

The Town and Country Planning Act 1990 The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Refusal of Permission in Principle

Application Reference Number: PL/2026/01620

Decision Date: 14/04/2026

Applicant:	CLLP 2010 Disc Trust
Particulars of Development:	Permission in Principle for Erection of up to 2 No. dwellings
At:	Land North of West Street, Great Somerford, Chippenham, SN15 5EH

In pursuance of their powers under the above Act, the Council hereby REFUSE Permission in Principle for the development referred to in the above application and plan submitted by you, for the following reason(s):

Refusal Reason

- 1 The proposed development would result in the loss of an undeveloped field frontage which forms a historic and visually important break in built development along West Street which contribute positively to the character and appearance of the Great Somerford Conservation Area.

The proposed development in the proposed location would harm the significance of the Conservation Area and the scheme therefore conflicts with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, heritage aims of the National Planning Policy Framework and Core Policy 58 of the Wiltshire Core Strategy.

Refusal Reason

- 2 The application site lies adjacent to Grade II listed Manor Farmhouse and its historic garden boundary wall. The undeveloped nature of the site forms part of the setting of the listed building and contributes to its significance. The proposed development fails to adequately assess or demonstrate the acceptability of the impact of the development on the setting of the listed building.

The proposed development therefore fails the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the listed building or its setting, and is contrary to heritage aims of the National Planning Policy Framework and Core Policy 58 of the Wiltshire Core Strategy.

Refusal Reason

- 3** The application site forms part of Neighbourhood Development Plan designated Local Green Space (LGS7). Evidence from public representations and site observations confirms that the proposed location for the development remains demonstrably special to the local community, providing an accessible and well-used green space valued for recreation, social interaction, tranquility, and for maintaining openness and green gaps within the village.

While the proposal would not result in the loss of the entirety of the Local Green Space, the part affected is of high visual and functional importance. The proposed development in the proposed location would therefore result in permanent and irreversible harm to the value and function of the Local Green Space which could not be adequately mitigated through landscaping or design measures. The proposal cannot reasonably be construed as limited infilling for the purposes of paragraph 154 of the National Planning Policy Framework and, in the absence of clearly demonstrated very special circumstances, the scheme is contrary to local green space aims of the National Planning Policy Framework and unacceptable in principle.

Informative

- 1** - For the avoidance of doubt, plans and documents considered were:

Application Form; signed and dated 09.03.2026

Planning Statement; LPC, dated March 2026

Location Plan; received 09.03.2026

- On its website Wiltshire Council has made available statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance. The Council also offer a full suite of pre-application advice services; however, on this occasion, the application was unfortunately submitted without any meaningful pre-application discussions.

Níc Thomas - Director of Planning, Economy and Regeneration

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: <http://www.planningportal.gov.uk/planning/appeals>.

Appeals must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.

APPLICATION FOR PERMISSION IN PRINCIPLE CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01620
APPLICATION TYPE:	Permission in Principle
SITE ADDRESS:	Land North of West Street, Great Somerford, Chippenham, SN15 5EH
DEVELOPMENT DESCRIPTION:	Permission in Principle for Erection of up to 2 No. dwellings
RECOMMENDATION:	Planning Permission be REFUSED

PROPOSAL AND SITE DESCRIPTION

This application seeks Permission in Principle (PiP) for up to 2no dwellings. The application site comprises undeveloped agricultural land in 'Great Somerford', a large village part of the Malmesbury community area. Great Somerford benefits from a neighbourhood development plan (NDP) covering the period 2016-2026, and a defined framework boundary. All but the south-eastern corner of the site is outside of the framework boundary; however, both the east and western edges of the site are directly adjacent to the boundary. The degree of spatial link that the site has to these boundaries provides clear connection to the settlement whilst the exclusion from the framework boundary indicates the value that the visual break of built form provides between the dwellings east and west of the public right of way (PRoW) 'GSOM27'. This value is further indicated by the sites inclusion as part of the NDP's designation of the wider parcel (LGS7) as local green space.



Figure 1: site(red) & PRow (purple) Figure 2: site & framework boundary (black) Figure 3: Officer site photos (2026)

The site is highly visible from the PRow, which runs through the eastern edge of the site, and is also highly visible from parts of the adjacent classified C road 'West Street'; there is gated access to the site via a private track connected to the highway. The site is within the Great Somerford Conservation Area (CA) and near Grade II listed 'Manor Farmhouse'. At the time of writing, the CA does not benefit from a made appraisal or management plan; however, part of the site (the

northeast corner) sits within the historic settlement boundary for Great Somerford and as such has potential for archaeological value.

The Environment Agency (EA) identifies the site as being within flood zone 1, at the lowest risk of flooding from rivers and seas and indicates that the site is within the inner zone (SPZ1) for groundwater source protection. The Councils Strategic Flood Risk Assessment (SFRA) indicates that the site is likely to be at very low risk of surface water flooding and medium level risk of groundwater flooding.

PLANNING HISTORY

Relevant planning history at the site:

None

Recent, relevant planning history near the site (inter alia):

Manor Farm House: (directly adjacent to site, within CA, within framework boundary)

- N/04/01519/FUL and N/04/01520/LBC granted renewed planning permission and listed building consent, respectively, for *conversion of barn to dwelling* on 21.07.2004

Broadfield Farm: (less than 500m south-east, adjacent to CA, within framework boundary)

- 21/01950/FUL for *Proposed development of 21 residential dwellings, vehicular access from Broadfield Farm, ancillary works and associated infrastructure* was granted planning permission at appeal on 28.03.2023
- PL/2024/06427 granted planning permission for *1 no self build dwelling* on 07.11.2024

Land at West Street, Great Somerford, Chippenham (opposite to the site, within CA, outside of framework boundary)

- PL/2023/06033 for *permission in principle for development of up to 2 no dwellings* was refused under delegated powers on 21.05.2024
 - o Appeal APP/Y3940/W/24/3345527 against the decision was allowed on 09.11.2024

Officer Note:

Given the close proximity between this application site and the appeal site 'Land at West Street, very careful consideration has been given to the findings of that appeal decision.

It is Officers opinion that the appeal decision provides clear contextual guidance but does not give determinative precedent value for other PiP applications in this area unless the site circumstances are genuinely comparable. This is because the inspector's conclusions were expressly tied to the characteristics of the appeal site. Whilst, for the appeal site, it was found that the loss of openness would not cause harm to the character or appearance of the CA, it is Officers opinion that this finding would not routinely apply to other nearby local green spaces - particularly not to those which are more visually prominent, more intact as field breaks, or more closely related to listed buildings and their settings.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

Wiltshire Core Strategy (WCS) – Adopted 2015

- CP1: Settlement Strategy
- CP2: Delivery Strategy
- CP13: Spatial Strategy for the Malmesbury Community Area
- CP45: Meeting Wiltshire's Housing Needs
- CP48: Supporting Rural Life
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP52: Green Infrastructure
- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensuring the Conservation of the Historic Environment
- CP60: Sustainable Transport
- CP61: Transport and Development
- CP64: Demand Management
- CP67: Flood Risk

Saved Policies of the North Wiltshire Local Plan (NWLP)

- H4: Residential Development in the Open Countryside

Great Somerford Neighbourhood Development Plan (NDP)

- Section 6: Settlement Boundary
- Policy GSNP7: Local Green Spaces

Wiltshire Local Transport Plan (LTP4)

Wiltshire Housing Site Allocations Plan 2020

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

Town and Country Planning (Permission in Principle) Order 2017 (2017 order)

The Conservation of Habitats and Species Regulations 2017 (habitats regulations)

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA regulations)

HOUSING LAND SUPPLY

The Councils Housing Land Supply (HLS) Statement (base date: April 2024) was published in June 2025 and covers the HLS for Wiltshire and each Housing Market Area within Wiltshire as set

out in the WCS. The HLS position identified under section 6 of the statement expresses that the current number of years deliverable supply is 2.42 years.

Briefing Note (No. [25 – 04](#)) dated 18.06.2025 reiterates that position and states under section 2.3 that: *The council cannot demonstrate the requisite five-year housing land supply. The current position indicates there is a 2.42 years supply.*

ISSUES

The main issues in the consideration of this application are:

- Whether the development is exempt from permission in principle
- Whether the site location, land use, and amount of development is suitable in principle
- Whether the land use is suitable in principle
- Whether the amount of development is suitable in principle

CONSULTATION

Great Somerford Parish Council: Object

On behalf of Great Somerford Parish Council, I am instructed to make representation in respect of the above referenced planning application. The Parish Council OBJECTS to the development proceeding. Reasons for the objection include the following:

- *Conflict with the strategic aims of the development plan;*
- *Development in conflict with the aims of designation of the land as Local Green Space;*
- *Harm to heritage assets, in particular the Great Somerford Conservation Area;*
- *Inability to provide safe access and egress onto the highway; and*
- *Harm to the character and appearance of the area.*

[...]

The development would conflict with the purposes of the site's designation as Local Green Space, eroding the quality and availability of green space within the village of Great Somerford and having a harmful impact on the local character and the Great Somerford Conservation Area. Harmful impacts on the LGS and the CA are strong reasons for refusing planning permission, and there is no 'tilted balance' operative in this case. The development is contrary to the overarching strategic policies of the development plan set out at Core Policies 1, 2 and (for the purposes of this area) 13. Due to this significant policy conflict and as there is no tilted balance necessary, the development should be considered unacceptable in principle. There are significant tensions between highways visibility, the footpath and the historic environment inherent in developing this site. It is not at all clear that these tensions are capable of being resolved satisfactorily. Given the limitations of the Permission in Principle process it is therefore the Parish Council's view that this application should be refused for these reasons as well.

Councils Archaeology Team: No Comment

I have no comment to make on this Permission in Principle application but would ask that Archaeology is consulted again if a Technical Details application is made.

Councils Conservation Team: Object

The site is the southern end of a larger agricultural field extending to the north from West Street. It is bounded to West Street by a low stone wall with hedge behind which forms a significant break in the built form on West Street. The west boundary of the site is formed by the brick boundary garden wall of the listed Manor Farmhouse. The east boundary is The Manor Stables and The Granary now converted but formerly part of the agricultural building related to the Manor on the south side of West Street a substantial 19th century house.

*There is a public footpath and field access to the paddock from the south eastern corner.
[...]*

In this case the significance of the listed buildings comes from their historic walling fabric and vernacular architecture - its form, layout and architectural expression/detailing and use of local design approaches and materials which have some significant aesthetic and architectural interest. In addition, they make a positive contribution to the character of the Conservation area as does the break in the development frontage afforded by this field.

The Inspector for the recent November 2024 (APP/X3940/W/24/3345527) extracted in the application planning statement very clearly describes West Street at paragraph 8 as

‘characterised by linear housing development of varying designs, ages and sizes. Some are set behind domestic hedges, others behind fences and historic stone boundary walls and others have a more open frontage. The overall sense travelling along the road is of being within a loosely developed village interspersed with gaps provided by field frontages. The appeal site is one such gap, positioned between existing development.’

These comments succinctly highlight the importance of these field breaks as part of the Conservation Area character and appearance and make a positive contribution to the Area.[...]

The application examines the impact on the Conservation Area character and appearance but does not assess the impact on the setting of the Manor Farmhouse and in particular the garden wall that forms the west boarder of the site.

With respect the Conservation Area the impacts and landscape setting the applicant has taken significant reference to the recent appeal decision on land to the south of West Street for two dwellings (APP/X3940/W/24/3345527) [...]

I would disagree with the narrow reliance on this previous appeal decision and the impact on the Conservation Area. While the amount of development is the same as two dwelling, the sites are very different in character and context and cannot be relied on. I consider the significant character and appearance of the Conservation Area is of these informal brakes to the road frontage of built development by being interspersed by small fields with field boundaries and hedgerows and the loss of this site would be harmful to the character and appearance of the Conservation Area

*In addition the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that **special regard** be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.*

This 'special regard' obligation requires a Local Planning Authority to consider the setting of listed buildings. This means the standard assessment for a PIP is overridden by this legal duty to protect the heritage assets affected. Any application for a proposal for two houses on this land requires detailed and specific assessment of the impact on setting of the listed buildings and in this case the Manor Farmhouse garden walls that bord the west side of the site. Therefore the application must come under the traditional planning route.

This PIP should therefore not progress beyond stage one as it fails the first stage (or permission in principle stage) as it does not establish that this site is suitable in-principle. [...]

Councils Drainage Team: No Objection

The LLFA have no objections to this permission in principle. The site is situated within Flood Zone 1 with a very low risk of surface water flooding and medium level risk of groundwater flooding. This land is compatible with the vulnerability of the proposed development.

Councils Highways Team: Comment

The site is located in the village of Great Somerford, outside of but adjacent to the settlement boundary and I will be guided by you as to whether you consider the proposal to be contrary to policies CP57 (xiv), CP60(i) and CP61 of the Wiltshire Core Strategy and the NPPF 2024 paras 109-111 which seek to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.

No specific details have been included with regards to the vehicle access other than the gateway into the field is to be used. There is PROW that runs across this gateway and I am aware that the Rights of Way team have also been consulted and the PROW must be taken into consideration. [...]

Councils Rights of Way Team: Comment

I note the planning statement includes an extract from the digital rights of way map showing public footpath GSOM27 running along the driveway adjacent to the site. The digital mapping is a "working copy" of the Definitive Map of public rights of way and, as stated on our online map, should not be regarded as the definitive map and must not be used as a true legal record. We have checked the route of footpath GSOM27 on the Definitive Map and it runs through the field on the route available on the ground. The digital layer has therefore been amended to match the Definitive Map.

I have no objection to the proposal, subject to the public footpath remaining available

through the site at a minimum width of 2 metres. Where any gates across the footpath are no longer required for stock control they should be removed and left as a gap. The footpath should be shown on the site plan submitted at detailed planning stage and proposals for any changes to surfacing and boundaries affecting the path should be provided.

REPRESENTATIONS

At the time of writing more than 100 public representations of objection, including an objection on behalf of the 'Campaign to Protect Rural England', have been received, providing the following summarised concerns:

- Loss of local green space
- Loss of area frequently used by members of the community – particular concern RE loss of accessible green space
- No urgent local housing need
- Impact on the PRoW
- Inaccuracies within the application submission
- Impact on the CA
- Impact on setting of Grade II listed building
- Impact on non-designated heritage assets
- Visual impact through loss of a key open break in built development
- Erosion of rural character
- Cumulative overdevelopment in the wider area
- Nearby appeal does not set precedent for this development
- Precedent would be set if permission granted
- Highway safety impacts
- Flood risk
- Impact on biodiversity
- Short consultation timeframe

ASSESSMENT

PiP provides an alternative route for obtaining planning permission for housing-led development. The PiP stage establishes whether a site is suitable in principle (limited to the location, land use and amount of development) and the technical details consent (TDC) stage considers the detailed design, layout, mitigation and all other reserved matters.

Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 prevents the grant of PiP for certain development. Where a proposal is assessed as falling within one of the Article 5B exclusions, the LPA has no power to grant PiP and the application must be refused. The primary assessment to be made at PiP stage is, therefore, whether the proposal is excluded from the PiP regime by Article 5B.

Where the proposal is not excluded by Article 5B, a secondary assessment is undertaken to determine whether the site is suitable in principle regarding the location, proposed land use and amount of development.

As planning conditions cannot be imposed at the PiP stage, whilst any mitigation that is required to make a proposal acceptable in principle must be clearly established at the PiP stage, any mitigation that relates to reserved matters may be separately addressed at the TDC stage. Broadly, however, where mitigation is necessary to avoid or rule out impacts that would otherwise prevent the grant of PiP, the proposal would fall outside the scope of the PiP regime.

