

TOWN & COUNTRY PLANNING ACT 1990

**ERECTION OF TWO NEW BUILD DWELLINGS
IN THE ALTERNATIVE TO APPLICATION PL/2025/01981
WHICH AUTHORISED THE CONVERSION OF THE
TRACTOR SHED TO CREATE 2 NEW DWELLINGS**

**AT NABLES FARM, UPPER SEAGRY,
WILTSHIRE, SN15 5HB**

**PLANNING STATEMENT
(Including Design Commentary)**

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Our Reference: SWLC.LPC2065

April 2026

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Appendix E: Appeal Decision APP/Y3940/W/24/3345598

Land at Glenmore Farm, Westbury BA13 4HQ

1.0 INTRODUCTION

- 1.1 LPC (Trull) Ltd have been instructed by Mr A Jackson to seek to sanction the erection of two new build dwellings in lieu of the separately approved 2No residential conversions at Nables Farm, Upper Seagry, Wiltshire under Class Q Prior Approval application reference PL/2025/01981.
- 1.2 The Tractor Shed (agricultural building) including the adjoining Anchorage (residential building) and the wider Nables Farm site have been subject to an extensive planning history which will be set out in detail within this report. This current application however relates to the Tractor Shed which has permission to be converted to two new private residential dwellings in line with the following consent (the decision notice can be seen at Appendix A):
- Prior Approval Application PL/2025/01981 - Town and Country (General Permitted Development) (England) Order 2015 as amended) Part 3, Class Q Conversion of tractor shed to create 2 No new dwellings – Granted April 2025
- 1.3 It is the purpose of this overarching Planning and Design Statement to explain the development's physical context, evolution and satisfactory assimilation and review the supportive planning policy framework. It will be shown that the intended alternative redevelopment aligns with the scope of the original Class Q permission but provides the opportunity to deliver two new dwellings of a higher quality design that will enhance the overall appearance and visual qualities of the site and better assimilate with the existing group of residential properties at Nables Farm.

2.0 SITE DESCRIPTION & PLANNING HISTORY

- 2.1 The application site is located approximately 1km west of the village of Upper Seagry and 0.8km due north of the M4 motorway which runs east to west. The site is neither in National Landscape or designated protected landscape area, nor is it situated within the Green Belt. Neither the application property nor its immediate context comprises a designated heritage asset and neither is it located within or close to a Conservation Area. The site is not located within a defined settlement boundary and is, therefore, considered to be within the open countryside. However, the wider Nables Farm holding

comprises a substantial mix of residential dwellings, other holiday accommodation and agricultural buildings.

- 2.2 As your records will confirm there have been a series of approvals to create new residential properties at the above Farm. The full extent of the on-site housing is summarised graphically below.



- A Leaffield House-(subdivision as 2No dwellings PL/2022/02508)
- B The Anchorage (1No dwelling PL/2025/04856)
- C The Tractor shed (2No dwellings PL/2025/01981)
- D Nables Farmhouse
- E Woodman's Cottage (Holiday use) (*dwelling currently proposed*)
- F Oxen Cottage (Holiday use) (*dwelling currently proposed*)
- G Building No 1 (2No dwellings)
- H Building No 3 (3No dwellings)
- I PL/2024/00866 (5No dwellings)

