

Planning Application for Land off Windsor Drive, Devizes.

On behalf of Robert Hitchins Ltd.

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1. Introduction

- 1.1. This Planning Statement has been prepared by Pegasus Group on behalf of Robert Hitchins Ltd (the 'Applicant') in support of proposals for outline planning permission for a residential development of up to 40 dwellings and associated infrastructure and landscaping, with vehicular access off Windsor Drive, Devizes (the 'Site').
- 1.2. This Planning Statement provides an overview of the decision-making context including the National Planning Policy Framework, National Planning Practice Guidance, and the Local Development Plan.
- 1.3. This Statement takes the following form:
 - Section 2 describes the Application Site and the surrounding area,
 - Section 3 provides a summary of the planning history of the site,
 - Section 4 sets out the application proposals,
 - Section 5 describes the relevant national and local planning policy,
 - Section 6 comprises the Affordable Housing Statement,
 - Section 7 discusses the planning merits of the proposal,
 - Section 8 provides the planning balance, and,
 - Section 9 presents the summary and conclusion.
- 1.4. The planning application is for outline permission with all matters of detail reserved.
- 1.5. The description of the development is as follows:

“Residential development of up to 40 dwellings, associated works, infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off”.
- 1.6. The application is accompanied by a number of supporting technical documents such as a Transport Statement, Ecological Assessment, Flood Risk and Drainage Strategy.
- 1.7. During the preparation of the planning application public consultation took place between 10 February 2025 and 3 March 2025. A Statement of Community Involvement accompanies the application and sets out how the responses have been considered during the preparation of the planning application.

2. Application site and Surroundings

- 2.1. The application site is approximately 2.968 hectares (ha) in size and is located to the northeast of the market town of Devizes. The Site is located entirely within the administrative boundaries of Wiltshire Council, being the Local Planning Authority (LPA), and Devizes Town Council being the relevant Parish Council.
- 2.2. The Site comprises one irregularly shaped field currently in agricultural use, largely defined by hedgerows and some hedgerow trees. The topography of the Site is predominantly flat, with a slight incline south to north.
- 2.3. To the west of the Site there is Windsor Drive and beyond this the eastern edge of Devizes itself. To the south is a narrow strip of woodland, with Windsor Road allotments beyond it. The eastern boundary is defined by the Gypsy Patch Track by-way with further agricultural fields beyond. The site narrows to the north where it abuts a small patch of woodland and scrubland. This land and the fields beyond are subject of a separate outline planning application (Land South of Coate Road PL/2026/O1963).
- 2.4. The fields to the north of Coate Road and south of the Canal have been consented for 200 dwellings as outlined in section 3.
- 2.5. The Site does not fall within any statutory landscape designations and is not within the Green Belt. The western extent of the North Wessex Down National Landscape Area lies approximately 800m of the eastern boundary of the Site.
- 2.6. There are no statutory designated sites for nature conservation and ecology located within the Site itself. The nearest statutory designation is Roundway Down and Covert Site of Special Scientific Interest (SSSI), approximately 1.8km north-west of the site. The nearest European designation is Salisbury Plains SAC and SPA, approximately 6.6km south-east of the site. The nearest non-statutory designation is Kennet & Avon Canal Local Wildlife Site (LWS), which is located approximately 0.2km north of the site. All the ecological designations in the surrounding area are physically well separated from the site and are unlikely to be adversely affected by the proposals.

- 2.7. In terms of heritage designations there are no heritage assets located within the site. Within 1km of the Site there are 59 designated heritage assets, of which four are Grade II* listed and the remainder are Grade II listed.
- 2.8. It is considered, however, that because of the distance from the Site, the bulk of built heritage assets share no intervisibility or functional association, being screened in several cases by the modern housing development on the eastern edge of Devizes.
- 2.9. The site does not lie within the setting of, nor contribute to the significance of, any designated archaeological assets (e.g. Scheduled Monuments, World Heritage Sites, Registered Battlefields).
- 2.10. The Site is located entirely within Flood Zone 1 as identified on the Environment Agency Flood Map for Planning and is, therefore, considered to be at lowest risk of flooding. The majority of the Site is not at risk of surface water flooding, with an area located within the northeastern corner of the Site of low to high risk of surface water flooding.
- 2.11. The Site is not located within an Air Quality Management Area (AQMA), the closest AQMA is Devizes Shanes Castle AQMA located within c.200m northwest, which has been declared for exceedance levels of Nitrogen Dioxide.
- 2.12. The application site boundary and context are identified at Appendix 1.