Whether the Development is Exempt from Permission in Principle

Context

Article 5B(1) of the 2017 Order directs that an LPA may not grant PiP in relation to development which is:

- Major development
- Habitats development
- Householder development; or
- Schedule 1 development

Article 5B(2) of the 2017 Order further directs circumstances where Schedule 2 development cannot be granted PiP by the LPA.

Exemption Assessment

The scheme is for 2no. dwelling and as such is not proposing major development and is not householder development. The site is not in, or in close proximity to, a European site and consequently the scheme does not require consent under regulation 63 of the Habitats Regulations and the proposal is not habitats development. Furthermore, insofar as the EIA regulations apply, the development is not Schedule 1 or Schedule 2 development.

The proposal is not excluded from the PiP regime by Article 5B; assessment on the principle of development can therefore be carried out.

Whether the Site Location and Land Use is Suitable in Principle

Development Plan Context

Policies CP1 and CP2 of the WCS relate to the spatial strategy for Wiltshire, setting the policy foundations for the promotion of sustainable development within the county. CP13 expresses that development in the Malmesbury Community Area should be in accordance with the Settlement Strategy Set out in CP1.

The majority of the site is outside of, but adjacent to the defined Great Somerford framework settlement boundary. Residential development in this location is broadly not supported by CP1, CP2, and CP13; furthermore, the development does not meet the exemption policies (CP34, CP37, CP39, CP40, CP44, CP46, CP47 or CP48) within the WCS or the aims of saved policy H4 of the NWLP.

CP51 of the WCS sets expectations for development to protect, conserve and where possible enhance landscape character; CP57 requires development to enhance local distinctiveness by responding to the value of the natural and historic environment; and CP58 further requires development to protect, conserve and where possible enhance the historic environment.

Tilted Balance Context

The Council have accepted that the requisite housing land supply cannot be demonstrated and as such, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date.

11(d) of the NPPF directs that in these circumstances planning permission should be granted unless one or both of the following apply:

- (i) *the application of policies in this Framework that protect areas or assets of particular importance 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 combination.*

Paragraph 14 of the NPPF goes on to further express 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 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.

For the avoidance of doubt, as the NDP was made in November 2017 (and therefore became part of the development plan more than 5 years ago) the requirements of paragraph 14(a) of the NPPF have not been met.

Paragraph 11d(i)

The site is located within flood zone 1 and has not been identified within the SFRA as being in an area at high risk of surface or ground water flooding. The site is not located within (or in close

proximity to) a SSSI, SAC, Ramsar, SPA, SAC or CWS and is not designated as green belt; however, it is designated as local green space within the NDP.

Furthermore, whilst the site is not within a National Landscape area, part of a National Park area, or defined as Heritage Coast, irreplaceable habitat, or a designated heritage asset, it is within the Great Somerford CA and within the setting of Grade II listed building 'Manor Farmhouse'.

Paragraph 11d(ii)

The development is not major development, and permission would not result in the creation of isolated homes in the countryside. Furthermore, the site is in an area which would not require any future occupants to be wholly reliant on the private car to access facilities. At the time of writing, the site is considered to be in a sustainable location.

Public concerns have, however, been raised around whether safe and suitable access to the site is achievable. Further concerns have been raised regarding whether there is a need for the proposed housing, as well as the impact on the character and setting of the area.

Summary

The scheme proposes 2no dwellings which would bring about some benefit to the HLS for Wiltshire. No further benefits have been indicated within the application submission; it is nonetheless acknowledged that some limited localised economic benefit would be likely to arise during the construction phase of the development, and it is anticipated that there would be some ongoing economic benefit when the dwellings are occupied by virtue of receipt of council tax etc. Overall, however, given the scale of the development, the benefits associated with the construction of 2no dwellings are likely to be modest.

Taking into account the site and development specific circumstances, initial assessment regarding the impact of the development on the local green space designation and heritage assets must be made. Depending on the assessment made, impacts identified may result in provide a strong reason for refusing the development.

Particularly in circumstances where there isn't a strong reason for refusing the development identified as part of that initial assessment against the provisions of paragraph 11d(i), secondary assessment regarding whether any adverse impacts of granting PiP - in relation to the provisions of paragraph 11d(ii) - would significantly and demonstrably outweigh the benefits of 2no dwellings will also be made.

In circumstances where there is no strong reason for refusal and where the adverse impacts of granting PiP do not significantly and demonstrably outweigh the benefits, the application should be approved.

Location and Land Use Assessment

Impact on the Local Green Space

The application site forms part of an NDP designated local green space – referenced LGS7. The NDP does not make explicit comment, under policy GSNP7, on what features resulted in the site being included within the list; however, does broadly indicate that all green space designations within the NDP are:

- in reasonably close proximity to the community it serves
- demonstrably special to the local community
- local in character

Paragraph 108 of the NPPF directs that decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts as set out in chapter 13 of the NPPF, other than the provisions relating to grey belt and previously developed land.

For the avoidance of doubt, chapter 13 of the NPPF expresses how the Government attaches great importance to Green Belts, with paragraph 153 directing that *inappropriate development is, by definition, harmful*. Paragraph 154 instructs Local Planning Authorities to regard development as inappropriate unless a set exception applies, summarised below:

- (a) *buildings for agriculture and forestry*
- (b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments [...]*
- (c) *the extension or alteration of a building [...]*
- (d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*
- (e) *limited infilling in villages*
- (f) *limited affordable housing [...]*
- (g) *limited infilling or complete redevelopment of previously development land [...]*
- (h) *other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - (i) *mineral extraction*
 - (ii) *engineering operations*
 - (iii) *local transport infrastructure [...]*
 - (iv) *the re-use of buildings provided that the buildings are of permanent and substantial construction*
 - (v) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - (vi) *development, including buildings, brought forward under a Community right to Build Order or Neighbourhood Development Order*

The development site relates to an area of land which, whilst it reads as being within the settlement, is outside of the defined framework boundary and is designated as local green space. The site is valued as an undeveloped visual break in built form which enhances the rural local character and makes a meaningful contribution to the appearance of the area. Whilst paragraph 154(e) recognises 'limited infilling in villages' as development which may (by exemption) be development that is not inappropriate, the purpose of this exemption is to enable the consolidation of existing built form and should not be taken as justification for the loss of protected open land.

It is clear from the number and content of public objections received on this application that the greenspace offers special value to residents in the following summarised ways:

- used for walking and enjoyment of the outside space which benefits physical and mental wellbeing
- used for dog walking and picnicking
- particularly cherished for its accessibility by virtue of it being relatively flat
- used as a community meeting point which reduces loneliness, particularly for older residents
- as the village lacks a formal central green, this area acts in a similar way and is somewhat irreplaceable
- it gives an immediate sense of rural beauty
- it maintains open views and green gaps
- it contributes positively to the CA setting
- it provides for biodiversity

In addition, as part of a site visit carried out by the local planning authority, a number of these points were observed, including:

- the green space was well maintained and easy to traverse
- members of the public were seen walking and greeting one another
- dogs were seen being walked
- the visual value of the greenspace in providing a gap in built form was evident
- the general sense of tranquility was evident

The public objections raise substantial and consistent evidence that the green space is demonstrably special to the local community, performing an important role as an accessible green space used daily for recreation, social interaction and wellbeing including by older residents, children and people with limited mobility. The above factors align closely with the purposes of local green space designations, and, whilst the scale of the development is such that not all of the green space would be lost, the part that would be lost is of high visual value, providing a break in built form that enhances the character of the area and existing buildings therein. On this occasion, it is not considered that careful landscaping and design associated with the 2no dwellings would be sufficient to ensure that the permanent and irreversible harm to public amenity, community wellbeing and the village character is appropriately mitigated.

The development would result in the erosion of a local green space which is deliberately maintained as undeveloped and clearly makes a meaningful contribution to the special character of the setting; as such, the proposal goes beyond that which could reasonably be considered a genuine gap site and consequently is considered to fall outside of the intended scope of limited infilling insofar as paragraph 154(e) of the NPPF applies. The proposed development of 2no dwellings on local green space should, therefore, not be approved except in very special circumstances. In the absence of clearly demonstrated very special circumstances, the proposed development within the local green space is unacceptable in principle.

Designated Heritage Impacts

The application site is within the Great Somerford CA and is adjacent to Grade II listed Manor Farmhouse with its historic garden and boundary wall at the western boundary. Consultation with the Councils Conservation team has been carried out which has resulted in objection following an assessment of harm to these heritage assets. Their specialist review indicates that the undeveloped site provides a distinct and important green gap that contributes positively to the historic setting and raises the following summarised heritage concerns relevant to the location:

- development in this location would result in loss of an important open field frontage, eroding the established rhythm of development and openness in this part of the CA
- development in this location has the potential to harm the setting of Grade II listed Manor Farm by virtue of the proximity to the historic garden wall
- insufficient heritage assessment, particularly regarding the listed building setting, has been provided with the application submission – a proposal for development in this location requires full, detailed assessment

Whilst the representation does not clearly conclude what level of heritage harm would be likely should development in this location be consented, due to the limited information provided, it is clear that development in this location would result in harm to heritage settings and that the local planning authority would not be meeting their statutory 'special regard' duty under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 if they were to approve planning permission.

Location Conclusion

The site is adjacent to the defined framework boundary and consequently has good access to local facilities. The site is, however, adjacent to a Grade II listed building, within a CA and forms part of a designated local green space; on this occasion, taking all information available to me into account, it is considered that granting permission in principle for development in this location would result in heritage harm and harm to the local green space which arise directly from the location of the site and consequently cannot be resolved at the TDC stage.

Given the above, the harm to the local green space and heritage assets resultant from development in this location has not been demonstrated to be suitable in principle.

Whether the Amount of Development is Suitable in Principle

At PiP stage, the assessment of the amount of development is somewhat limited to addressing whether the quantum of development proposed is so excessive, or so limited, that it would be inappropriate in principle, having regard to the site's location and the setting within which it sits.

In this circumstance, broadly, the size of the sufficient to reasonably accommodate 2 no dwellings with plot sizes commensurate to existing units in proximity.

Furthermore, whilst there have been significant concerns raised by members of the public that the cumulative impact of granting a further 2no dwellings alongside other previously consented development in the area would be inappropriate, 2no dwellings is considered to represent a modest level of growth relative to the size and character of Great Somerford.

Other Issues

Public Right of Way

PRoW 'GSOM27' runs through the edge of the site, including part of the area which is proposed for access to the proposed dwellings. Consultation with the Councils highways and rights of way teams has been carried out which resulted in no objection at PiP stage.

PLANNING BALANCE AND CONCLUSION

Overall, the proposed 2 open-market dwellings would be in a sustainable location and the proposed amount of development is not so excessive that it would result in an inherent conflict with the scale or role of the settlement; however, whilst 2no dwellings may be broadly suitable within the context of the village, the location and use of the site is not acceptable by virtue of the identified harm to heritage assets and local green space.

Having considered the application against the development plan, the NPPF, and the statutory framework for PiP, notwithstanding the current housing land supply shortfall, it is concluded that the identified harm forms a strong reason to refuse the application.

RECOMMENDATION:

That planning permission be REFUSED for the following reasons:

- The proposed development would result in the loss of an undeveloped field frontage which forms a historic and visually important break in built development along West Street which contribute positively to the character and appearance of the Great Somerford Conservation Area.

The proposed development in the proposed location would harm the significance of the Conservation Area and the scheme therefore conflicts with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, heritage aims of the National Planning Policy Framework and Core Policy 58 of the Wiltshire Core Strategy.

- The application site lies adjacent to Grade II listed Manor Farmhouse and its historic garden boundary wall. The undeveloped nature of the site forms part of the setting of the listed building and contributes to its significance. The proposed development fails to adequately assess or demonstrate the acceptability of the impact of the development on the setting of the listed building.

The proposed development therefore fails the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the listed building or its setting, and is contrary to heritage aims of the National Planning Policy Framework and Core Policy 58 of the Wiltshire Core Strategy.

- The application site forms part of Neighbourhood Development Plan designated Local Green Space (LGS7). Evidence from public representations and site observations confirms that the proposed location for the development remains demonstrably special to the local community, providing an accessible and well-used green space valued for recreation, social interaction, tranquility, and for maintaining openness and green gaps within the village.

While the proposal would not result in the loss of the entirety of the Local Green Space, the part affected is of high visual and functional importance. The proposed development in the proposed location would therefore result in permanent and irreversible harm to the value and function of the Local Green Space which could not be adequately mitigated through landscaping or design measures. The proposal cannot reasonably be construed as limited infilling for the purposes of paragraph 154 of the National Planning Policy Framework and, in the absence of clearly demonstrated very special circumstances, the scheme is contrary to local green space aims of the National Planning Policy Framework and unacceptable in principle.

INFORMATIVES TO THE APPLICANT:

- For the avoidance of doubt, plans and documents considered were:
Application Form; signed and dated 09.03.2026
Planning Statement; LPC, dated March 2026
Location Plan; received 09.03.2026
- On its website Wiltshire Council has made available statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance. The Council also offer a full suite of pre-application advice services; however, on this occasion, the application was unfortunately submitted without any meaningful pre-application discussions.

TOWN & COUNTRY PLANNING ACT 1990

**TOWN & COUNTRY PLANNING (PERMISSION IN PRINCIPLE) ORDER 2017
(AS AMENDED)**

**APPLICATION BY CLLP 2010 DISC TRUST FOR PERMISSION IN PRINCIPLE
FOR DEVELOPMENT OF UP TO 2 NO DWELLINGS ON LAND NORTH OF
WEST STREET, GREAT SOMERFORD, CHIPPENHAM, SN15 5EH.**