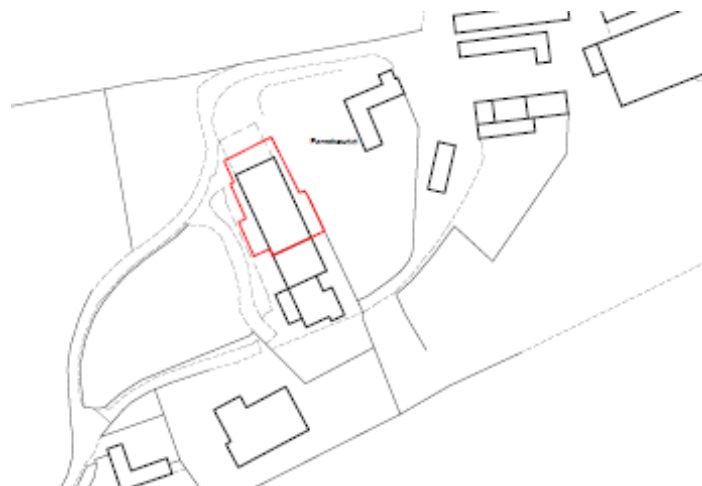
- 2.3 With regard I above; permission was granted (and since commenced) by application reference PL/2024/00866 for 5 new build dwellings, effectively for the replacement of earlier permissions for the creation of five new dwellings via conversion of existing buildings. The application details was as follows:
- Planning Application PL/2024/00866 - Erection of five new build dwellings in the alternative to applications PL/2021/07596 and PL/2022/08822 which authorised the conversion of various buildings at Nables Farm, Upper Seagry, Wiltshire, creating five new dwellings.
- 2.4 The consequence of the above permission was that there were no outstanding Class Q conversions at Nables Farm. Consequently, a new Class Q application (reference PL/2025/01981) for the remaining building (the Tractor Shed which is the subject of this planning application) to create 2No new dwellings was submitted and approved as mentioned above.
- 2.5 While the Tractor Shed is the subject of this planning application there are other live applications which are important when considering the wider context of the site, they are:
- i. Planning Application PL/2026/01154 - Oxen Cottage, Nables Farm - Change of use from holiday accommodation to independent dwelling
 - ii. Planning Application PL/2026/01155 - Woodman Cottage, Nables Farm - Change of use from holiday accommodation to independent dwelling
- 2.6 The adjoining building known as The Anchorage was originally granted planning permission to be converted and used as a holiday unit in line with the following application:
- Planning Application 17/00244/FUL – The Anchorage, Nables Farm - Use of annex/agricultural building as holiday accommodation – Granted 17.05.2017
- 2.7 The Anchorage was subsequently subject to further applications (reference 18/5603/VAR and PL/2023/06342) but permission was recently granted to use the building as an independent dwelling in line with the following application:

- Planning Application PL/2025/04856 – The Anchorage, Nables Farm - Change of Use from Holiday Accommodation to Independent Dwelling– Granted 17.11.2025

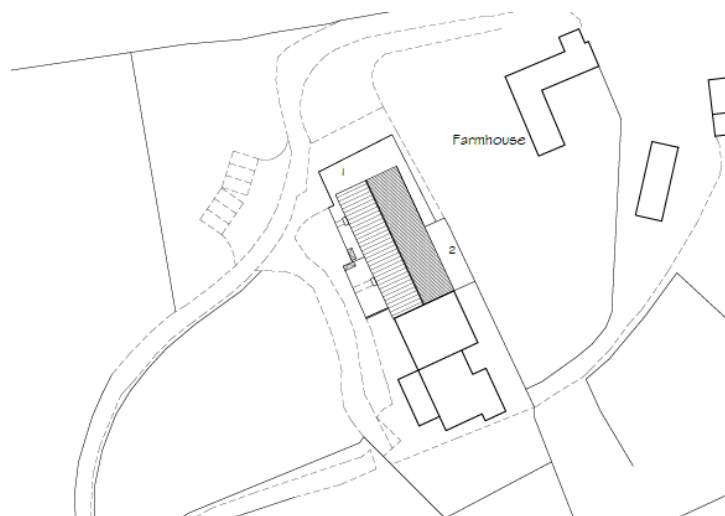
2.8 The location and use of The Anchorage is material to the assessment of this current planning application but the history of the application building is of most relevance, in particular the following application:

- Prior Approval Application PL/2025/01981 - Town and Country (General Permitted Development) (England) Order 2015 as amended) Part 3, Class Q Conversion of tractor shed to create 2 No new dwellings – Granted April 2025