APPENDIX 1: SITE LOCATION PLAN

3. Planning History of the application site

3.1. There is no recent planning history for the site itself.

3.2. Relevant planning history on land adjacent to the site is as follows:

- E/2013/0083/OUT – Land at Coate Bridge Adjacent to Windsor Drive Devizes Wilts – Outline planning application for residential development of up to 350 dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works. 19.86 hectares. Refused 25 September 2013.
- 14/00309/OUT – Land at Coate Bridge Adjacent to Windsor Drive Devizes Wilts – Outline Planning Application for Residential Development of up to 350 Dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works (Resubmission of E/2013/0083/OUT). 20.53 hectares. Withdrawn 4 November 2016.

3.3. The two above applications are in respect of land both north and south of Coate Road.

3.4. A S.78 appeal¹ was made against the refusal of the LPA to grant planning permission for the development proposed under application E/2013/0083/OUT. The appeal was later recovered for the Secretary of State's determination. An inquiry into the appeal was held from 8 to 11 April 2014 and the Secretary of State issued his decision to dismiss the appeal on 27 October 2014. That decision was the subject of an application to the High Court and was subsequently quashed by order of the Court dated 5 May 2015. The appeal was redetermined following a second inquiry. Inspector Phillimore recommended that the appeal be dismissed. The SoS agreed with the recommendation and the appeal was dismissed on 21st September 2016.

3.5. Overall, therefore, the Secretary of State concluded that the proposed development would not amount to sustainable development to the extent that it is not plan-led, and that its adverse impacts would significantly and demonstrably outweigh the identified benefits when

¹ Appeal Ref: APP/Y3940/A/13/2206963

assessed against the policies in the Framework taken as a whole. The Secretary of State therefore concluded that planning permission should not be granted.

3.6. In May 2021 an application was made for residential development on the northern part of the previous dismissed appeal site as follows:

- PL/2021/04774 – Land off Coate Road, Devizes – Residential development (up to 200 dwellings), a local centre of 0.3ha (0.75 acres) (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (Sui Generis) with a GIA limit of 1,000 sqm of which no more than 725 sqm (GIA) shall be used for retail (Class E(a)). No single retail (Class E(a)) unit shall comprise of more than 325 sqm (GIA)). Associated works, infrastructure, ancillary facilities, open space and landscaping.’ Vehicular access from Windsor Drive with the western end of Coate Road re-aligned to form the minor arm of a junction with the site access road. Outline planning consent – all matters reserved. 10.08 hectares.

3.7. Following normal consultation procedures, Officers reported the application to Committee with a clear recommendation that planning permission should be granted, subject to conditions and planning obligations.

3.8. Having considered the Officer Report and its recommendations, Members resolved to reject the professional advice of their Officers, and they decided that the planning application should be refused. The Decision Notice that followed set out 3no. reasons for refusal.

3.9. A Section S78 appeal² was made against the refusal of permission, with a subsequent Public Inquiry held in April 2023. The Statement of Common Ground agreed between the Appellant and the LPA agreed there has been a material change in circumstances since the previous appeal decision which required the appeal scheme to be considered afresh. Those circumstances included, inter alia:-

- The LPA could no longer demonstrate a 5-year housing land supply
- The LPA could not demonstrate a plan period supply
- The most important policies including those in the Devizes Neighbourhood Plan were out of date.

² Appeal Ref: APP/Y3940/W/22/3312268

- The Devizes Neighbourhood Plan was then over 7 years old. It had not been reviewed, and it did not qualify for the additional measures set out in NPPF paragraph 14.
- The WCS was also then over 7 years old. It was not reviewed immediately and was reviewed within the minimum five-year period as required by the Local Plan regulations.
- The WCS plan period had then only circa 3 years left and does not provide for development needs beyond 2026.
- The review of the WCS was not yet at an advanced stage
- The appeal proposals were for a lesser amount of development (200 homes vs 350 previously).
- The appeal site was smaller (in hectares) than the application/ site subject to the appeal decision in 2016 but would be for a higher net density of housing (36.6 dwellings per hectare rather than 32 dwellings per hectare).