PLANNING STATEMENT



Prepared by

**Simon Chambers, BSc (Hons) MA MRTPI
Director
LPC (Trull) Ltd**

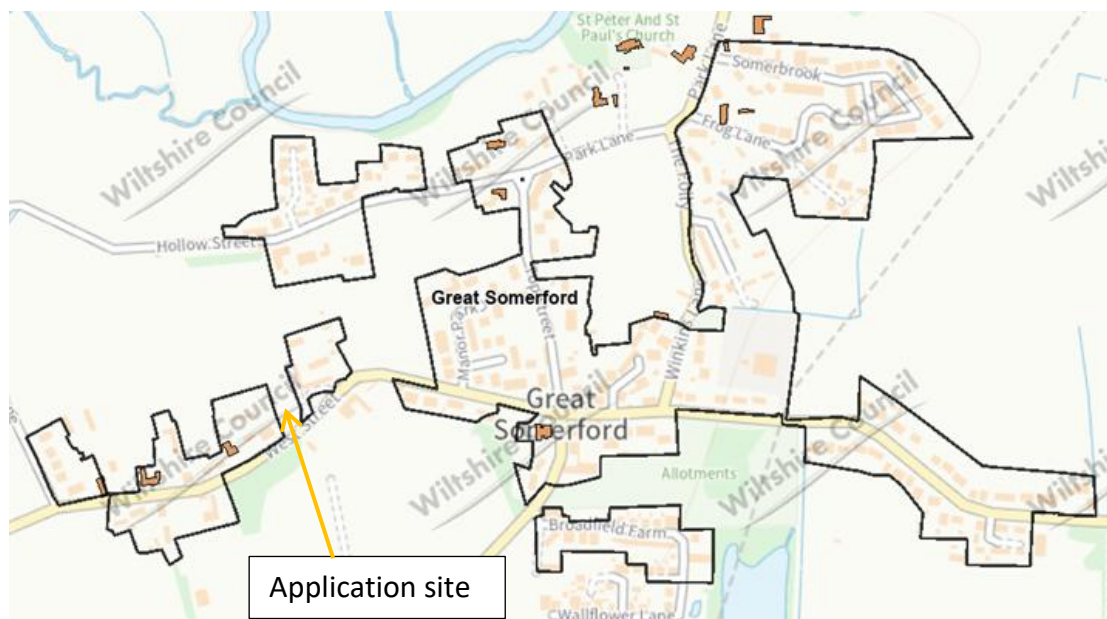
Our Reference: SWLC.LPC6321

March 2026

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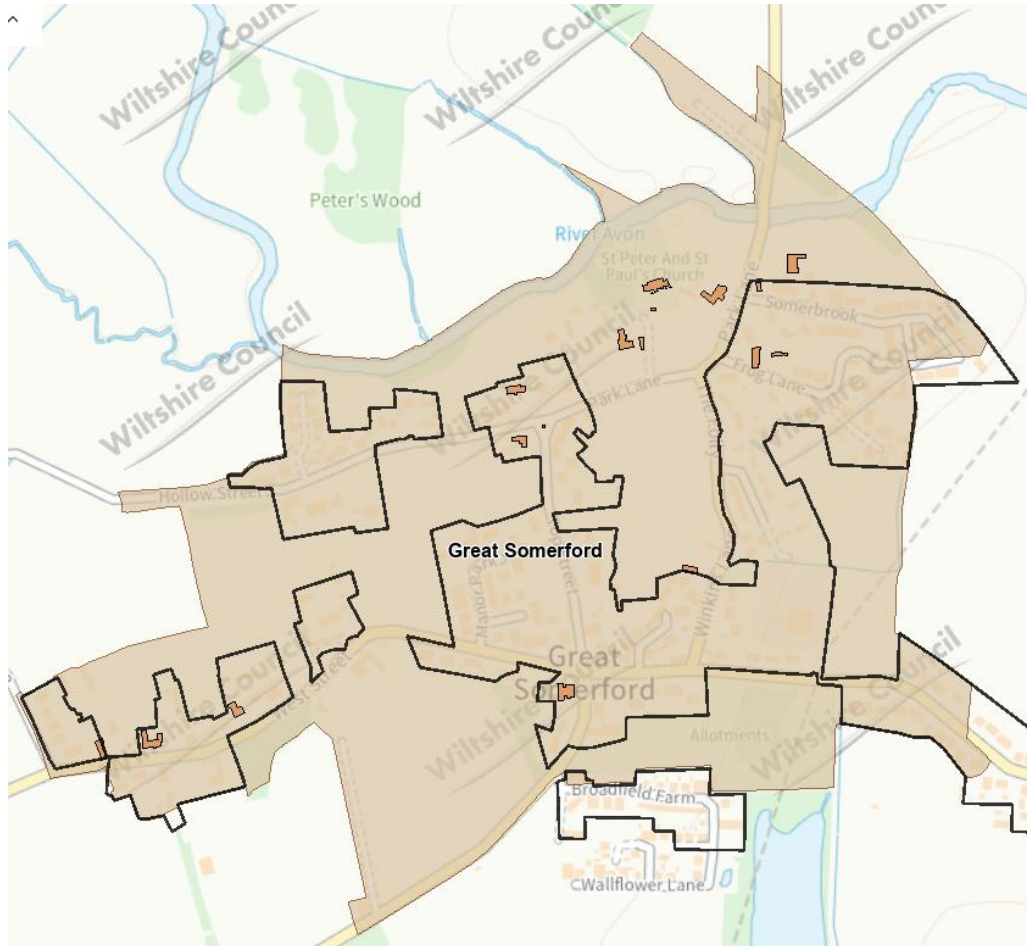
1.0 INTRODUCTION

- 1.1 LPC (Trull) Ltd have been instructed to prepare an application for Permission in Principle (PiP) for the development of up to 2 No. dwellings on land which lies to the west of Manor Stables on the north side of West Street, Great Somerford SN15 5EH.
- 1.2 As shown below, the subject site lies in between the defined housing development boundary of the village of Great Somerford with built development bounding the site to the east and west.



- 1.3 The site comprises an area of paddock extending to the north that is laid to grass. The boundary to West Street includes a low stone wall and with trimmed hedge behind. There is a shared vehicle access that includes access to the paddock from the south eastern corner . The site as a whole lies in the Great Somerford Conservation Area, which is shown on the map extract on the following page.
- 1.4 The village of Great Somerford is identified in the Core Strategy as a Large Village. It lies some 3.25 miles southeast from the town of Malmesbury and about 12 miles to the west of Swindon. It is identified as being within the Malmesbury Community Area under Core Policy 13 of the adopted Wiltshire Core Strategy. There is a settlement boundary for the village (as already indicated), which this site lies just outside, and a designated Conservation

Area, within which the site lies. The property known as 'Manor Farmhouse' which lies to the south west off West Street is the nearest listed building, and has also been shown on the plan extract inserted previously, and below. Having checked the Environment Agency Flood Map records, I can confirm that the site lies in Flood Zone 1.



Conservation Area

- 1.5 It is material to note that the application site shares many of the same characteristics as the land identified on the following page and which was the subject of the grant of Permission in Principle for the erection of two new dwelling by application PL/2023/06033. That permission was the subject of an appeal and the Inspector's decision is inserted below too as the findings wholly support the grant of permission in this case too. It would indeed be difficult to find a more compelling planning precedent.



Image © 2024 Airbus



Appeal Decision

Site visit made on 23 October 2024

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2024

Appeal Ref: APP/Y3940/W/24/3345527

Land at West Street, Great Somerford, Chippenham, Wiltshire SN15 5EH

- 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 Mr & Mrs H Gravell against the decision of Wiltshire Council.
- The application Ref is PL/2023/06033.
- The development proposed is erection of up to 2 No. dwellings.

Decision

1. The appeal is allowed and permission in principle is granted for erection of up to 2 No. dwellings at Land at West Street, Great Somerford, Chippenham, Wiltshire SN15 5EH in accordance with the terms of the application, Ref PL/2023/06033.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when detailed proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development, having regard to policies for the delivery of housing;
 - the effect of the proposal on the character and appearance of the area, including the Great Somerford Conservation Area and its setting; and
 - whether the proposed development is in an accessible location, having regard to proximity to services and facilities and highway safety.

¹ Paragraph: 012 Reference ID: 58-012-20180615

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Reasons

Suitable location

5. The appeal site is an undeveloped field fronting West Street. It is located outside the defined settlement boundary of Great Somerford. This settlement is categorised as a 'large village' under the strategy set out under Core Policy 1 of the Wiltshire Core Strategy 2015 (the WCS). As the site is outside the settlement boundary it is in the countryside where Core Policy 2 of the WCS restricts housing development except in a few circumstances, none of which would apply to the appeal proposal.
6. The settlement boundary to Great Somerford is fragmented and irregular, particularly along West Street. The appeal site lies within a relatively long gap between residential pockets of development within the defined boundary. Nevertheless, development of the site which lies within the countryside would be contrary to policy.
7. The appeal site is not a suitable location for the proposed development, having regard to policies for the delivery of housing. It would therefore conflict with Core Policies 1 and 2 of the WCS and the Great Somerford Neighbourhood Plan 2017 which together and amongst other things seek to restrict development in locations outside defined settlement limits and within the countryside.

Character and appearance

8. West Street is characterised by linear housing development of varying designs, ages and sizes. Some are set behind domestic hedges, others behind fences and historic stone boundary walls and others have a more open frontage. The overall sense travelling along the road is of being within a loosely developed village interspersed with gaps provided by field frontages. The appeal site is one such gap, positioned between existing development.
9. The site is an area of open land, laid to grass with mature trees within the northern section and an informal hedgerow boundary adjacent to the highway. There is a rough dirt track access within the northeastern corner with a field gate set back from the highway. As an undeveloped area of land, it makes a positive contribution to the rural setting of the village. It is not, however, identified as an important or green gap within the Neighbourhood Plan, which does identify 'Local Green Spaces' elsewhere.
10. The northern section of the site lies within the Great Somerford Conservation Area (GSCA) with the remainder forming part of its setting. The GSCA encompasses much of the built-up area of the village and areas of open land beyond. Its significance is derived from the mix of historic buildings within a village and rural setting. The appeal site as it contributes to the rural setting of the village makes a positive contribution to the GSCA and its setting. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
11. Inevitably, the introduction of two dwellings to the appeal site would diminish the rural character of this undeveloped open land. The linear pattern of development along West Street would be extended. However, a wooded area fronting the road between the appeal site and the property directly to the south-west would remain, helping to maintain a degree of separation between

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pockets of development along the road. Properties are generally spaciouly arranged, within relatively large plots which the appeal scheme, proposing up to two dwellings within a generously sized site, could achieve.

12. In terms of the overall character and appearance of the development, this would largely be addressed at the technical details consent stage which would, amongst other things, deal with landscaping, layout and design. However, I see no reason why, given the existing site characteristics and context, that a development sympathetic to the character of the locality, including the GSCA and its setting, could not be secured.
13. The Council has raised a specific concern about the changes to the site boundary through the formalisation of the access that would be required in association with two dwellings. I observed considerable variation in property frontages along West Street. This variation forms part of the overall character of the area and does not detract from the GSCA. There is no reason that a sympathetic approach on the appeal site could not be achieved without causing harm to the historic environment.
14. The proposal would not harm the character and appearance of the area. It would preserve the character and appearance of the GSCA and its setting. It would therefore accord with Core Policies 51 and 57 of the WCS which together require development to protect and conserve the locally distinctive character of settlements and their landscape setting and to be sympathetic to and conserve the historic environment.

Accessibility.

15. The site is located a short distance from the centre of Great Somerford where there is a shop/post office and public house. A primary school is located a little further away. These services and facilities would meet basic day-to-day needs for future occupants.
16. Pedestrian access from the site to these services and facilities would be along West Street which is served by a formal footpath running along the opposite side of the road with a short section of informal footpath and grass verge. This is unlit. It is also close to a bend in the road and visibility is restricted. Pedestrian access would not be suitable for all, especially people with limited mobility, the elderly and those with children.
17. However, this is a short section of road between existing built development and on the approach to the centre of the village. There is also development on one side of the road. Drivers, who would have either passed linear development along West Street or be heading out of the village, would be aware that they are in a village location. In this context, they would be likely to both anticipate pedestrians on the road and drive at a slower speed appropriate to the location. Thus, whilst I appreciate that pedestrian access may not be appropriate for all, it would provide an alternative to using the private car for some people. Indeed, at the time of my site visit, I observed people walking along this stretch of road.
18. In addition to some pedestrian access, the route between the appeal site and the services within the village would be accessible by bicycle.

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Appeal Decision APP/Y3940/W/24/3345527

19. There is a limited daytime bus service to Chippenham during the week and on Saturdays. Whilst this would not be sufficient to reduce overall reliance on private transport, it does offer an alternative that may reduce some trips.
20. The National Planning Policy Framework (the Framework) recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Occupants of the appeal scheme would have access to services and facilities both within the village and elsewhere by bus. They would not be wholly reliant on the private car to do so and in this rural village location, this would be appropriate. Furthermore, development here may help to support existing services and facilities within the village to grow and thrive.
21. The proposal would be in an accessible location. It would therefore accord with Core Policies 60 and 61 of the WCS which together support development in locations which reduce the need to travel and support sustainable transport alternatives to the use of the private car.

Other Considerations

22. In accordance with paragraph 226 of the Framework, the Council only needs to demonstrate a four year supply of housing land because the emerging LP has reached Regulation 19 stage including proposed allocations towards meeting housing need. The Council's Housing Land Supply Statement, published June 2024, sets out that the supply is 4.2 years. This figure was since tested on appeal², where the Inspector concluded that the Council had a supply of 3.85 years. In the absence of evidence to the contrary, I am relying on this figure. I return to this in my planning balance below.
23. Concerns have been raised by local residents including overlooking, loss of outlook and sunlight. However, the position and design of the proposed dwellings has not been confirmed. The site is large enough to accommodate the dwellings and these factors could be addressed through the technical details consent stage. I appreciate that the view from the house opposite would change, however, the private view from a window or property is not of itself regarded as a planning matter.
24. There are a number of trees adjacent to and on the site. Many of these would be retained. I have no firm evidence of the site being of particular importance for wildlife or ecology. With residential development there would be a change to the character of the site, however, biodiversity matters including measures to mitigate any loss could be secured through the technical details consent process as deemed appropriate at that stage.
25. No substantive evidence has been provided that demonstrates that local infrastructure cannot accommodate this amount of development in the village. I have no firm evidence that traffic volumes will significantly increase as a consequence of the proposal.
26. The appeal site lies in Flood Zone 1. I am told that West Street has been subject to flooding, however, whilst a photograph of one such incident has been provided, I do not have substantive evidence relating to this. I also note the Council did not refuse the application on this basis. In any event, matters in respect of managing surface water to ensure the development would not

² APP/Y3940/W/24/3340811 – Land off Storridge Road, Westbury BA13 4HJ, dated 30 August 2024

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give rise to or exacerbate existing flooding issues, could be appropriately dealt with at technical details consent stage.

27. Allegations about development taking place and trees having been cut down without permission have been made. These are not matters before me.
28. The appellant has suggested that the proposed dwellings could be made available as self-build homes. However, there is currently no mechanism to secure this as a planning obligation cannot be secured at the permission in principle stage. This factor therefore carries limited weight.

Planning Balance

29. There would be conflict with Core Policies 1 and 2 of the WCS as the site lies outside the defined settlement boundary and therefore in the countryside for planning purposes. However, in view of the shortfall in housing supply, the policies for the delivery of housing are deemed to be out of date and paragraph 11 d) of the Framework is engaged.
30. The absence of harm to character and appearance and the preservation of the character and appearance of the GCSA and its setting are neutral factors in the balance. However, the development of rural homes in an accessible location which would help to support rural communities, services and facilities is a positive aspect of the scheme that weighs in its favour.
31. When assessed against the policies in the Framework as a whole, the adverse impact does not significantly and demonstrably outweigh the benefits of two additional homes on a windfall site. Consequently, the presumption in favour of sustainable development indicates that permission should be granted.

Conclusion

32. The proposed development would be contrary to the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict. Therefore, for the reasons given, the appeal should be allowed.

Rachael Pipkin

INSPECTOR

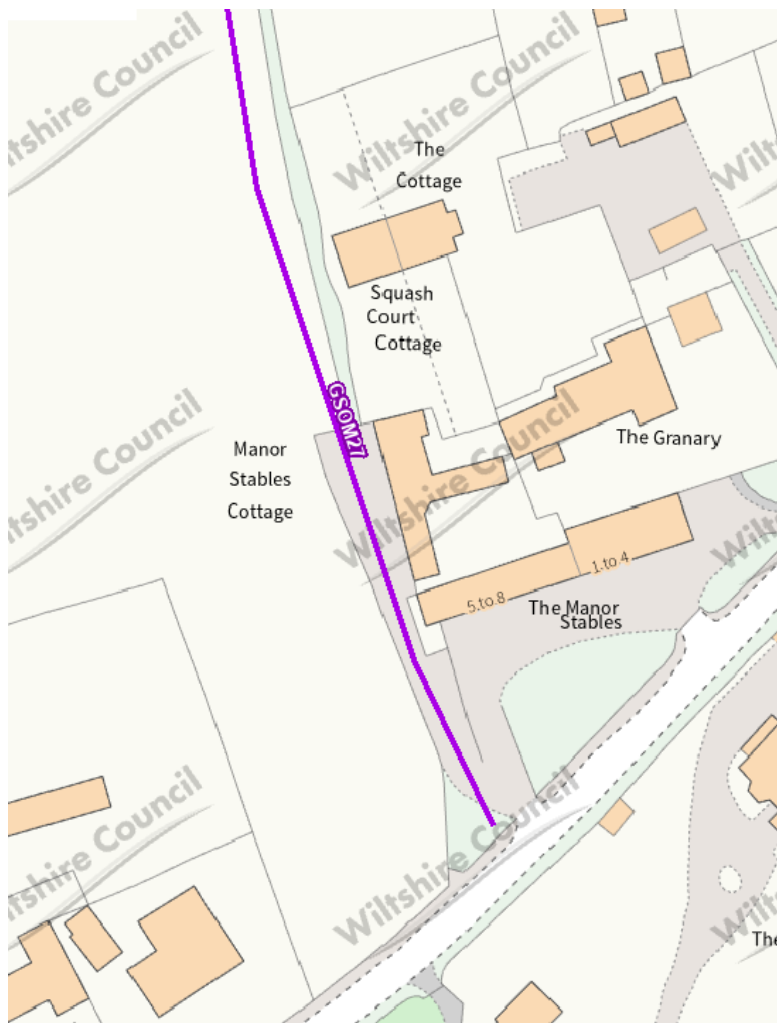
2.0 THE SITE & SURROUNDING AREA

- 2.1 The application site measures approximately 0.18 ha in area and lies on the northern side of West Street within the apparent physical limits of the village of Great Somerford and to the west of Manor stables. This part of the village is characterised by low density and irregular patterned development on both sides of West Street with large houses situated within generous plots interspersed with trees, and with evidence of backland or tandem development, including buildings and access lanes extending behind frontage development. Provided at the top of page 4 is an aerial photograph showing the application site and the form of the surrounding built up area.
- 2.2 The photographs on the next page are taken from google earth's street scene and show the site's planted roadside boundary and the western neighbour (Manor View) seen across the land through the existing access gate. The second image shows the shared access to the field gate that also serves Mannor Stables, and the separate property (known as Manor Stables Cottage) in between.