2.9 The approved drawings from application PL/2025/01981 are shown below along with a photograph of the site:



Approved Location Plan



Approved Site Plan



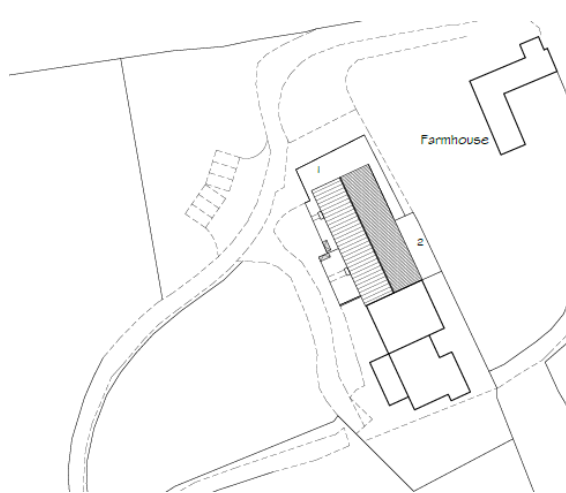
Photograph of the 'Tractor Shed'

2.10 The planning history of Nables Farm confirms that all buildings are now within a residential use and many of the original buildings have been sensitively converted as approved; for example, the development for 3No dwellings identified as 'H' was granted pursuant to Class P of the GDPO and resulted in a terrace of 3No dwellings. The completed scheme (and the units to the south – G) are shown below and are believed to be a positive example of the sensitive reuse of the modern buildings whose origins were agricultural. The enclosed application seeks to upgrade the architecture in a similar manner.



3.0 PROPOSED DEVELOPMENT

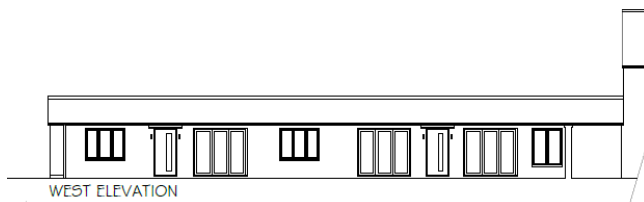
- 3.1 This application seeks full planning permission to erect two new semi-detached dwellings in lieu of the Class Q permission (reference PL/2025/01981) to convert the existing building to create two new dwellings.
- 3.2 There is no suggestion that the approved Class Q development will not be pursued, and of course the site's recent history demonstrates the applicant's willingness and ability to convert similar buildings. It is the purpose of the enclosed application though to seek to enhance the quality of the resulting development by delivering a pair of dwellings which will be more sustainable and of a higher quality design. A comparison between the approved and proposed dwellings can be seen on the drawings shown below:



Approved Site Plan



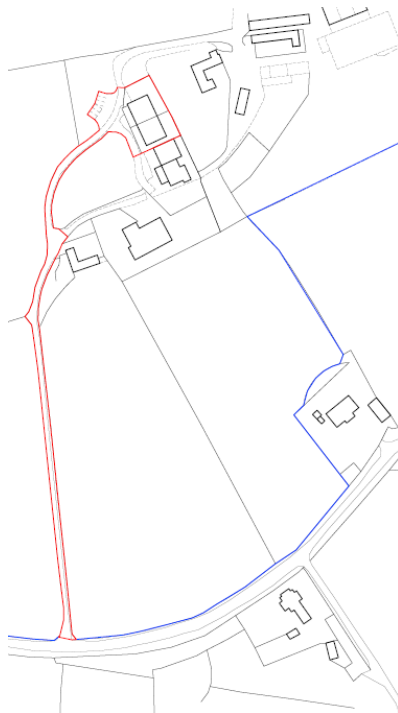
Proposed Site Plan



Approved Elevations

Proposed Elevations

- 3.3 It should be stressed that the new dwellings have been carefully designed to respect the footprint and overall scale of the original building. It is however proposed to site the new build dwellings a metre further to the north-west to improve the relationship with The Anchorage and the amenity areas to the rear of the proposed dwellings. A more sympathetic roof pitch is also proposed which will enable the roof space to be utilised, but this alternative scheme is not considered to be more impactful than that already approved scheme within the context of Nables Farm as a whole.
- 3.4 There is an existing road way that passes to the north of the former farm yard and wraps around the site, as shown on the Location Plan below. This will be utilised as already sanctioned and provides access for the proposed dedicated parking spaces in front of the dwellings.



Location Plan

- 3.9 Nables Farm has sufficient farm buildings still available away from this historic built grouping to allow the effective agricultural management and use of the farm. Contextually, the historic farm enclave is a discrete and contained built grouping accessed via a single shared access road so that it is away from the public highway on land that falls away from public view and where there is intervening planting that further diffuses possible views.