3.10. The Appeal was allowed on the 24 May 2023. The conclusions of the Inspector are referred to where relevant in Section 7 (the planning merits of the proposal) below.

3.11. Subsequent to the appeal decision Reserved Matters applications have been permitted as detailed below:

- PL/2024/09260 – Land off Coate Road, Devizes, SN10 3LU. Reserved matters application for access following outline application PL/2021/04774. Permitted 28 February 2025.
- PL/2024/09259 – Land off Coate Road, Devizes, SN10 3LU. Approval of Reserved Matters (Access, appearance, landscaping, layout and scale) pursuant to outline planning permission PL/2021/04774. Permitted 26 March 2025.

3.12. There have also been 2 Discharge of Conditions applications approved:

- Condition 8 – phasing plan
- Condition 9 – archaeology

3.13. An outline application with all matters reserved on Land South of Coate Road (which is to the east of the site) was recently submitted to Wiltshire Council for residential development for



up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive (PL/2026/01963). The application was validated on 27th March 2026.

4. Application proposals

4.1. In summary the outline planning application will comprise the following elements:

- Construction of up to 40 residential dwellings,
- Access from Windsor Drive to the west;
- Proposed internal cycle and pedestrian connections;
- Public open space and new landscape and woodland planting;
- Safeguarding of existing boundary hedgerows and trees where possible;
- Play areas; and
- Provision of Sustainable Drainage System (SuDS).

4.2. The illustrative Layout shows how the development might be laid out to respond to constraints and opportunities on the site, including those identified in the technical reports submitted as part of the planning application.

4.3. The proposed access from Windsor Drive, ensures that the Application Site connects to the wider highway network i.e. A361 which provides access to the surrounding area.

4.4. A policy compliant proportion of the proposed dwellings will be provided as affordable units, with the remaining units provided as open market dwellings. The Affordable Housing Statement is included at Section 6.

4.5. The site is able to contribute to the Council's five-year housing land supply (including the provision of affordable housing) in a timely manner, this is a significant material consideration in the determination of this application as set out in greater detail at Section 7.

4.6. A more detailed description of development and the justification for the design concept that has been followed is set out in the Design and Access Statement accompanying this application.

Community consultation

4.7. Public consultation took place between 10th February 2025 and 3rd March 2025. The comments received provided local knowledge and opinion and where possible these have been taken into consideration in the final form of development proposed in the submitted application. Nevertheless, specific assessments, including the Design and Access Statement



and the Transport Statement have addressed the identified issues raised during the consultation.

5. Relevant Planning Policy

- 5.1. This Section refers to relevant National Planning Policy and Guidance and the Development Plan that provide the planning policy framework within which this planning application should normally be considered.
- 5.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.3. At the time of writing, the statutory Development Plan policies for determining the application are contained within:
- The Wiltshire Core Strategy, adopted 20 January 2015,
 - The Wiltshire Housing Site Allocations Plan, adopted 25 February 2020,
 - The made Devizes Area Neighbourhood Plan, made 7 December 2015,
 - The Wiltshire and Swindon Waste Core Strategy, adopted July 2009, and
 - Saved Policies of the Kennet District Local Plan 2011, saved on 26 September 2007

National Planning Policy Framework

- 5.4. The most recent revised National Planning Policy Framework was published in December 2024 and came into immediate effect for the purposes of decision making. On 7th February 2025, the NPPF was amended to correct cross references from footnotes 7 and 8 and the first sentence of paragraph 155 to make clear its intent.
- 5.5. Paragraph 8 identifies the three dimensions to sustainable development which include economic, social and environmental roles. Paragraph 8 states that these roles are interdependent and need to be pursued in mutually supportive ways. Therefore, to achieve sustainable development, the NPPF recognises that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 5.6. The NPPF sets out at paragraph 10 that:
- “...at the heart of the Framework is a presumption in favour of sustainable development”***

5.7. Paragraph 11 sets out how policy in the NPPF pursues sustainable development through both plan-making and decision taking. Paragraph 11 states that for decision-taking this means;

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹”.