- 2.3 In planning terms, the village of Great Somerford has a Housing Development Boundary which as can be seen on page 2 earlier is quite extensive and, in parts, somewhat fragmented. As shown, it covers a wide area and includes separate pockets, or nodes, of housing development which have been ringfenced under the Local Plan process. This has resulted in gaps appearing between these defined areas giving quite a fragmented picture overall, unrelated to the settlement's more obvious physical limits.
- 2.4 The Great Somerford Conservation Area is more uniform in its coverage. This covers a larger area than the Housing Development Boundary and as already shown overlain on top of the housing boundary map below includes the application site lies within its boundaries.

- 2.5 The following extract from the definitive Public Rights of Way plan shows that GSOM27 runs along the access drive serving Manor Stables Cottage. This confirms that the gated route in the photograph at the top of page 8 is a permissive route only and the PRow is outside the application site.



3.0 THE PROPOSAL

- 3.1 The proposal seeks Permission in Principle (PiP) for a development of up to two dwellings on the application site. The application approach is defined in the National Planning Guidance, as below;

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

3.2 This establishes that the application is a two-stage process, with the first stage solely intended to establish whether the site is suitable in principle and the second stage then considering the detailed development proposals and potential impacts. The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the assessment of:

- Location
- Land Use and
- The Amount of Development.

The application proposal has a narrow focus with only the principle of the proposed residential development being considered. The second stage which involves the 'technical details consent' follows once the 'permission in principle consent' be granted.

3.3 The Planning Practice Guidance (PPG) confirms that the scope of permission in principle is limited to location, land use and amount of development. However, issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage (Paragraph: 012 Reference ID: 58-012-20180615).

3.4 Accordingly, the purpose of this statement is focused on the principle of development at this location only. Any further details in respect of the intended new development and its acceptable assimilation will be submitted at the technical details stage.

3.5 This Planning Statement assesses the proposed development against the development plan policies of Wiltshire including the Core Strategy, any relevant saved North Wiltshire Local Plan policies and the 2017 made Great Somerford (incorporating Startley) Neighbourhood Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

4.0 PLANNING LEGISLATION AND POLICY

4.1 The National Planning Policy Framework (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.

- 4.2 The associated PPG confirms that the same applies to an application seeking permission in principle; “A decision on whether to grant permission in principle to a site following a valid application ... must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise” (Paragraph: 011 Reference ID: 58-011-20180615).
- 4.3 The development plan relevant to the appeal includes the Wiltshire Core Strategy (WCS) (adopted January 2015) and the Great Somerford (incorporating Startley) Neighbourhood Plan (GSPN) - Made November 2017. The key policies relevant to the ‘in principle’ matters of location, land use and amount of development are:-

Wiltshire Core Strategy

- Core Policy 1- Settlement Strategy
- Core Policy 2- Delivery Strategy
- Core Policy 13 - Malmesbury Community Area
- Core Policy 50 - Geodiversity and Biodiversity
- Core Policy 51 - Landscape
- Core Policy 57- Ensuring High Quality Design and Place Shaping
- Core Policy 58 - Ensuring the Conservation of the Historic Environment
- Core Policy 60 - Sustainable Transport
- Core Policy 61 - Transport and Development

Great Somerford (Incorporating Startley) Neighbourhood Plan

- Section 6: Settlement Boundary
- Section 7: Proposed New Development
- Section 9: Local Green Spaces

- Policy GSNP7
- Policy GSNP1
- Appendix D2

5.0 PLANNING ASSESSMENT

5.1 Returning to the nearby recent appeal decision at paragraph 1.5 above the inspector said the main issues were as below, and there is no reason to assess this proposal differently.

- whether the appeal site is a suitable location for the proposed development, having regard to policies for the delivery of housing;
- the effect of the proposal on the character and appearance of the area, including the Great Somerford Conservation Area and its setting; and
- whether the proposed development is in an accessible location, having regard to proximity to services and facilities and highway safety.

5.2 Wiltshire Core Strategy Policies CP1 and CP2 alongside community area-based policies; CP13 in this instance, define a hierarchy of settlements based on a range of services infrastructure and facilities in those locations and seeks to direct most new development to the most sustainable locations in this hierarchy. Core Strategy Policy CP13 sets out the spatial strategy for Malmesbury Community Area (MCA). It explains that development in the MCA should be in accordance with the Settlement Strategy set out in CP1. Within CP13 Great Somerford is identified as a Large Village where limited development is supported under the terms of CP1 and CP2 to meet the general needs of the area.

5.3 Although the site clearly falls within the apparent built-up limits of the village, it is acknowledged that it lies outside the defined settlement boundary, and thus in a countryside location. It is not tenable though to describe the site as falling within the open countryside.

5.4 Giving judgment in *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610*, Lindblom J said paragraph 55 of the NPPF (applicable at that time) stated that local planning authorities “should avoid new isolated homes in the countryside

unless there are special circumstances". He continued to note: "Planning policies, whether in the development plan or in the NPPF, ought never to be over-interpreted. As this case shows, overinterpretation of a policy can distort its true meaning – which is misinterpretation."

- 5.5 He said paragraph 55 was "expressed in general and un-prescriptive terms", did not dictate a particular outcome for an application, contained no presumption and simply advised local authorities on how to promote sustainable development in rural areas. The paragraph's advice was to avoid "new isolated homes in the countryside", which Lindblom J said: "Simply differentiates between the development of housing within a settlement - or village - and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement".
- 5.6 He explained further: "Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand." The issue should be given its common application therefore, and as said, it is not tenable to consider the application site isolated and thus unsustainably located. The two neighbouring property's road cannot be more sustainable in practical terms than the application site, or the appeal site opposite.
- 5.7 New residential development in the 'open countryside' is strictly controlled to prevent new homes being in locations which are remote from services and facilities. Core Policy 2 of the Wiltshire Core Strategy states that other than in circumstances permitted by the exception policies, identified at paragraph 4.25, development will not be permitted outside the limits of development. The application development does not fall within the listed exceptions, but neither, by comparison with its immediate neighbours, is it isolated or remote from services and facilities.
- 5.8 Of course, policies CP1, CP2 and CP13 must also be placed in their appropriate context as it is understood that your Council still cannot demonstrate the required housing supply. The position is not as positive as the inspector described at paragraph 22, albeit she agrees at paragraph 29 that paragraph 11 (d) to the Framework is engaged. The presumption in

favour of sustainable development therefore tilts the assessment balance. Indeed, your Council's Briefing Notes No 22-09 and 20-20 have highlighted that in order to restore the five-year housing land supply, your Council will, inter alia,

'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'.(my emphasis)

- 5.9 Paragraph 11 of the NPPF notes that the relevant policies for the supply of housing should not be considered up to date if a local planning authority cannot demonstrate their required housing land supply and for decision taking this means that planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.
- 5.10 Paragraph 61 of the NPPF states that, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
- 5.11 Paragraph 73 states that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly
- 5.12 Footnote 7 to paragraph 11 d) i. lists Local Green Spaces as a potential area of sensitivity whose protection may reduce the weight to be given to the tilted balance. Paragraph 106 to the NPPF clarifies that Local Green Space designation must be consistent with the local planning of sustainable development and 'complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.' The following paragraph indicates such designation should

not be used for extensive tracts of land and only where it is ‘demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife’.



- 5.13 The above extract from the GSNP shows that the application site is part of the much larger designated Local Green Space (LGS7). It is also clear that the designation made at the time of drafting the plan (over 10 years ago) included large tracts of land throughout the village. Furthermore, the plan’s text at section 9 does not provide a clear explanation for the designation of the site’s particular significance, other than perhaps the relationship to Manor Farm.
- 5.14 In *Lochailort Investments Ltd v Mendip District Council [2020] WWCA Civ 1259*, the High Court emphasised that Local Green Space (LGS) designation must be evidence based and policy compliant. If a designation fails those relevant tests (or is inadequately evidenced), it may attract reduced weight.
- 5.15 That weight is further nuanced as in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government*, the Supreme Court confirmed that policies can become out of date where they restrict housing supply in the

context of a shortfall. Accordingly, as the LGS designation forms part of an effectively out-of-date plan, and was not examined against current housing need, then its weight may be reduced even if Footnote 7 is technically engaged. In that regard, and within the limited scope of the PiP application considerations even if LGS is a relevant Footnote 7 designation, the planning balance requires a high-level assessment whether the development on the small area in question actually amounts to the type of harm that LGS policy is designed to prevent. The mere presence of an LGS label does not eliminate planning judgment. The decision-maker must still assess the question of the scale of change, which clearly involves a small part of the site only, whether openness or special qualities are fundamentally harmed and ultimately whether the need for housing is sufficiently important.

- 5.16 The fact, as applicable to the appeal site opposite, that the application site lies in the Conservation Area where the statutory duty at paragraph 72 to the Planning (Listed Buildings and Conservation areas) Act 1990 requires the decision maker to seek to preserve or enhance the area's character and appearance reinforces that the tilted balance is permanently disapplied in every case where footnote 7 considerations arise. The preservation and enhance applicable in the Conservation Area, as agreed in the appeal decision for the nearby open space forces the conclusion that the small salient of land in question, and closely related to housing on both sides will similarly not harm the LGS designation.
- 5.17 LGS is a local designation, not a national protective designation like AONB or SSSI. It is of course also not intended as a nationally restrictive designation, such as Green Belt policy. It is common ground too that the Development Plan is out of date (e.g. housing land supply deficit), and the LGS designation predates the shortfall and was not examined against current housing needs, so that it follows that the LGS policy itself may be out of date under paragraph 11(d). An out-of-date policy cannot disapply the tilted balance. In *Wavendon Properties Ltd v Secretary of State for Levelling Up, Housing and Communities* [2019] EWHC 1524, the High Court confirmed that restrictive policies may be considered out of date where there is a housing land supply failure. Where the development plan is out of date, decision-

makers must apply the tilted balance unless a genuine Footnote 7 restriction applies. Consequently, as the LGS designation is part of an out-of-date Plan, its weight must be reduced and cannot reasonably be considered more restrictive the protection of the designated heritage asset, that washes over the Village. As said, even if LGS concerns exist, they do not automatically make residential development unacceptable in principle, particularly where, as in this case, it is a small site and housing land supply is deficient. The delivery of housing is a public benefit, reinforced by the Government's desire to significantly boost housing supply. The tilted balance is engaged with substantial weight in favour of sustainable housing. A local designation should therefore not frustrate national housing objectives unless clearly justified. The benefits of delivering housing significantly and demonstrably outweigh any limited policy conflict.

- 5.18 In terms of development in rural areas, paragraph 89 requires planning policies and decisions to recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The corollary is that housing dependant on local services should be on land that is physically well related to existing settlements too, as noted by your Council's own Briefing Notes, and supported by the neighbouring appeal decision.
- 5.19 The NPPF at paragraph 110 also notes that sustainable transport solutions will vary between urban and rural areas, although it is of course strongly maintained that the application site is as equally accessible as the neighbouring properties located in the defined settlement limits. Public transport and cycling are realistically usable alternatives to private vehicle usage.
- 5.20 The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific

deliverable sites sufficient to provide 5 years' worth of housing land supply. The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP1, CP2 and CP13 in relation to limits of development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The above referenced Briefing Note action echoes the same approach.

- 5.21 The NPPF Paragraph 11d advises that policies which are most important for determining the application should therefore not be considered up to date. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged so that 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. The Inspector's decision inserted earlier at paragraph 30 said;

30. The absence of harm to character and appearance and the preservation of the character and appearance of the GCSA and its setting are neutral factors in the balance. However, the development of rural homes in an accessible location which would help to support rural communities, services and facilities is a positive aspect of the scheme that weighs in its favour.

- 5.22 It can be seen therefore that whilst Core Policies 1, 2 and 13 of the Wiltshire Core Strategy are all important for determining the application, under the provisions of the NPPF these are all to be considered out of date. Indeed, the same applies to the Great Somerford Neighbourhood Plan. Officers will be aware that paragraph 14 of the NPPF is engaged, which means that as the Neighbourhood Plan is now over 10 years old (made November 2017), the decision-making process therefore defaults to paragraph 11d (the titled balance). The Local Plan Inspector's recent advice to withdraw the emerging new plan highlights the long-term hiatus anticipated to bring the plan led approach forward.

- 5.23 The absence of harm identified in the nearby appeal was primarily concluded from the inspector's assessment of the second main issue identified above 'Character and appearance'. The Inspector very clearly describes West Street at paragraph 8 as 'characterised by linear housing development of varying designs, ages and sizes. Some are set behind domestic hedges, others behind fences and historic stone boundary walls and others have a more open frontage. The overall sense travelling along the road is of being within a loosely developed village interspersed with gaps provided by field frontages. The appeal site is one such gap, positioned between existing development.' The application development will maintain the roadside boundary and merely continue the loose grain of housing, which varies spatially and by design.
- 5.24 The Inspector carries out the necessary statutory duty arising at section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which I have already referred to in considering the impact on the local LGS designation. The Inspector and notes that, 'Inevitably, the introduction of two dwellings to the appeal site would diminish the rural character of this undeveloped open land. The linear pattern of development along West Street would be extended. However, a wooded area fronting the road between the appeal site and the property directly to the south-west would remain, helping to maintain a degree of separation between pockets of development along the road. Properties are generally spaciouly arranged, within relatively large plots which the appeal scheme, proposing up to two dwellings within a generously sized site, could achieve.' The same is true for the application site as the boundary planting and walling will remain and the open vista along the definitive footpath route to the north helps to maintain the loose grain. Assuming the houses are configured in a tandem layout with access shared from the east there can be space around. It should be stressed that the site is raised from West Street and other than walking the footpath, there are limited views in depth. Again, as said by the Inspector, 'In terms of the overall character and appearance of the development, this would largely be addressed at the technical details consent stage which would, amongst other things, deal with landscaping, layout and design '(paragraph 12). She carried

on to say that however, she saw no reason why, 'given the existing site characteristics and context, that a development sympathetic to the character of the locality, including the GSCA and its setting, could not be secured'. This is true for the application now proposed.