4.0 THE FALLBACK POSITION

- 4.1 It is established in case law that permitted development rights can legitimately represent a fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is "yes" a comparison must be made between the proposed development and the fallback use."

- 4.2 The notion of the Class Q fallback position was subsequently and comprehensively dealt with at the landmark Court of Appeal case, *Mansell vs Tonbridge and Malling Borough Council* [2017]. The case concerned an appeal of a decision dismissing a claim for judicial review of a planning permission granted by Tonbridge and Malling Borough Council, the development being the demolition of a barn and bungalow and the construction of four detached dwellings. At the time of the decision, and prior to subsequent amendments, Class Q of Schedule 2, Part 3 of the General Permitted Development Order authorised the barn to be converted to three residential units with a combined floorspace of up to 450m². Coupled with the replacement of the existing bungalow—also supported by policy at the time—the resultant effect was that the principle of development existed for four residential dwellings, such four dwellings being the same number of units for the proposed redevelopment of the site.

When originally granting permission, the case officer stated in his report:

"In making an assessment of any application for development, we are bound to consider what the alternatives might be for a site: in terms of what could occur on the site without any permission at all (historic use rights) or using permitted development rights for alternative forms of development."

...and the judge held that the officer was entitled to draw that conclusion:

“It was not a precondition to the Council’s consideration of the fallback option that the interested party had made an application indicating to take advantage of Class Q. There was no requirement that there be a formulated proposal to that effect.”

Specifically, the planning officer advised the council’s planning committee that:

“a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms...the current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights”.

- 4.3 At the Court of Appeal, legal Counsel for the appellant argued that the evidence did not demonstrate a real prospect as opposed to merely a theoretical prospect of such a development being carried out. He claimed that the judge should have recognised that the fallback development referred to in the officer’s report was not a material consideration. In responding, the judge stated:

“I cannot accept that argument. In my view the officer did not misunderstand any principle of law relating to a fallback development. His advice to the members was sound. The status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar...in this case...it was plainly appropriate, indeed necessary, for the members to take into account the fallback available to the East Malling Trust as the owner of the land, including the permitted development rights arising under Class Q in the GPDO and the relevant provisions of the development plan. Not to have done so would have been a failure to have regard to a material consideration, and thus an error of law.”

- 4.4 The Court of Appeal dismissed the appeal and thereby did not quash the council’s grant of planning permission. Three issues arose on appeal. The first two concerned: a) the interpretation of Class Q GPDO rights; and b) the materiality of the fallback position. The second challenge by the appellant concerned whether there was a ‘real prospect’ of development under Class Q on the lack of contemporaneous evidence that the landowner had contemplated such development.

Lindblom LJ confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement were:

the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely; a possibility will suffice;

There is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the circumstances of the case in hand.

He then concluded that the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate there was a real prospect to the Class Q fallback position in this case. Therefore, the council made no error in law in giving material weight to such fallback position.

- 4.5 These principles are directly related to the assessment of the enclosed application and as indicated earlier the applicant has clearly demonstrated his commitment to carry out development using his permitted rights. The fallback position is a legitimate material consideration, and it is simply argued that the new dwellings would produce a better result than the fallback option allowing for the conversion of the existing building to two dwellings. There is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances, any possible conflict with the development plan, which I will review in the next section of this statement, should be afforded only modest weight. The application will deliver significant benefits to the appearance of the site compared to that fallback position, and this carries significant weight in favour of the grant of permission. It stands to reason that, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development should be allowed to proceed.

