trowbridge HMA.** Southwick is a village characterised predominantly by family housing stock. The Trowbridge Community Area has a sustained and evidenced demand for larger family homes. The provision of 4-bedroom detached dwellings responds to this established character and to the component of market demand for larger homes in this part of Wiltshire. Core Policy 45 does not require every individual scheme to deliver the full spectrum of housing need in isolation, this is a 9-dwelling minor application, not a strategic allocation.
 - **The absence of affordable housing does not render the proposal non-compliant with CP45.** National policy, reflected in NPPF paragraph 65, explicitly provides that affordable housing should not be sought from residential developments that are not major developments, that is, sites of fewer than 10 dwellings. At 9 dwellings, this proposal falls below that threshold. CP45 cannot be read as imposing a tenure requirement that national policy expressly does not require at this scale.
 - **The site has been identified in the NDP review call for sites.** The application site was put forward and assessed as part of the Southwick NDP Steering Group's call for sites in 2023, identified as Site 15, Land between Lewis Court and Berryfield Farm, Goose Street (paragraph 4.18 of the Planning Statement). The community's own site assessment process therefore included this land as a candidate for residential allocation. Whilst the NDP review is at an early stage and attracts limited weight, this context supports the conclusion that housing on this site is broadly consistent with the community's emerging understanding of how local housing need should be met. The limited progress of the NDP review since the call for sites in 2023 reconfirms the fact that an updated NDP will not be in place before the current iteration expires.

In conclusion on CP45, the proposed mix of 3-bedroom and 4-bedroom market homes reflects a genuine and identifiable component of housing need within Southwick and the wider Trowbridge HMA. The scheme does not conflict with Core Policy 45.

5. Alignment with the Southwick NDP

The proposal is not in fundamental conflict with the objectives of the Southwick NDP. The plan acknowledges that Southwick has an unmet need for housing, in particular for affordable housing, and that the village should accommodate a proportionate level of growth. The proposal for 9 homes immediately adjacent to the settlement boundary is modest, deliverable and sandwiched between two existing residential developments, thereby sitting within the established urban form of Southwick rather than extending it into open countryside.

Where the proposal sits outside the development boundary, that conflict is solely with the settlement boundary provisions of NDP Policy 6, CP2 and CP29. These policies must be afforded reduced weight given that they are out of date for the purposes of NPPF paragraph 11(d) (given Wiltshire's chronic housing land supply shortfall, agreed by both parties at appeal to be 2.03 years). The NDP's policies cannot operate as an absolute bar to sustainable development in circumstances where paragraph 14's protective mechanism are not engaged, for the reasons set out in section 3 above.

6. Summary

The table below sets out the key issues arising on this application and the position taken in this note. The Council is respectfully invited to grant planning permission for PL/2025/08329 without further delay.

Issue	Position
Five-year housing land supply	Not demonstrated. Agreed at appeal (APP/Y3940/W/24/3349828) to be 2.03 years. Tilted balance under paragraph 11(d) engaged. WCS housing policies including the settlement boundary are out of date.
Paragraph 14 — Condition (a): Age	Satisfied at the date of this note (NDP made October 2021) but will expire in October 2026, in less than 7 months time. Given realistic determination and appeal timescales, protection cannot safely be assumed to persist throughout the life of this application. NDP review will not be complete before expiry, noting the limited progress made since the call for sites in 2023.

Paragraph 14 — Condition (b): Allocations meeting housing requirement	Not met. The NDP was adopted against an out-of-date Core Strategy requirement. The HNS underpinning it was a snapshot of affordable housing need only. The NDP does not have an identified housing requirement and does not seek to meet one.
Wiltshire Local Plan Review	Inspectors have identified fundamental soundness concerns. No replacement strategic framework is expected for several years. The Core Strategy (adopted January 2015) remains the only adopted strategic plan and is now over 10 years old. There is no mechanism to provide an up-to-date strategic housing requirement for the NDP in the foreseeable future.
Core Policy 45 (type, mix and size)	Satisfied. Mix of 2 x 3-bed semi-detached and 7 x 4-bed detached addresses demonstrable components of local need in a village characterised by family housing. Below the 10-unit threshold for affordable housing obligations under NPPF paragraph 65. No conflict with CP45.
NDP alignment	Conflict with NDP Policy 6 limited to the settlement boundary. The NDP acknowledges unmet housing need. The application site was identified as Site 15 in the NDP Steering Group's call for sites (2023), consistent with the community's own emerging approach to housing delivery. Given the tilted balance and failure of paragraph 14 to engage, NDP Policy 6 carries only limited weight.
Overall position	The tilted balance applies. Paragraph 14 protection is not engaged. The proposal is consistent with CP45 and broadly consistent with the objectives of the NDP, notwithstanding the fact that the NDP is now nearly five years old and underpinned by an out-of-date housing need assessment. The benefits of the development significantly and demonstrably outweigh the limited harm identified. Planning permission should be granted without delay.