5.25 With regard to this third issue identified, Great Somerford is identified in the adopted Core Strategy and emerging Local Plan Review as a Large Village. In the made Neighbourhood Plan, the available facilities in the village are described as follows:

4.5 Public amenities include the village shop, the primary school and pre-school, the pub, church, allotments, several public rights of way, the playground and some public green spaces. Apart from these businesses there are a number of others operating from local sites. Manor Stables and until very recently Broadfield Farm housed several business units. In total these were responsible for the employment of approximately 45 people and the Wiltshire Core Strategy seeks to maintain or enhance employment. There are also several businesses run from home.

5.26 The above is supported by the following statement taken directly from the Wiltshire Local Plan Rural housing requirements (2023) (Published September 2023) that says: -

Great Somerford benefits from a limited range of everyday essential services and facilities which support the resident population of the settlement. This includes a Londis convenience store and a public house (The Volunteer Inn). Additional housing development at Great Somerford has the potential to support the ongoing vitality and viability of the services and facilities at the settlement.

5.27 This is not a description of a village lacking in amenities and as agreed with the recent appeal inspector the location is a sustainable one. Paragraphs 16 to 21 of the appeal decision inserted earlier are directly applicable to the application site opposite.

6.0 CONCLUSIONS

6.1 By reference to the three main issues identified at paragraph 5.1 it is clear that, firstly, the relevant policies of the adopted Development Plan now carry limited weight due to their age. The guidance on rural housing in the NPPF (December 2023) is more up to date and the application development is consistent with this. The Council have a housing undersupply too. This planning application would provide much needed additional housing stock for

the village, supporting the viability of local services. The presumption in favour of such sustainable development weighs heavily in favour of the grant of permission. The principle and weighted balance is not diminished by the LGS as a local designation, of unfounded importance, and the nationally designated Conservation Area status.

- 6.2 The second issue relates to potential heritage impacts, and its landscape setting. In that regard the shape of the village is fragmented. It is dominated by ribbon development spread out along either side of the main streets with some pockets of houses in depth behind frontage development. The appeal proposals would be entirely consistent with this pattern and whilst the existing site is undeveloped it does not present as a unique gap site. Furthermore, there is a large variety of building sizes and architectural styles in the Conservation Area from both modern and earlier periods with no overall uniformity or vernacular. Consequently, as the recent appeal decision opposite confirms it is not possible to say that “in principle” a scheme of two additional plots would harm this context.
- 6.3 Thirdly, the village of Great Somerford has a good level of facilities including a primary school, church, pub, playing fields, bus service, village shop and post office. The application site lies within a sustainable and accessible location well within walking and cycling distance of key services including the local store and post office. For a rural location such as this, and mindful of the guidance within paragraph 110 of the Framework noting that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal is considered acceptable.



The Planning Inspectorate

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Your Ref: PL/2023/06033

Our Ref: APP/Y3940/W/24/3345527

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

19 November 2024

Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Mr & Mrs H Gravell

Site Address: Land at West Street, Great Somerford, Chippenham, Wiltshire,
SN15 5EH

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Sean Ernsting

Sean Ernsting

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Appeal Decision

Site visit made on 23 October 2024

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2024

Appeal Ref: APP/Y3940/W/24/3345527

Land at West Street, Great Somerford, Chippenham, Wiltshire SN15 5EH

- 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 Mr & Mrs H Gravell against the decision of Wiltshire Council.
 - The application Ref is PL/2023/06033.
 - The development proposed is erection of up to 2 No. dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for erection of up to 2 No. dwellings at Land at West Street, Great Somerford, Chippenham, Wiltshire SN15 5EH in accordance with the terms of the application, Ref PL/2023/06033.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when detailed proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development, having regard to policies for the delivery of housing;
 - the effect of the proposal on the character and appearance of the area, including the Great Somerford Conservation Area and its setting; and
 - whether the proposed development is in an accessible location, having regard to proximity to services and facilities and highway safety.

¹ Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Suitable location

5. The appeal site is an undeveloped field fronting West Street. It is located outside the defined settlement boundary of Great Somerford. This settlement is categorised as a 'large village' under the strategy set out under Core Policy 1 of the Wiltshire Core Strategy 2015 (the WCS). As the site is outside the settlement boundary it is in the countryside where Core Policy 2 of the WCS restricts housing development except in a few circumstances, none of which would apply to the appeal proposal.
6. The settlement boundary to Great Somerford is fragmented and irregular, particularly along West Street. The appeal site lies within a relatively long gap between residential pockets of development within the defined boundary. Nevertheless, development of the site which lies within the countryside would be contrary to policy.
7. The appeal site is not a suitable location for the proposed development, having regard to policies for the delivery of housing. It would therefore conflict with Core Policies 1 and 2 of the WCS and the Great Somerford Neighbourhood Plan 2017 which together and amongst other things seek to restrict development in locations outside defined settlement limits and within the countryside.

Character and appearance

8. West Street is characterised by linear housing development of varying designs, ages and sizes. Some are set behind domestic hedges, others behind fences and historic stone boundary walls and others have a more open frontage. The overall sense travelling along the road is of being within a loosely developed village interspersed with gaps provided by field frontages. The appeal site is one such gap, positioned between existing development.
9. The site is an area of open land, laid to grass with mature trees within the northern section and an informal hedgerow boundary adjacent to the highway. There is a rough dirt track access within the northeastern corner with a field gate set back from the highway. As an undeveloped area of land, it makes a positive contribution to the rural setting of the village. It is not, however, identified as an important or green gap within the Neighbourhood Plan, which does identify 'Local Green Spaces' elsewhere.
10. The northern section of the site lies within the Great Somerford Conservation Area (GSCA) with the remainder forming part of its setting. The GSCA encompasses much of the built-up area of the village and areas of open land beyond. Its significance is derived from the mix of historic buildings within a village and rural setting. The appeal site as it contributes to the rural setting of the village makes a positive contribution to the GSCA and its setting. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
11. Inevitably, the introduction of two dwellings to the appeal site would diminish the rural character of this undeveloped open land. The linear pattern of development along West Street would be extended. However, a wooded area fronting the road between the appeal site and the property directly to the south-west would remain, helping to maintain a degree of separation between

pockets of development along the road. Properties are generally spaciouly arranged, within relatively large plots which the appeal scheme, proposing up to two dwellings within a generously sized site, could achieve.

12. In terms of the overall character and appearance of the development, this would largely be addressed at the technical details consent stage which would, amongst other things, deal with landscaping, layout and design. However, I see no reason why, given the existing site characteristics and context, that a development sympathetic to the character of the locality, including the GSCA and its setting, could not be secured.
13. The Council has raised a specific concern about the changes to the site boundary through the formalisation of the access that would be required in association with two dwellings. I observed considerable variation in property frontages along West Street. This variation forms part of the overall character of the area and does not detract from the GSCA. There is no reason that a sympathetic approach on the appeal site could not be achieved without causing harm to the historic environment.
14. The proposal would not harm the character and appearance of the area. It would preserve the character and appearance of the GSCA and its setting. It would therefore accord with Core Policies 51 and 57 of the WCS which together require development to protect and conserve the locally distinctive character of settlements and their landscape setting and to be sympathetic to and conserve the historic environment.

Accessibility.

15. The site is located a short distance from the centre of Great Somerford where there is a shop/post office and public house. A primary school is located a little further away. These services and facilities would meet basic day-to-day needs for future occupants.
16. Pedestrian access from the site to these services and facilities would be along West Street which is served by a formal footpath running along the opposite side of the road with a short section of informal footpath and grass verge. This is unlit. It is also close to a bend in the road and visibility is restricted. Pedestrian access would not be suitable for all, especially people with limited mobility, the elderly and those with children.
17. However, this is a short section of road between existing built development and on the approach to the centre of the village. There is also development on one side of the road. Drivers, who would have either passed linear development along West Street or be heading out of the village, would be aware that they are in a village location. In this context, they would be likely to both anticipate pedestrians on the road and drive at a slower speed appropriate to the location. Thus, whilst I appreciate that pedestrian access may not be appropriate for all, it would provide an alternative to using the private car for some people. Indeed, at the time of my site visit, I observed people walking along this stretch of road.
18. In addition to some pedestrian access, the route between the appeal site and the services within the village would be accessible by bicycle.

19. There is a limited daytime bus service to Chippenham during the week and on Saturdays. Whilst this would not be sufficient to reduce overall reliance on private transport, it does offer an alternative that may reduce some trips.
20. The National Planning Policy Framework (the Framework) recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Occupants of the appeal scheme would have access to services and facilities both within the village and elsewhere by bus. They would not be wholly reliant on the private car to do so and in this rural village location, this would be appropriate. Furthermore, development here may help to support existing services and facilities within the village to grow and thrive.
21. The proposal would be in an accessible location. It would therefore accord with Core Policies 60 and 61 of the WCS which together support development in locations which reduce the need to travel and support sustainable transport alternatives to the use of the private car.

Other Considerations

22. In accordance with paragraph 226 of the Framework, the Council only needs to demonstrate a four year supply of housing land because the emerging LP has reached Regulation 19 stage including proposed allocations towards meeting housing need. The Council's Housing Land Supply Statement, published June 2024, sets out that the supply is 4.2 years. This figure was since tested on appeal², where the Inspector concluded that the Council had a supply of 3.85 years. In the absence of evidence to the contrary, I am relying on this figure. I return to this in my planning balance below.
23. Concerns have been raised by local residents including overlooking, loss of outlook and sunlight. However, the position and design of the proposed dwellings has not been confirmed. The site is large enough to accommodate the dwellings and these factors could be addressed through the technical details consent stage. I appreciate that the view from the house opposite would change, however, the private view from a window or property is not of itself regarded as a planning matter.
24. There are a number of trees adjacent to and on the site. Many of these would be retained. I have no firm evidence of the site being of particular importance for wildlife or ecology. With residential development there would be a change to the character of the site, however, biodiversity matters including measures to mitigate any loss could be secured through the technical details consent process as deemed appropriate at that stage.
25. No substantive evidence has been provided that demonstrates that local infrastructure cannot accommodate this amount of development in the village. I have no firm evidence that traffic volumes will significantly increase as a consequence of the proposal.
26. The appeal site lies in Flood Zone 1. I am told that West Street has been subject to flooding, however, whilst a photograph of one such incident has been provided, I do not have substantive evidence relating to this. I also note the Council did not refuse the application on this basis. In any event, matters in respect of managing surface water to ensure the development would not

² APP/Y3940/W/24/3340811 – Land off Storridge Road, Westbury BA13 4HJ, dated 30 August 2024

give rise to or exacerbate existing flooding issues, could be appropriately dealt with at technical details consent stage.

27. Allegations about development taking place and trees having been cut down without permission have been made. These are not matters before me.
28. The appellant has suggested that the proposed dwellings could be made available as self-build homes. However, there is currently no mechanism to secure this as a planning obligation cannot be secured at the permission in principle stage. This factor therefore carries limited weight.

Planning Balance

29. There would be conflict with Core Policies 1 and 2 of the WCS as the site lies outside the defined settlement boundary and therefore in the countryside for planning purposes. However, in view of the shortfall in housing supply, the policies for the delivery of housing are deemed to be out of date and paragraph 11 d) of the Framework is engaged.
30. The absence of harm to character and appearance and the preservation of the character and appearance of the GCSA and its setting are neutral factors in the balance. However, the development of rural homes in an accessible location which would help to support rural communities, services and facilities is a positive aspect of the scheme that weighs in its favour.
31. When assessed against the policies in the Framework as a whole, the adverse impact does not significantly and demonstrably outweigh the benefits of two additional homes on a windfall site. Consequently, the presumption in favour of sustainable development indicates that permission should be granted.

Conclusion

32. The proposed development would be contrary to the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict. Therefore, for the reasons given, the appeal should be allowed.

Rachael Pipkin

INSPECTOR



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Application for Permission in Principle

Town and Country Planning Act 1990

Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Permission in principle may be granted for minor housing-led development only. Article 5B of the Permission in Principle (Amendment) Order 2017 sets out development that is specifically excluded from a grant of permission in principle and this includes habitats and EIA development.

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Publication on Local Planning Authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website. Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

Find contact details for Local Planning Authorities: <https://www.planningportal.co.uk/lpasearch>

If printed, please complete using block capitals and black ink.

1. Applicant Name and Address

Title:	Mr & Mrs	First name:	H
Last name:	Gravell		
Company (optional):			
Unit:		Number:	
Suffix:			
Building name:			
Address 1:	c/o LPC (Trull) Ltd		
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			

2. Agent Name and Address

Title:	Mr	First name:	Simon
Last name:	Chambers		
Company (optional):	LPC (Trull) Ltd		
Unit:		Number:	
Suffix:			
Building name:			
Address 1:	Trull		
Address 2:			
Address 3:			
Town:	Tetbury		
County:	Gloucestershire		
Country:			
Postcode:	GL8 8SQ		

3. Description of the proposed development including any non-residential development

Erection of up to 2 No. dwellings

Net number of dwellings: Min: Max: Amount of non-residential use(s) (e.g. floorspace or area):
(Can be expressed as a range, a maximum or a fixed amount)

4. Site information

Description and amount of existing use(s) of site:

See Planning Statement

Site Area (hectares):

If you propose to attach any supporting information relating to known or likely constraints on the site please briefly describe what information you intend to provide.

Planning Statement

5. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

Description of location or a grid reference - must be completed if postcode is not known:

Easting: Northing:

Description:

6. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? ☐ Yes ☒ No With respect to the authority, I am:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them

7. Declaration

I/We hereby apply for permission in principle as described in this form. I/We confirm that to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant

Or signed - Agent

Date (DD/MM/YYYY):

(date cannot be pre-application)

19/07/2023

8. Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:



The original and 3 copies of the plan which identifies the land to which the application relates:



The correct fee:



Any supporting information:



9. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address:

10. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address:



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Your Ref: PL/2021/03749

Our Ref: APP/Y3940/W/24/3345598

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

21 January 2025

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Westbury LVA LLP
Site Address: Land at Glenmore Farm, The Ham / Hawkeridge Road, Westbury,
BA13 4HQ

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

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The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Cameron Alford

Cameron Alford

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Appeal Decision

Hearing held on 21 November 2024

Site visit made on 21 November 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/Y3940/W/24/3345598

Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Westbury LVA LLP against the decision of Wiltshire Council.
 - The application Ref is PL/2021/03749.
 - The development proposed is residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access.
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access at Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ in accordance with the terms of the application, Ref PL/2021/03749, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The appeal is for outline planning permission with access only. However, 3 parameters plans show the location for development, open space and building heights. These would be subject to a condition to adhere to in any future reserved matters. Additionally, an illustrative masterplan shows a potential layout, but this is for indicative purposes only.
3. A finalised Section 106 planning obligation agreement was discussed at the Hearing and 4 signed counterparts were submitted, dated 12 December 2024. Certified copies were received on 16 January 2025.
4. An agreed Statement of Common Ground was submitted before the Hearing, which set out that the Council no longer wished to defend the appeal due to a change in the housing land supply position.
5. An Ecology Briefing Note was submitted prior to the Hearing, which updated the ecology position given the surveys were over 2 years old. This included a site visit by a qualified ecologist, and I am satisfied that the ecological evidence is sufficient to determine the appeal.
6. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. The appellant and Council were provided with the opportunity

to comment. The Council confirmed that the effect of the revised Framework means that the Council can now only demonstrate 2.03 years supply of housing instead of the previously agreed 3.46 years. However, it maintained concerns over deliverability in 5 years. The appellant provided a reply in relation to deliverability concerns, which I have had regard to.

7. The Council has submitted the Wiltshire Local Plan for Examination. However, given no hearings have taken place yet, it is of limited weight.

Main Issue

8. This is whether the site is suitable for the proposed development, having regard to the Council's settlement strategy.