5.0 PLANNING POLICY CONTEXT

National Planning Policy

5.1 The National Planning Policy Framework (NPPF), and associated Planning Practice Guidance, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions. The policies within the following chapters of the NPPF are relevant to the assessment of the proposed development:-

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well-designed Places

The Local Development Plan

5.2 The NPPF highlights that planning law (section 70 [2] of the Town and Country Planning Act 1990 and section 38 [6] of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3 The development plan relevant to the application include the Wiltshire Core Strategy (WCS) (adopted January 2015) (which includes saved policies from the former North Wiltshire Local Plan) and The Calne Community Neighbourhood Plan 2 (CCNP2) 2023 – 2038 (made March 2025). The key policies relevant to the assessment of the proposed development are considered to be:-

- **WCS** Core Policy 1: Settlement Strategy
- **WCS** Core Policy 2: Delivery Strategy
- **WCS** Core Policy 10: Spatial Strategy: Chippenham Community Area
- **WCS** Core Policy 44: Meeting Wiltshire's Housing Needs

- **WCS** Core Policy 48: Supporting Rural Life
- **WCS** Core Policy 50: Biodiversity and Geodiversity
- **WCS** Core Policy 51: Landscape
- **WCS** Core Policy 57: Ensuring High Quality Design
- **WCS** Core Policy 60: Sustainable Transport
- **WCS** Core Policy 61: Transport and Development
- **NWLP** Policy H4: Residential Development in the Countryside

Emerging Planning Policy

- 5.4 The WCS was adopted in 2015 and is therefore being reviewed. The review is termed the ‘Local Plan Review’. The draft Wiltshire Local Plan (WLP) rolls forward the strategy for housing and employment delivery in the WCS, and updates the housing and employment requirements for the period 2020 to 2038.
- 5.5 There are no fundamental changes proposed to the Spatial Strategy of the Local Plan, as presented within Pre-Submission Draft (2020 – 2038) (Regulation 19) Wiltshire Local Plan (September 2023), however the draft plan pre-dates the recently published NPPF (12 December 2024). A key purpose of the WLP is to ensure the Local Plan for Wiltshire is up to date and consistent with national planning policy, however the NPPF has been updated several times during the plan making process, and there was a significant update as a result of the new Labour Government which post-dates the aforementioned version of the WLP. The progression of the plan-making progress does benefit from certain transitional arrangements but due to the recent update to national planning policy there are significant areas that are not up-to-date.
- 5.6 The draft WLP was submitted to the Secretary of State for Housing Communities and Local Government for independent examination on 28 November 2024. The recently updated Wiltshire Local Development Scheme (September 2025) outlines that the Council expects to adopt the WLP by the end of June 2026. However, on the 17 November 2025 the WLP Inspectors postponed the hearing sessions scheduled for December 2025 due to a number of concerns in relation to the “Sustainability Appraisal, Habitats

Regulations Assessment, housing need and the housing requirement, and employment land, together with the plan period”.

- 5.7 The Council suggested a further programme of work to address the concerns raised, however, the Planning Inspectorate wrote to the Council on the 27 February 2026 advising that the Council should either (i) withdraw the Local Plan from examination or (ii) request that the Inspectors draft a final report (which would recommend non-adoption). A copy of the WLP Inspectors letters can be seen at Appendix B. The Council will not therefore have an up-to-date strategy or Local Plan to address and plan for its housing need for years to come.

6.0 PLANNING ASSESSMENT

- 6.1 The main issue is whether the site is an appropriate location for permanent residential dwellings having regard to the WCS and the NPPF. With this in mind, and by reference to the fallback considerations outlined at section 4.0, the key planning issues overall for the determination of the proposals are as follows;

- The principle of development
- Design and wider landscape impact
- Residential amenity
- Highway safety

It is evident from the Class Q Prior Approval decision notice (reference PL/2025/01981) that there is no dispute that the principle of residential development complies with matters relating to access/highway impact, flood risk, preserving the amenities and planning of neighbouring uses, car parking, biodiversity, infrastructure and impact on trees and hedges. These parameters are unchanged by the revised redevelopment scheme proposed and the acceptable impacts therefore carry substantial weight and do not necessitate reassessment afresh.

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- The map shows the Stanton St Quintin area with a red arrow pointing to the 'Application Site' near Nables Farm and Woodman Croft. The map includes contour lines, roads, and various farmsteads.

- 6.4 CP2 of the WCS outlines that there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances.
- 6.5 The 'exception policies' referred to in policies CP1 and CP2 are outlined within paragraph 4.25 of the WCS which seeks to respond to local circumstances and national policy. The approved Class Q application is of course a form of exceptional development and as such the fallback position outlined in the previous section must be weighed heavily in favour of the acceptable principle of development. That weight is increased by the enhanced built quality and design that the alternative scheme achieves.

Design and impact on the character of the area

- 6.6 Core Policy 51 of the Wiltshire Core Strategy states development should protect, conserve and where possible enhance landscape character. Core Policy 57 requires a high standard of design in all new developments and that development respond positively to the existing landscape.
- 6.7 The existing agricultural building to be replaced, as shown within the photographs below, is utilitarian, involving a mix of steel frame and largely blockwork construction and retain no elements that are of any architectural interest or beauty. It is true the site is set back from the highway and has a very narrow zone of visual influence, particularly mindful of the area's wider landscape planting, however, the developments already executed, as explained and shown above, has created an attractive built character and architectural approach. Accordingly, although the approved treatment is typical of many successful Class Q schemes the opportunity is being taken to consider the built grouping more so than the current juxtaposition.

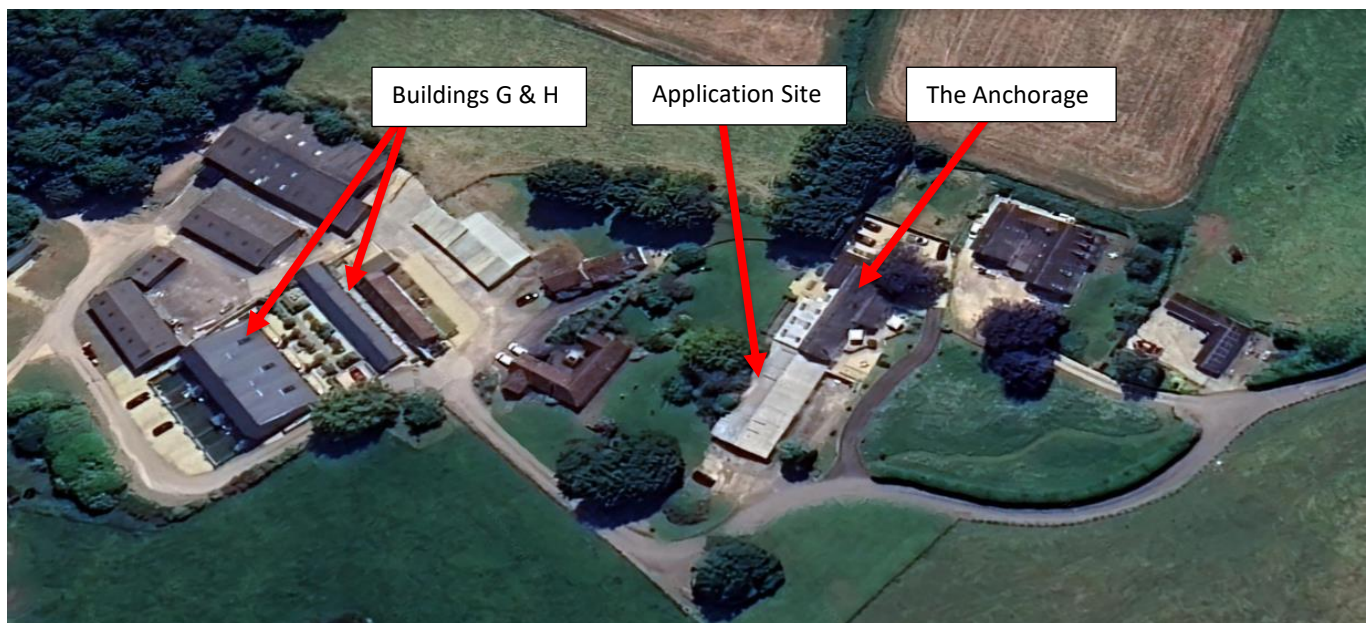


- 6.8 The design of the new scheme is intended to be an improvement over the existing approval. The site is accommodating, and the scale of the proposal is more than capable of being assimilated contextually without giving rise to overdevelopment or other in principle concerns. More specifically the complemented design theme and the overall form, appearance and materials are in keeping with the established context and surrounding area. The largely unchanged scale of the new built development would not result in a materially harmful impact on landscape character. As such it is considered the development would have an enhanced impact on the character of the area

by enhancing the design quality. It has a narrow zone of visual influence and would not cause greater harm to landscape character. Where it is seen though the built grouping will be enhanced and be more in character with the established built context. An illustrative photomontage of the proposed semi-detached dwellings is shown below alongside an aerial view of the context of the site to help demonstrate how it can be successfully assimilated into the site. It will be seen against the backdrop of The Anchorage, a larger two-storey building, and other high quality barn conversions shown above.