Reasons

Site and surroundings

9. The site lies to the north west of The Ham and west of Hawkeridge Road, situated to the north west of Westbury. It comprises agricultural fields associated with Glenmore Farm. The site is adjacent to existing residential development to the west and south, which forms the settlement edge of Westbury, with a trading estate located north.
10. The proposal is for a residential development of up to 145 dwellings. The parameters plans indicate that these would be located on the southern part of the site, leaving the northern part for amenity and open space, acting as buffers for both ecological and noise reasons.

Whether the site is suitable for the proposed development

11. Core Policy 1 of the Wiltshire Core Strategy (January 2015) (CS) sets out the spatial strategy for development in the area, identifying the settlements in a hierarchy where sustainable development will take place. Westbury is identified as a Market Town, meaning it can support sustainable patterns of living in Wiltshire through its current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town to help sustain, and where necessary, enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.
12. CS Core Policy 2 sets out the delivery strategy and requires that at least 42,000 additional homes are built in Wiltshire between 2006 and 2026. This is disaggregated into 3 Housing Market Areas (HMAs). Westbury is in the North and West HMA, with a requirement of 24,740 homes. The CS splits Wiltshire into several Community Areas, with Westbury Community Area, under Core Policy 32, being given its own minimum housing requirement.
13. CS Core Policy 2 sets out that development will not be permitted outside the development limits unless in circumstances permitted by other policies. The proposal does not meet any of the other circumstances and the proposal's location outside the development limits of Westbury is contrary to CS Core Policy 2 and interrelated to this, would conflict with Core Policies 1 and 32. Thus, there would be an in-principle policy harm owing to the conflict with the settlement strategy set out in CS Core Policies 1, 2 and 32.

Other Matters

Active and sustainable modes of travel

14. The site is located on the settlement edge of Westbury, and is sufficiently close to the services and facilities that this market town provides. The planning obligation would provide a commuted sum towards a night time bus service, and there are bus stops close to the site access. The bus stops would also be upgraded, with shelters and raised height pedestrian access kerbing [condition 18].
15. Additionally, there is an existing pedestrian footway along the front of the site, which, using best endeavours¹, would be widened. However, the existing footway would offer suitable walking links if the wider footpath could not be secured. A 3m wide cycle link would be provided through the site [condition 5], exiting at the northern corner and continuing up along the main road to provide access to the trading estate.
16. Cycling would be an option to commute to the town centre, railway station and other recommended cycle routes, given the terrain is mostly flat. Additionally, each dwelling would be fitted with an electrical vehicle charging point, along with a public charging point, which would be required via a condition [condition 15]. This means that future owners would be encouraged to own ultra low and zero emission vehicles, which represents a sustainable transport mode in the Framework. A Full Travel Plan would also be necessary to provide future residents with sustainable transport options [condition 17], which follows the principles of the Framework Travel Plan, which details measures to reduce car usage and increase sustainable transport modes.
17. Overall, the location of development is likely to result in future residents relying on a private car for some journeys. However, there are realistic means of accessing services and facilities using sustainable travel modes. Thus, the proposal would be in a suitable location.

Safe and suitable access

18. Despite the concerns raised by local residents, the evidence before me relating to the off site highway works would be an improvement to the existing situation. The speed limit would be decreased outside the site, which is provided for in the s106. Visibility splays would be appropriate, and suitable crossing facilities would be provided. Additionally, there is the cycle link proposed at the northern edge of the site and the closure of an existing unsafe access point. The works proposed have been subjected to stage 1 and 2 road safety audits and the Council confirmed that they would be acceptable. These off site works, visibility splays and access would be subjected to planning conditions [5, 12 and 19], or obligations in the s106.
19. An emergency access was not considered to be necessary by the Council's highways team, and the data presented is robust and accurate. I have no reason to doubt the evidence before me, and for these reasons, the proposal would provide safe and suitable access for future residents.

¹ In the planning obligation

Living conditions for future residents

20. Residents and the Parish Council raised concerns about the proposed footpath link to the small play area off Hawkeridge Park. Whilst layout is not proposed, pedestrian access from the site to this play area should be encouraged. This would enable suitable pedestrian links to existing and future development. It would also promote legibility and community cohesion.
21. Furthermore, despite claims that it is closed for winter months, I heard that it had not been closed for last winter or this winter, and I do not see this as a barrier to providing access through this play area and onto Hawkeridge Park. It would also provide access for existing residents through to the proposal, to access public open space, other play areas and the trading estate. Claims that the Parish Council would not grant access seems perverse when these future residents would be part of the community.
22. The indicative layout has been designed to ensure that living conditions for future residents would be suitable, in specific relation to noise from the nearby trading estate, nightclub and traffic. This is through embedded mitigation and a suitable layout. The Council's Public Protection team have not raised objections, subject to planning conditions, that would control internal and external noise levels. These would ensure that windows in habitable rooms could be opened and would not rely on mechanical ventilation. This would be necessary to ensure suitable future living conditions, and based on the evidence before me, this would be secured [conditions 13 and 14].
23. Claims of odour from a nearby resource recovery centre were raised. That site is subjected to a permit from the Environment Agency and odour is regulated through the agency. The site is further away from the source than existing dwellings, and although future residents may be subjected to unpleasant odours from time to time, this would not lead to unacceptable future living conditions.

Drainage

24. Foul water from the site would drain into the existing sewers. Surface water would be split into separate discharge points, prior to discharge into the water course, with an attenuation basin on site. The appellant detailed at the Hearing that this was subject to a riparian agreement, which involved no third party landowners. The Local Lead Flood Authority raised no objections, and I am satisfied that the site would not result in any increased flood risk, subject to conditions [conditions 10 and 11].

Biodiversity

25. The scheme has been designed with biodiversity and ecology as a driving priority. There are significant ecological buffers provided around the site, which would provide habitats and bat mitigation, along with enhancements and biodiversity net gain (BNG). Evidence of a district level licence for great crested newts was presented and the proposal, with its embedded mitigation, would have no adverse effect upon any other protected species, such that no other licenses would be necessary.
26. *Salisbury Plain Special Protection Area (SPA)* - The site lies within the 6.4km buffer zone of the SPA. The qualifying feature of the SPA is the stone curlew population, and likely significant effects (LSE) would arise from all residential

development within 6.4km of the SPA, due to increased recreational pressure from visitors. This would include the proposal.

27. The Council, as Competent Authority in the first instance, has a Habitats Regulations Assessment (HRA) for the CS and a HRA for the Wiltshire Housing Site Allocations Plan. Within this, the Appropriate Assessment (AA) looks to mitigate the LSE through annual stone curlew and visitor monitoring. The AA reached a conclusion that housing growth would not have an adverse effect on the integrity of the Salisbury Plain SPA, either alone or in-combination with other plans and projects, provided that the mitigation scheme continues to be implemented. This is secured by the Council through its Community Infrastructure Levy (CIL) and would include a receipt from this development.
28. Nonetheless, the proposal would be unplanned development, and could contribute to an effect not mitigated for by the Council's HRAs. However, given the scale of development in comparison to the size of the buffer zone, this effect would be minimal. Additionally, the scale of public open space on site would absorb a significant amount of everyday recreational activity by new residents. Therefore, I am satisfied that with the mitigation from the CIL payment, and the amount of onsite public open space, the scheme would not adversely affect the integrity of the Salisbury Plain SPA.
29. *Bath and Bradford on Avon Special Area of Conservation (SAC)* - The site lies within the zone of medium risk for the SAC. The qualifying features are 3 bats, Bechstein's bat (*Myotis bechsteinii*), Greater horseshoe bat (*Rhinolophus ferrumequinum*) and Lesser horseshoe bat (*Rhinolophus hipposideros*), with the conservation objectives being to ensure the integrity of the site is maintained or restored, to ensure favourable conservation status of the qualifying features. LSE effects would arise from increased recreational pressure at woodlands used by Bechstein's bat for breeding and loss or damage to bat habitats. Natural England also identified that in the Trowbridge area, there is a need to maintain the presence, structure and quality of any linear landscape features which function as flightlines. These should remain unlit, operating as dark corridors.
30. Additionally, the site is located between Round Wood (approx. 2km) and Pickett and Clanger Woods (approx. 1.5 km), both of which are easily accessible by public footpaths and road. These woods are publicly accessible and each support a colony of Bechstein's bats which together are believed to form a meta population of national importance.
31. The proposal would lead to LSE, both in terms of habitat loss on site and by recreational pressure placed upon nearby habitats and woodlands by new residents of the development. This would be an in-combination effect.
32. However, the open space parameters plan, illustrative masterplan and the ecology evidence details a significant buffer of more than 100m to the northern hedgerow, which would be maintained as high quality semi-natural greenspace, of value to the qualifying features. All core bat habitat would also be buffered from development by at least a 22.5m corridor of natural habitat. The central hedge would be retained, there would be significant native tree and scrub planting, an orchard, new hedgerows and other species specific mitigation. Additionally, an 'alternative space for recreation' would be proposed in the northern half of the site to encourage residents to walk and or exercise dogs on-site. Resident's packs are also to be provided.

33. Providing that these measures are subject to conditions, such as construction environmental management plan, a landscape and ecology management plan, and external lighting [conditions 7, 12 and 16], the proposed mitigation would ensure that the proposal would not adversely affect the integrity of the SAC through any habitat loss on site.
34. The Trowbridge Bat Mitigation Strategy (TBMS) outlines a strategy to mitigate increased recreational pressure on the bats. This applies to the site and seeks contributions to purchase, plant up and maintain an amount of habitat. This would mitigate the residual effects of increased recreational pressure from new residents upon nearby habitats and woodlands. The planning obligation commits to the payment of this sum per dwelling. Thus, with the mitigation proposed, the potential adverse effect would be avoided, and the integrity of the SAC would not be adversely affected.
35. *Picket and Clanger Woods Site of Special Scientific Interest (SSSI)* – Special interests of the SSSI are the floristically-rich ancient woodland, supporting an outstanding range of butterfly and moth species, and woodland birds such as nightingale. A range of small mammal species and common lizard have been recorded and as detailed above, it is known to support significant populations of Bechstein's bat.
36. The proposal would result in increased recreational impacts on the SSSI from new residents. The TBMS requirement would not mitigate the impacts on the wider SSSI, and the Council detail that parts of the SSSI are in an unfavourable and recovering status. Therefore, a bespoke recreational mitigation strategy would be necessary, that would contribute a monetary sum to assist with the management of increased recreational pressure. This is provided for in the planning obligation. With this mitigation, the special interests of the SSSI would not be adversely affected.

Planning obligation

37. In addition to those identified above, the planning obligation would also provide:
 - an early years contribution towards the funding of 17 pre-school places.
 - 40% affordable housing, split 60% affordable rent and 40% intermediate houses, with 10% adapted units.
 - Waste and recycling contribution towards the provision of containers.
 - Leisure contribution towards off site sports provision.
 - Monitoring fee
38. Based on the evidence before me, all the obligations would be necessary to make the development acceptable; directly related to the development; and fairly and reasonably related in scale and kind to the development. This would be compliant with the tests in the Framework and the CIL Regulations.
39. Additional infrastructure, such as contributions towards doctors' and dentists' surgeries was raised by interested parties. However, there is simply no evidence before me that seeking obligations would comply with the Framework and CIL tests, despite the various assertions about appointment wait times and overstretched services. Additionally, the Local Education Authority did not require any contributions towards secondary or primary education places, nor did the Highway's Authority necessitate any contribution towards strengthening the rail underbridge on Station Road.

Planning balance

40. The location of the proposal outside the 'limits of development' would conflict with the development plan as a whole. However, the Council does not have a 5 year supply of housing land and there is a significant shortfall of affordable housing. Thus, Footnote 8 of Framework Paragraph 11 details that policies for applications involving the provision of housing are considered out of date. There are no policies that would indicate a strong reason for refusal and thus the 'tilted balance' of 11 d) ii would apply.
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.
42. The delivery of market and affordable housing is of substantial weight in favour. Additionally, there would be biodiversity net gain, public open space, a community orchard, creation of jobs during construction, increased local spending, provision of night time bus service and off site highway improvements. These all weigh in favour and many would benefit the wider community. Aside from the marginal loss of best and most versatile agricultural land, which would be of little weight, there are also no technical reasons that would result in any harm. I have no reason to doubt that the dwellings would not start to be delivered in the next 5 years, especially considering the extensive indicative layout that has been provided to ensure suitable future living conditions.
43. Consequently, the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is 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, all of which the proposal would provide. As such, the material considerations indicate a decision other than in accordance with the development plan.

Conditions

44. In addition to the conditions above, which would be necessary to make the development acceptable, the plans (including broad accordance with the parameter plans), dwelling numbers, phasing plan and provision of public open space are listed for certainty [condition 4].
45. The dwellings would be built sustainably, including reductions in energy use and emissions and efficient water use, as detailed in chapter 7 of the Design and Access Statement. This would be necessary to ensure the prudent use of natural resources, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy [conditions 6 and 9]. A condition for archaeological investigations would be necessary to ensure that any matters of archaeological interest are correctly recorded [condition 8].

46. Closure of the existing access to Glenmore Farm would be necessary in the interests of highway safety [condition 19]. The Council requested that this was within 3 months of the commencement of development. However, this would be an unreasonable time scale. The access is open now and can be used freely, and whilst it would be necessary to ensure it is closed as soon as practically possible, I see no specific reason to require it to be closed until the development is nearing completion, to ensure its closure can be properly phased into the development as it is built out.
47. The suggested Travel Plan condition [condition 17] has been amended to remove the requirement for the employment of a Travel Plan Co-Ordinator as this would go beyond the realms of a condition. However, I have required details of who has responsibility for monitoring compliance and the means of securing that future monitoring and management arrangements of the travel plan, along with the length of time and frequency.

Conclusion

48. For the reasons set out above, the appeal is allowed.

Katie McDonald

INSPECTOR

APPEARANCES

For the Local Planning Authority:	
Gen Collins LLB(Hons) MA MRTPI	Principal Planning Officer, Wiltshire Council
Mark Wiltshire MIHE	Transport and Highways Manager, Wiltshire Council
For the appellants:	
Alan Williams BSC MPLAN MRTPI	Director, Grass Roots Planning
Matthew McShan	Associate Partner, LVA
Mubassir Malik MEng (Hons) MIOA	Associate Acoustician, Stantec
Interested parties	
Suzanne Wycombe	Ethandune Ward Cllr
David Jenkins	Heywood Parish Cllr
John Masson	Heywood Parish Chairperson
Francis Morland	Heywood Parish Cllr

HEARING DOCUMENTS

HD1	Public Protection comments
HD2	Travel Plan condition
HD3	Finalised Unilateral Undertaking dated 12 December 2024

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall make provision for the following:
 - a) Up to 145 dwellings;
 - b) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 4,106 square metre (sqm) of general public open space and at least 171 sqm of equipped play space.

The layout and scale shall be broadly in accordance with the following plans –

- Dwg Ref: 191119L 02 01 J (Illustrative Masterplan) dated 06/22
- Dwg Ref: 191119 PP 01 (Building Height Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 04 Rev A (Areas Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 02 (Open Space Parameter Plan) dated 11/22
- Doc Ref: 191119 R 02 01 D (Design & Access Statement) dated 07/22
- Doc Ref: 4712_01E_EcIA Ecological Impact Assessment

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

- 5) The 'means of access' to the site and the off-site highways works shall be provided in accordance with the following drawing –

- Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23

In addition, the final layout shall include a 3 metre wide shared-use cycleway within the application site, as indicated at note 7 on illustrative Masterplan 191119L/02/01/J.

Prior to commencement of the development, a programme for the delivery and completion of the means of access, the off-site highways works and the shared-use cycleway shall be first submitted to, and approved in writing by, the local planning authority. The means of access to the site, the off-site highways works and the shared-use cycle way shall then be delivered and completed in accordance with the approved programme.