Photomontage of Proposed Dwellings



Aerial Photograph 08.06.23 (source: Google Earth Pro)

Impact on the living conditions of neighbouring residents/future occupiers

- 6.9 Core Policy 57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing and noise. Due to the orientation between the new properties and the existing neighbours to the south and east, along with the separation distance and intervening hard and soft landscaping, the scheme is not considered to cause any adverse harm to the living conditions of new and adjoining occupants by reason of loss of light, loss of privacy or overbearing impacts. The current proposal will in fact result in an improvement to the living conditions of future residents over and above the permitted Class Q scheme.

Highways issues

- 6.10 The NPPF requires that safe and suitable access to a site be achieved for all people. The application repeats the access arrangement sanctioned for the dwellings already approved, and includes satisfactory parking and turning areas in accordance with the adopted parking standards. There are no grounds to assess the alternative development differently.

7.0 HOUSING NEED & STATUS OF THE LOCAL PLAN

Housing Need & Land Supply

- 7.1 The NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed to support **the Government's objective of significantly boosting the supply of homes**" (emphasis added) (paragraph 61). The level of need identified within the development plan should not be seen as an upper limit, and new development that is otherwise sustainable should not automatically be refused, in particular in the context of the recent NPPF updates and the Council's housing land supply position.

- 7.2 The Council's most up to date Housing Land Supply Statement (which can be seen in Appendix C) details that it has 2.42 years of deliverable housing land supply. The intention of the emerging Wiltshire Local Plan (WLP) was to identify future levels of need for new homes and employment land over the period 2020-2038, however, the evidence that underpins the draft WLP was prepared in accordance with the now superseded December 2023 version of the NPPF, and critically it has been found to be unsound and will not proceed beyond the Examination process.
- 7.3 The Council will not therefore be able to demonstrate a five year Housing Land Supply position for years to come and therefore its previous Briefing Note (No.24-20 – December 2024) (available to view in Appendix D), which set out the implications of the new NPPF and revisions to the standard methodology on its housing land supply position, comes into greater focus and carries even greater weight when considering applications for residential development. It explains that due to the change to the standard methodology, which is used to calculate local housing need, the number of homes the Council must plan for on an annual basis has increased from 1,917 to 3,525 (the annual Local Housing Need figure), an increase of 84%.
- 7.4 The Council therefore confirms that the tilted balance should be applied to housing applications and highlights that **“the magnitude of the shortfall in supply is now substantial and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply”** (emphasis added). The Council also advises within the Briefing Note that the application of the presumption in favour of sustainable development should be considered within the national aim of radically boosting the supply of housing.

Status of the Local Plan

- 7.5 It is recognised that the proposed development does not strictly align with the Spatial Strategy of the WCS due to the ‘countryside’ location of the site, albeit the current site is not considered to be ‘isolated’ or an unsustainable location for future growth, and critically two dwellings have already been approved on

the site therefore the fallback position weighs heavily in support of the proposed development. However, the Spatial Strategy of the WCS is now out of date and the Council has a significant housing land supply shortfall.

- 7.6 The Council's Housing Land Supply position and the weight to be attributed to the Spatial Strategy of the WCS was under focus at an appeal early last year (reference 3345598 / 21 January 2025) for a residential development on land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury. A copy of the appeal decision notice can be seen in Appendix E. The Council did not defend the appeal due to its Housing Land Supply Position, and the Inspector stated the following within the decision notice dated 21 January 2025 :-

*"41. Aside from the emerging Local Plan, which has only just been submitted for Examination, there is no other obvious remedy to the shortfall in the short or medium term. This overall position indicates that **the development plan is failing to meet its strategic challenges**. Thus, its settlement strategy and limits of development are not working effectively. These policies are therefore of **limited weight**, as is the conflict with them." (emphasis added)*

- 6.11 In light of the above, due to the age of the WCS and the substantial shortfall in housing land supply, it is considered that limited weight should be attributed to the conflict with the Spatial Strategy of the WCS, which as noted above is not working effectively and is failing to deliver housing in a strategic plan-led way. This conclusion is important and is considered further below within the Planning Balance section, alongside the fallback position.