All visibility splays shown on Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23 shall be provided prior to first use of the new means of access to the site from The Ham by any vehicle other than any vehicle connected with the initial construction of this access. The visibility splays shall thereafter be retained clear of any obstructions to visibility in perpetuity.

- 6) Application/s for the approval of the reserved matters shall be in accordance with section 4.7 of the approved Design and Access Statement (Dwg Ref: 191119 R 02 01 D) regarding sustainability. A Sustainability Statement shall be submitted with each reserved matters application which demonstrates this, and the development shall be implemented in accordance with the Sustainability Statement.
- 7) Prior to the start of construction ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development (other than small, privately owned, domestic gardens) including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet

grassland, scrapes, reedbed), native tree and scrub planting, semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- i. A phasing plan demonstrating the timing of habitat creation works in relation to landscape buffers (Zone A and Zone B of the Trowbridge Bat Mitigation Strategy) and advanced planting proposals including predevelopment provision of 'space for recreation' will be completed in advance of or alongside vegetation stripping.
- ii. A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines.
- iii. Distinguishing between formal and informal open space and land required to meet mitigation and BNG objectives.
- iv. Details of how habitats created will be managed to achieve predicted BNG gains for the duration of the development.
- v. A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- vi. Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented as approved in full and for the lifetime of the development in accordance with the approved details.

- 8) No development shall commence until a written programme of archaeological investigation, which should include on-site work (i.e. trial trenching) and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority. The programme of archaeological work shall be carried out in accordance with the approved details.
- 9) No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 10) No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the local planning authority. This should include detailed drainage calculations which demonstrate that discharge rates from the whole developed area (2.507ha) of the site do not exceed:
 - 1 in 1 year storm event - 1.65 l/s
 - 1 in 30 year storm event - 4.14 l/s
 - 1 in 100 year storm event - 5.15 l/s
- 11) No development shall commence until a detailed drainage ownership and management plan has been submitted to and approved in writing by the local planning authority. The plan shall:

- Detail the required maintenance activities for drainage (including SuDS) features, along with details on how frequently these activities will be completed, and the party responsible for maintenance. The development shall be carried out and maintained in accordance with the approved drainage ownership and maintenance plan.
 - Provide copies of legal agreements which confirm that the developer has the right to cross 3rd party land and discharge to the ordinary watercourse in perpetuity. The legal agreements must demonstrate that the developer has permission to cross third party land to enable the drainage system to be constructed, and for it to be maintained throughout its whole design life.
- 12) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. Construction phase environmental management plan, named person for residents to contact definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Detailed Site logistics arrangements;
 - v. Details regarding parking, deliveries, and storage;
 - vi. Details regarding dust mitigation;
 - vii. any other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - viii. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
 - ix. Details of how surface water quantity and quality will be managed throughout construction;
 - x. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
 - xi. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.

- xii. Details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- Pre-development species surveys, including but not exclusively, roosting bats, otter, water vole and birds.
 - Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of 'alternative space for recreation'.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, badger and dormice.
 - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday and no working on Sundays, Bank or Public Holidays.

The development shall be implemented in accordance with the approved details of the CEMP.

- 13) No development shall commence until an Acoustic Design Scheme (for external traffic noise) for the protection of the proposed residents from external traffic noise has been submitted to and approved in writing by the local planning authority. The Acoustic Design Scheme (for external traffic noise) shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:
- bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{max,F} of 45dB based on the 10th highest measured level.
 - living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
 - external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The Acoustic Design Scheme (for external traffic noise) shall be implemented during construction of each dwelling, and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

In accordance with a timetable in the approved Acoustic Design Scheme (for external traffic noise), a post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to and approved in writing by the local planning authority. This shall provide evidence that the approved Acoustic Design Scheme (for external traffic noise) has been fully implemented, any additional measures required to achieve compliance.

- 14) No development shall commence until an Acoustic Design Scheme (entertainment and industrial noise) for the protection of the proposed residents from entertainment and industrial noise has been submitted to and approved in writing by the local planning authority. This shall relate to internal noise levels and private external amenity areas. The Acoustic Design Scheme (entertainment and industrial noise) shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise - New Residential Development (May 2017 or later versions)) and it shall include the site layout (showing barrier blocks), internal dwelling layouts, façade construction (including design and installation), manufacturers details of windows and ventilation, and boundary treatments.

Within 320 m of the West Wiltshire Trading Estate boundary, (ie closer than existing dwellings), the design shall achieve a rating level (LArTr) of equal to and no greater than typical background sound levels (LA90T) for facades with openable windows to habitable rooms (living rooms and bedrooms) and for private external amenity areas when assessed using BS4142:2014+A1:2019 or any subsequent version.

Internal noise levels from entertainment noise, shall be designed to not exceed the following:

- NR 20 dB Leq,15minutes
- NR 20 dB LfMax
- The LFN Reference Curve within Table 9 of NANR45 revision1 December 2011 - Procedure for the Assessment of Low Frequency Noise Complaints.

The Acoustic Design Scheme (entertainment and industrial noise) shall be implemented during construction of each dwelling, and thereafter be permanently retained. In accordance with a timetable in the approved Acoustic Design Scheme (entertainment and industrial noise), a post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme (entertainment and industrial noise) or other suitably qualified expert, shall be submitted to and approved in writing by the local planning authority. This shall provide evidence that the approved Acoustic Design Scheme (entertainment and industrial noise) has been fully implemented, any additional measures required to achieve compliance.

- 15) Prior to commencement of development above slab level, a scheme for the provision of at least one public electric vehicle 'rapid' charging point (EVRCP) in a publicly accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The EVRCP shall be installed and be ready for use prior to the first occupation of the 100th dwelling or in accordance with a programme to be first agreed by the

local planning authority, whichever is the sooner. The EVRCP shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

- 16) No external lighting shall be installed in public areas until details of the type of light appliance, height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority. The details shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Where light spill has the potential to impact bat habitat, a lighting impact assessment shall be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met. The external lighting shall be installed and maintained in accordance with the approved details, and no additional external lighting in public areas shall be installed. Prior to final occupation of the development, a post-development lighting survey demonstrating compliance with the approved details, conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy, shall be submitted and approved in writing by the local planning authority.
- 17) Prior to first occupation of any dwelling, a Full Travel Plan shall be submitted to and approved in writing by the local planning authority. The Full Travel Plan shall be based on the Framework Travel Plan and include details of who has responsibility for monitoring compliance and the means of securing that future monitoring and management arrangements. This shall include the length of time over which monitoring will occur and the frequency. The Full Travel Plan shall be implemented in accordance with the approved details.
- 18) Prior to occupation of the 30th dwelling, 2 bus stops including shelters and raised height bus passenger access kerbing (one for northbound passengers, and one for southbound passengers) outside the site shall have been provided in accordance with details to be first submitted to and approved by the local planning authority.
- 19) Prior to occupation of the final dwellinghouse, the existing northern vehicular access point to Glenmore Farm (for the avoidance of doubt the vehicular access to Hawkridge Road located 63 metres north-west of Shallow Wagon Lane) shall have been properly and permanently closed and the highway verge reinstated. Thereafter the access point shall remain closed in perpetuity.

*****END OF CONDITIONS*****



Appeal Decision

Inquiry held on 3 – 5 February and 12 February 2026

Site visit made on 5 February 2026

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2026

Appeal Ref: APP/Y3940/W/25/3374421

Land off Woodrow Road, Melksham, Wiltshire, SN12 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Waddeton Park Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10674.
 - The development proposed is Outline application with all matters reserved except for access for the development of up to 70 dwellings, open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for Outline application with all matters reserved except for access for the development of up to 70 dwellings, open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping. at Land off Woodrow Road, Melksham, SN12 7AY in accordance with the terms of the application, Ref PL/2024/10674, subject to the conditions in the attached schedule.

Procedural and Preliminary Matters

2. I held a Case Management Conference on 9 December 2025 at which the main parties were present. The purpose of this was to provide an opportunity for me to give a clear indication as to the ongoing management of the case and the presentation of evidence so that the Inquiry was conducted in an efficient and effective manner. There was no discussion of evidence or the merits of the appeal.
3. The Council refused the planning application for a number of reasons including in relation to flood risk and the absence at the time of agreed planning obligations. In advance of the Inquiry opening, and during its course, there was considerable narrowing of the disputed matters such that the Council's previous objections fell away in relation to flooding, planning obligations and landscape harm. However, insofar as they are relevant, I have addressed those matters in my decision.
4. I have been provided with a signed planning obligation under section 106 of the Town and Country Planning Act 1990. The Agreement sets out a number of provisions to come into effect if the appeal is allowed. I return to this later in my decision.
5. Following the close of the Inquiry, the Council received a letter from the Inspectors examining the new local plan; the contents of which are potentially material to my

determination of this appeal. The parties subsequently provided written evidence on this specific matter, which I have taken into account.

Main Issue

6. Whether the proposal accords with development plan policies for the location of development including its effects on the character and appearance of the area.
7. Whilst my framing of the main issue broadly follows the remaining reason for refusal on the Council's decision notice, evidence was presented separately on matters of planning and the area's character and appearance. I therefore address them under separate headings.

Reasons

Planning policy

8. The development plan for Wiltshire includes the Core Strategy (2015) (the CS) and the Joint Melksham Neighbourhood Plan 2 (2020) (the JMNP2). CS Policy CP1 identifies Melksham as a second-tier settlement with the potential for significant development. It is set to take the most amount of housing of all the Market Towns. Beyond Policy CP1, locations for development are managed through Policies CP2 and CP15.
9. Policy CP2 sets out a presumption in favour of sustainable development within the development boundaries of settlements including the market towns such as Melksham. Unless permitted by other CS policies, development is not permitted outside those boundaries. Policy CP2 also sets out the spatial strategy for the Melksham Community Area (MCA). Policy CP15 says, amongst other things, that growth in the MCA will be in accordance with Policies CP1 and CP2.
10. The JMNP2 allocates a number of sites for housing development in Melksham. Those allocations exceed the need for new housing identified in the Melksham and Melksham Without Housing Need Assessment (July 2022) which assessed need in the neighbourhood area. Whilst the appeal site was included in the 'call for sites' as part of a larger site, it was not allocated in the JMNP2. JMNP2 Policy 6 sets out that housing outside settlement boundaries will be managed in accordance with the adopted development plan and should meet evidenced local housing need. It thereby defers to the CS and the evidence on housing need. This is set out in the supporting text to JMNP2 Policy 6 and which makes clear that the settlement boundaries it is referring to are those defined in the CS.
11. However, the CS sought to meet needs between 2006 and 2026, and the settlement boundaries were drawn up to accord with that plan period and not beyond it. Even if all of the JMNP2 allocations come forward, a housing land supply deficit would remain. Moreover, housing land supply is calculated across the whole of the Council's area and is not based on any particular settlement. This is recognised by the Council in its considerations on the Land at Snarlton Farm proposal (Application PL/2024/07097). Whilst that scheme was for substantially more dwellings than in this appeal, I see no reason to divert from that general principle. The appeal scheme would provide a meaningful contribution to Wiltshire's housing land supply.
12. Moreover, the minimum housing target expressed in the CS of 42,000 homes over the plan period was not met, with a shortfall of around 1000 homes. Exacerbating

this is the Council's five-year housing land supply shortfall of over 9,500 dwellings and a separate affordable housing need of over 1,200. It is inevitable and accepted by the Council, that permission for housing will need to be granted on unallocated greenfield sites even though that will conflict with CS Policies CP2 and CP15.

13. The Council submitted a new local plan for examination. In evidence, it was referred to as the 'emerging local plan'. However, the issues latterly highlighted by the examining Inspectors clearly indicate that there is a significant amount of further work needed on the plan to make it sound. In their letter to the Council of 27 February 2026, the Inspectors offer the Council the option of either withdrawing the plan or request that they proceed to prepare their report. The letter makes it very clear that the latter option would inevitably lead to a recommendation that the plan is not adopted because of it being found unsound. Whilst I therefore note the Council's argument that the plan has not been withdrawn at this stage and is thus still at examination, the examining Inspectors' letter provides me with sufficient reason to conclude that the plan as it stands will not be going forward. In this circumstance, it cannot therefore be considered as having any semblance as an emerging plan. Notwithstanding that, for ease of reference in my decision, I will continue to refer to it as the 'emerging Local Plan'.
14. The implication of this is that there will not be a strategic plan in place to lead development in Wiltshire for the foreseeable future. Importantly there will be no plan led mechanism to rectify the housing land supply shortfall, thus making it ever more pressing that housing continues to come forward in a timely manner in sustainable locations such as Melksham. The appeal site is well related to the existing built-up area and would form a logical extension to this part of the town.
15. I note that planning permission has been granted for around 500 dwellings on the 'emerging Local Plan's' allocation at Blackmore Farm and other applications are under consideration for a similar number of dwellings on other allocations. However, I have no evidenced certainty that they will receive planning permission. Furthermore, allocations in the JMNP2 are beginning to come forward. Nevertheless, whilst that all assists in addressing the chronic housing land supply shortfall in Wiltshire it does not place a bar on other sustainable development.
16. In summary, given that the appeal site lies outside the development boundary of Melksham, the proposal runs counter to Policies CP2 and CP15. This is not in dispute between the parties. The Council's decision notice includes reference to CS Policy CP1. However, it was confirmed by the Council that there is no conflict with that policy, and I have no reason to take an alternative view.

Character and appearance

17. The site is part of a larger parcel of agricultural land located immediately beyond the north-eastern edge of the town. The River Avon is located further to the west. An access would be formed in a gap between houses before they extend in a ribbon to the north-east along Woodrow Road. Because of the presence of this line of houses, the site is not readily visible from Woodrow Road. Nor is it widely seen from other surrounding roads.
18. There are Public Rights of Way (PRoWs) running along the site's southern boundary adjacent to the settlement edge and from north-south in the area where

the site's western boundary would be formed. There would be clear views of the proposed development from these public vantage points.

19. Currently, this part of Melksham has a hard edge formed by residential development. The indicative masterplan for the proposed development shows a substantial area of public open space in the part of the site crossed by overhead power lines.
20. The parties are now in agreement that a suitably designed landscape scheme could come forward along the northern site boundary, within the open space. Whilst this could not take the form of a continuous planting belt because of the necessary power lines easement, it would provide sufficiently large blocks of appropriate planting to satisfactorily help assimilate the proposed development into its surroundings. Importantly, it would also provide for an improvement to the existing hard edge to this part of Melksham. There is also now agreement between the parties that the proposal overall would not result in unacceptable harm to the landscape or the experiences of those using the PRowS. I have no reason to disagree. These matters are capable of being secured by suitably worded planning conditions.
21. There would be no conflict, with CS Policy CP16 which seeks to safeguard the links to the Melksham Link Canal or the similar objectives of CS Policy CP53. The proposal would meet the objectives of CS Policy 51, which broadly seeks to protect, conserve and where possible, enhance landscape character. Further, it would accord with the landscape management strategy for the Melksham Open Clay Vale Landscape Character Area as described in the West Wiltshire Landscape Character Assessment (2006). It would not run counter to the countryside protection policies in the JMNP2.

Other Matters

22. At the Inquiry, I heard from a significant number of interested parties who very eloquently detailed their objections to the proposed scheme. In addition to those matters covered elsewhere in my decision, these included transport/highways, drainage and flooding. However, I must make my decision based on clear evidence and note that neither the highway authority nor any of the statutory undertakers have raised any objections.
23. In terms of flooding, with the imposition of suitably worded planning conditions, I am satisfied that there would be no increase in flood risk arising from the proposed development. I have taken into account the highways evidence and took the opportunity to travel along the local roads including the A350 towards to Lacock. I saw nothing of concern which would lead me to conclude that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Consequently, whilst I do not doubt the sincerity of the interested parties' contributions to the appeal, I do not find anything to lead me away from my overall conclusion that the appeal should be allowed.