8.0 PLANNING BALANCE

The Presumption in Favour of Sustainable Development

- 8.1 The NPPF specifies 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** (paragraph 11)" (Paragraph 10). The relevant extract from Paragraph 11 is included below for clarity:-

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

8.2 The policies which are the most important for determining the current planning application (Core Policies 1, 2 and 10) are out of date due to the age and status of the WCS. Furthermore, the Council is unable to demonstrate a 5 Year Housing Land Supply as noted above. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged, so permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.3 There are no policies within the NPPF, which aim to protect areas or assets of particular importance, that provide a strong reason for refusing the proposed development. The tilted balance is therefore engaged and is considered below.

The Tilted Balance

8.4 The application proposal would result in the provision of two new dwellings that would contribute towards the deficit in the Council's five year housing land supply. It would be a social benefit which would be a significant benefit and would go towards helping address the Council's housing shortfall. The development would also produce short term benefits to the construction industry and the development would also generate ongoing revenue for the Council from Council Tax etc.. There will also be further modest benefits that

would result from the additional support to the vitality of the local community from the future occupiers of the development.

- 8.5 In terms of the harms, the conflict with the plan led approach because the site is not allocated within the Local Plan and outside the Limits of Development is recognised. However, as noted above, limited weight should be attributed to this factor within the overall planning balance because Core Policies 1,2 and 10 are now out of date. Furthermore, the fallback position is a key material planning consideration for this current application because the proposed new dwellings would simply replace the two dwellings previously permitted by converting the existing building on the site.
- 8.6 The Council has previously acknowledged that it needs to address housing supply and has issued delivery briefing notes setting out its approach to dealing with the issue, namely-
- Wiltshire Council Briefing Note: Housing Land Supply No.24-18 (September 2024); and
 - Wiltshire Council Briefing Note: 5 Year Housing Land Supply and Housing Delivery Test No.23-15 (May 2023) and 24-13 (June 2024)
- 8.7 These documents advise that the Council should positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated. Thus, a breach of the settlement boundary alone does not preclude development. While the proposed dwellings would conflict with the WCS settlement strategy due to the location of the site outside the Limits of Development, there are no other policy obstacles or any unacceptable harm identified. It is therefore considered the Council's own strategy to address its housing land supply shortfall provides support for the proposed development.
- 8.8 The proposed development would contribute towards the Government's aim of significantly boosting the supply of homes in a sustainable location and it is considered that when considering the overall tilted balance, there would be no adverse impacts that stem from the development that would significantly

and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.0 CONCLUSION

- 9.1 The application seeks full planning permission for the construction of two semi-detached dwellings in lieu of the Class Q permission (reference PL/2025/01981) to convert the existing building to create two semi-detached dwellings.
- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal benefits from the presumption of sustainable development (Paragraph 11.d.ii of the NPPF) which advises 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 this Framework taken as a whole.
- 9.3 The proposed development would deliver both social and economic benefits and there would be no unacceptable harm, other than conflict with the Spatial Strategy of the Local Plan, that would result from the development. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. However, notwithstanding this conclusion, there is also a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances, any perceived conflict with the development plan, should again only be afforded limited weight.
- 9.4 The proposed new build dwellings will deliver a visual enhancement to the appearance of the site compared to that fallback position, and this carries significant weight in favour of the grant of permission. It stands to reason that, where the alternative new-build proposal offers either an enhancement to the built environment as has been shown, the development should be allowed to proceed. This approach has also previously been accepted by the Council under planning application reference PL/2024/00866 which allows the

construction of five new dwellings in lieu of previous permissions to convert existing buildings.

- 9.5 In light of the above, having considered the individual planning merits of the proposal, it is considered that the relevant material planning considerations indicate that planning permission should be granted. It is therefore respectfully requested that full planning permission be granted.