Planning Obligations

24. The Agreement is an executed document dated 25 February 2026. I have considered the various obligations with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations) and the policy tests in paragraph 58 of the Framework.

Agreement Provisions

Affordable Housing

25. Provision is made for 21 affordable homes, representing a 30% of the total number of proposed dwellings, compliant with CS Policy CP45 and paragraph 66 of the Framework. The affordable housing element would comprise a tenure mix of 16 affordable rented homes and 8 for affordable home ownership. Given the pressing need for affordable homes, the obligations are necessary.

Education

26. The Agreement provides contributions to early years (£157,698), primary (£356,402) and secondary (£68,820) education. Current early years provision within a two-mile safe walking route, is operating at full capacity. The development would generate a need for 9 additional early years places at a cost per place of £17,522. The money would be put towards one of the suitably located new schools. The development would generate a need for 19 new primary places at a cost of £18,758 per place. These are also to be secured at one of the new schools. In terms of secondary education, 3 new places would be generated by the development at a cost of £22,940 per place. This contribution would be spent on the expansion of Melksham Oak Community School. These obligations are therefore necessary to meet the additional education provision generated by the development in accordance with CS Policy CP3.

Open Space, Play and Sport

27. The obligations provide for on-site public open space and a location within it for new play equipment. There is also provision in the Agreement for off-site contributions in the circumstance that the on-site provision, for some reason, falls short of the requirements. The contributions have been calculated to be £83,999.41 for the open space element and £17,841.60 for play equipment. A further, policy compliant obligation provides a contribution towards a 3G artificial turf pitch at Lancaster Road Playing Fields or elsewhere in the vicinity of the appeal site.
28. The obligations are necessary to provide a satisfactory recreational environment for future residents of the development and provide new facilities for the district's growing population in accordance with CS Policies CP3 and CP52.

Waste and Recycling

29. The Agreement provides for a contribution of £8,050 towards the provision of waste and recycling facilities for each proposed dwelling. Such facilities are essential to support new development as identified in CS Policy CP3. The costs are identified in the Council's Guidance for Developers SPD. The contribution is necessary to ensure appropriate waste and recycling facilities are provided and to cover the associated costs.

Highways and Public Rights of Way (PRoWs)

30. The obligations provide for necessary improvements to PRoWs next to the site and cycling facilities to encourage the use of sustainable transport modes by providing ease of access to and from the development. It accords with CS Policies CP52, CP57 and paragraph 105 of the Framework.

Public Art

31. The Revised Wiltshire Planning Obligations SPD supports CS policies, including CP3 (Infrastructure Requirements). It identifies the planning obligations the Council will seek for development that generates new infrastructure needs. It sets out explicit thresholds for the contributions required for various types of obligations that may be necessary. Art and design requirements are set out in Chapter 10 of the SPD albeit without the level of detail applied to other obligations such as for affordable housing; open space/green infrastructure; and transport/highways. It includes a footnote reference to a Guidance Note published in 2011.
32. That 2011 guidance has been replaced by the 'Art and design in the public realm in Wiltshire – 2024 Guidance'. The threshold for public art in the Guidance is set at £300 per dwelling for developments of 50 dwellings or more. However, it has not been subject to consultation or any formal local planning process. The Framework says that good design is a key aspect of sustainable development. The provision of public art could be said to fall within that ambit. It would serve a clear planning purpose, with development plan support. Being located within the development or in its vicinity would satisfy the test of being directly related to the development.
33. However, I must agree with the findings of the Inspector in the Land off Spitfire Road appeal wherein he found there to be no evidence base, or calibration against any benchmark, for the £300 figure. In the absence of an identified scheme and in the context of there having been no public consultation on the Guidance, I cannot conclude that this obligation would pass all of the statutory tests and am thus unable to take it into account as a reason for granting planning permission.

Conclusion on Planning Obligations

34. With the exception of public art, all of the other planning obligations are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they meet the relevant tests in Regulation 122(2) of the CIL Regulations and the Framework.

Planning Balance

35. Given the Council's housing land supply of 2.42 years, it is common ground that the most important policies for determining this appeal are out of date. Therefore, Framework paragraph 11d) ii says that 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, 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 combination'. Whilst the proposal does not accord with the development plan as a whole, in light of the above, I give limited weight to the spatial policy harm.
36. There would be social benefits arising from the proposal through the provision of market and affordable housing. Whilst housing delivery in Wiltshire may have been strong in the past, that does not justify reducing the weight to the provision of future housing in an area with a chronic housing land supply shortfall. Given the extent of that shortfall, the benefits of market and affordable housing each attract very substantial weight.

37. Economic benefits would arise from construction and employment and support for Melksham's role as a Market Town. These carry significant weight. In reaching that conclusion, I have had regard to what paragraph 85 of the Framework says about placing significant weight on the need to support economic growth, taking into account local business needs and wider opportunities for development.
38. There would be improvements to the current hard development edge through new planting as part of the creation of settlement edge open space. This would result in very positive improvements to the landscape around this part of Melksham and the open space would be available to existing local residents as well as the occupiers of the development. This attracts significant weight. A further environmental benefit would result from BNG going over and above the minimum requirements also attracting significant weight.
39. The weight of these benefits set against the limited weight to the harm would normally tilt the balance very firmly and straightforwardly in favour of the appeal scheme. However, given the JMNP2 has only relatively recently been made, it is necessary to go to Framework paragraph 14. This says that, in situations where the presumption (at paragraph 11d) ii applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the 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.
40. The parties agree that the JMNP2 satisfies the first of those tests. The Council asserts that it also meets the second on the basis that it meets (and exceeds) its identified housing requirement of 270 dwellings. It further argues that Policy 17 of the 'emerging Local Plan' falls to be considered under Framework paragraph 69. This means that for such a proposition to be sustained, an emerging policy must be capable of falling within the bounds of Framework paragraph 69 and thus generate an identified housing requirement for the purposes of Framework paragraph 14b).
41. The allocations in the JMNP2 have been tested through independent examination. However, in so doing, the examiner noted that the Council was seeking to address the matter of housing land supply both generally and through "the emerging Local Plan". He therefore recommended a review of the JMNP2 to address any need for a revision to the housing requirement for the neighbourhood area should this arise as an outcome of the examination of the Local Plan. Having regard to the examining Inspectors' letter of 27 February 2026, this outcome has clearly come about, given their serious questions over whether the Council has sufficient sites.
42. The source of the 270 figure in the JMNP2 is the 'emerging local plan' and thus, for the above reasons, the validity of that requirement cannot now be relied upon. Whilst the JMNP2 clearly contains policies and allocations to meet its identified housing requirement, that requirement is derived from a plan that is now extremely unlikely to go forward. This tempers the weight that I give to the identified housing requirement in the JMNP2.

43. Regardless of the parties' contrary positions on the application of Framework paragraph 69, in the parlance of Framework paragraph 14 'likely' does not and cannot mean 'absolute'. It does not place a firm bar against development going ahead even if counter to a Neighbourhood Plan that meets the tests in Framework paragraph 14. I acknowledge that the JMNP2 has relatively recently been made and reflects the wishes of those who supported it at referendum. I also note that development has been coming forward in Melksham, but the Council's housing land supply shortfall is acute and county-wide. Action to address that needs to be taken now through the provision of housing on suitable sites.
44. Given the status of the 'emerging local plan', there is uncertainty as to the level of housing that might need to be allocated at the settlement. I make no judgement on that as it is solely a matter for the examination of the plan, whenever that may be. However, the weight that I attach to that plan in terms of housing policies is negligible and has no material bearing in the planning balance.
45. In the context of Melksham as a Market Town, at which significant development is envisaged, the provision of 70 dwellings on the appeal site would not be of such magnitude to have a detrimental effect on its ability to grow in a sustainable manner or materially disrupt its future planning. Nor, in my view, would it seriously undermine confidence in the plan making process. It would, however, provide much needed housing now and result in a number of important benefits.
46. Taking all of the above into account, the balance tilts in favour of the appeal scheme. The circumstances of this appeal are such that I find it necessary to take a decision otherwise in accordance with the development plan.

Conditions

47. Conditions are imposed to ensure the development is carried out in accordance with prescribed timescales. A condition specifying the approved plans is necessary to ensure certainty. Conditions related to visibility splays, surface water, parking and site access are necessary in the interests of vehicular and pedestrian safety. I have imposed a condition related to cycle parking and a Residential Travel Plan in the interests of promoting alternatives to the use of private motorised transport.
48. I have imposed a series of conditions related to ecology both during and after construction. These are all necessary to protect and promote habitats and species. In the interests of the historic environment, I have imposed a condition requiring archaeological investigation and recording of any archaeological finds.
49. In the interests of protecting against climate change and to ensure the development's sustainable credentials, I have imposed necessary conditions. These cover a Sustainable Energy Strategy and water efficiency measures.
50. I have imposed conditions related to drainage as these are necessary in the interests of safeguarding the water environment. A condition requiring the submission and approval of a Construction Management Plan is necessary to safeguard the amenities of local residents and to protect the natural environment. Similarly, I have imposed a condition related to the times when demolition and construction operations can take place. I have made this a standalone condition for clarity.

51. Finally, conditions related to hard and soft landscaping are necessary to ensure the appearance of the development is satisfactory.

Conclusion

52. For the reasons set out, the appeal succeeds.

H Baugh-Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lord Banner KC	Instructed by Waddeton Park Ltd
He called:	
Neil Furber BSc (Dual Hons) PGDipLA CMLI	Senior Director, Pegasus Group
Mark Scoot MRTPI MRICS	

FOR THE LOCAL PLANNING AUTHORITY:

Edward Arash Abedian	Instructed by Hannah Bartlett, Wiltshire Council
He called:	
Paul Robertson BA(Hons) DipLA MSc CMLI	Senior Landscape Officer, Wiltshire Council
Mark Reynolds BSc(Hons) MSc MRTPI	Managing Director, Context Planning Ltd

INTERESTED PARTIES:

Councillor John Glover	Chair of Melksham Without Parish Council
Councillor Saffi Rabey	Mayor of Melksham Town Council
Councillor David Pafford	Chair of Melksham Neighbourhood Plan Steering Group
Chris Holden	Chair of Melksham Community Partnership and Member of Melksham NHP Steering Group
Councillor Richard Wood	Chair of MWPC Planning Committee and Chair of NHP Steering Group
Anne Henshaw	Chair of CPRE Wiltshire
Graham Ellis	Chair of Melksham Transport User Group and NHP Steering Group member
Councillor Alan Baines	Melksham Without Parish Council and resident of Woodrow Road
Councillor Simon Wise	Vice Chair of Lacock Parish Council
Andy Webster	National Trust Lacock

Councillor Phil Alford	Wiltshire Councillor for Ward
Graham Hill	Co-Chair of Wiltshire Area Localism and Planning Alliance
Vaughan Thomson	Place Studio
Teresa Strange	Clerk, Melksham Without Parish Council
Phil Rigg	Local business owner and resident
Jill Tubbs	Woodrow Community Speed Watch
Will Humphries	Local resident

DOCUMENTS

- ID01 List of interested party speakers and their evidence
- ID02 Northern Power – clearance to objects
- ID03 Emails between the Council and SSE
- ID04 Appellant's opening statement
- ID05 Council's opening statement
- ID06 Comparison of Effects Upon Visual Receptor Groups
- ID07 Illustrative landscape masterplan
- ID08 Illustrative cross sections
- ID09 Wiltshire Local Plan Inspectors' letter and programme of works
- ID10 Extract from Planning and Compulsory Purchase Act 2004
- ID11 Site visit route suggestions

CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;The development shall be carried out in accordance with the approved details.
3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan drawing no. 220313 L 01 01; Wider Location Plan drawing no. 220313 L 01 02, Proposed Site Access General Arrangement & Visibility drawing no. PD01; Proposed Habitats Plan drawing no. eg211147.02
5. No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.
6. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private surface water from entering the highway in accordance with details that shall have first been submitted to and approved in writing by the local planning authority
7. The development hereby approved shall not be occupied until parking space for the parking of vehicles for each dwelling together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The parking spaces shall not be used other than for the parking of vehicles or for the purpose of access.
8. The development hereby approved shall not be occupied until details of secure covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for that use thereafter.
9. The development shall not be occupied until a Residential Travel Plan has been implemented in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.
10. No development shall commence until details of the access works, as shown indicatively on SLR drawing 'Proposed Site Access, General Arrangement & Visibility' 422.065278.00001 - PD01, have been submitted to and approved in writing by the LPA. The approved access works shall thereafter be completed prior to the occupation of any dwelling on site.

11. The development shall be carried out in accordance with the recommendations in the following documents:
 - Proposed Habitats Plan (Engain, 07/05/2025).
 - Avoidance, Mitigation and Enhancement measures detailed in Section 6 of the Ecological Impact Assessment (Engain, 05/11/2024).
12. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority and approved in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - b. Pollution prevention measures including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle washdown plant/machinery, and the location and use of oils/chemicals.
 - c. Restrictions on artificial lighting and any measures to be implemented to reduce light spill on sensitive ecological features.
 - d. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.Development shall be carried out in accordance with the approved CEMP.
13. All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 0.5 lux (or no higher than existing).
14. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of new features for wildlife shall be submitted to and approved in writing by the local planning authority. The provision will include new roosting features for bats and new nesting features for birds at a suitable ratio of feature to building. The approved details shall be implemented before final occupation of the development. These features shall continue to be available for the target species for the lifetime of the development.
15. Prior to the start of construction on site, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
16. No development shall commence until:
 - i. a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - ii. The approved programme of archaeological work has been carried out in accordance

with the approved details.

17. A final Sustainable Energy Strategy shall be submitted as part of the reserved matters application(s) for the development to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, and sustainable transport for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
18. The development shall not be occupied until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.
19. No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters: A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes.
 - i. calculations which demonstrate that the required 30% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.
 - ii. overland exceedance routes are to be shown on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event.
 - iii. evidence that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels. The minimum is 600mm above whichever of the following levels is the highest:
 - The average ground level of the site
 - Adjacent road levels to the building
 - Estimated river or sea level for the site

The development shall then be carried out in accordance with the approved details. No part of the development shall be occupied until surface water drainage has been constructed in accordance with the approved scheme.

20. No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
21. No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - i. the movement of construction vehicles;
 - ii. the parking of vehicles for site operatives;
 - iii. the cutting or other processing of building materials on site;
 - iv. wheel washing and vehicle wash down facilities;
 - v. the transportation and storage of waste and building materials;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
 - vii. a scheme for recycling/disposing of waste arising from construction works;
 - viii. measures for the protection of the natural environment;

- ix. pre-condition photo survey of local roads and infrastructure;
- x. vehicle routing plan;
- xi. traffic management plan (including signage drawing(s);
- xii. number (daily/weekly) and size of delivery vehicles;
- xiii. number of staff vehicle movements;
- xiv. details of temporary/permanent Traffic Regulation Orders;
- xv. construction phasing plan;
- xvi. the loading and unloading of equipment and materials;
- xvii. the location and use of generators;
- xviii. the method of any piling.

The approved Construction Management Plan shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

22. Demolition or construction works shall take place only between 0800-1800 on Mondays to Fridays; 0800-1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
23. No development shall commence above ground floor slab level until full details of a hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- i. location and current canopy spread of all existing trees and hedgerows on the land;
 - ii. details of all existing trees and hedging to be retained, together with measures for their protection during development;
 - iii. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - iv. all means of enclosure;
 - v. vehicle parking layouts;
 - vi. refuse and recycling collection points;
 - vii. bin storage areas;
 - viii. vehicle and pedestrian access and circulation areas;
 - ix. all hard and soft surfacing materials.
24. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.