5.8. Footnote 7 explains the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

5.9. Footnote 8 explains that this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

5.10. Footnote 9 explains the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

5.11. The provisions of paragraph 14 are not engaged in this case as the Neighbourhood Plan became part of the Development Plan more than five years ago.

5.12. In respect of ‘Decision Making’, Paragraph 39 states that:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.13. Paragraph 48 states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

5.14. Paragraph 49:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);***
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and***
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²³”.***

5.15. Footnote 23 explains that during the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.

5.16. Paragraph 50 states:

“However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and***
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.***

5.17. Section 5 of the NPPF 'Delivering a sufficient supply of homes', sets out the need to significantly boost the supply of housing.

5.18. Paragraph 61 states:

“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. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community”.

5.19. The new methodology on which the Standard Method (SM) for housing need is now calculated was published on 12th December 2024 alongside the NPPF and updated by the affordability ratio has significant implications for Wiltshire Council. The affordability ratios were published on 25th March, and the housing stock data was published on 22nd May 2025. In accordance with the PPG, para 009 Reference ID2a-009-20241212 the SM is now 3,488 dpa for Wiltshire compared with 2,041 dpa in the submitted Local Plan.

5.20. Paragraph 78 states:

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies³⁸, or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or***
- b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or***
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance”.***

- 5.21. Footnote 40 explains 'under-delivery' will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.
- 5.22. Section 9 (Promoting Sustainable Transport) recognises that transport policies have an important role to play in facilitating sustainable development. Paragraph 110 states that:
- "...Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."***
- 5.23. Paragraph 115 identifies that the opportunities for sustainable transport, safe and suitable access and improvements to the transport network should be considered where development could generate a significant amount of traffic.
- 5.24. Paragraph 116 states:
- "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".***
- 5.25. The Transport Assessment, which accompanies this application explains that the additional demand arising from the proposed development can be safely and satisfactorily accommodated on the local transport network in accordance with paragraph 116 of the NPPF.
- 5.26. Section 11 *"Making Efficient Use of Land"* states that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.27. Section 12 *"Achieving Well Designed Places"* states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Full details of the design and design rationale for the proposal are provided in the Design and Access Statement which accompanies this application.
- 5.28. Section 14, *"Meeting the challenge of climate change, flooding and coastal change"* outlines at paragraph 170–182 the approach to planning and flood risk.

- 5.29. The site is situated within Flood Zone 1 on land at the lowest risk of flooding. Further details are provided in the Flood Risk Assessment for the Proposed Development based on the requirements of The Technical Guidance which accompanies the National Planning Policy Framework, which is submitted with the application.
- 5.30. Section 15 “Conserving and Enhancing the Natural Environment” at paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment. A suite of ecological and protected species surveys has been carried out, confirming areas to be protected wherever possible, or where appropriate mitigation measures proposed to safeguard such species during construction and maintain the suitability of habitats in the long-term. The development proposals offer the opportunity to enhance the biodiversity of the site post development to secure a net gain in biodiversity.
- 5.31. Paragraph 189 explains that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.
- 5.32. The accompanying Landscape and Visual Impact Assessment addresses guidance in the NPPF and the development plan and considers the site in the context of the setting of the North Wessex Downs National Landscape Area. The LVIA concludes that the site is well contained by existing vegetation, landform and existing residential built form. The extent of effects is largely contained to the immediate area and a limited number of locations on elevated land within the National Landscape to the north of the site. The impact of development on these views is limited by the introduction of mitigation planting breaking up the massing of built form and its conformity to the existing settlement pattern, being perceived as a minor extension to the existing settlement to the east.
- 5.33. The character of the area is strongly influenced by the residential urban edge and separation of the site by vegetation and landform from the wider agricultural landscape. Careful consideration of design and mitigation planting ensures that green infrastructure connectivity to the wider landscape is however retained through development of the site.
- 5.34. Section 16, “Conserving and enhancing the historic environment” requires at paragraph 207 applicants to:

“... describe the significance of any heritage assets affected, including any contribution made by their setting..... Where a site on which development is

proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

5.35. Paragraph 214 states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

5.36. Annex 1 of the NPPF covers Implementation both for decision making and the purposes of plan making.

National Planning Policy Guidance (PPG)

5.37. The relevant guidance in the PPG to the application is referred to in the planning assessment of the development proposals as set out in Section 7 below.

The Development Plan.

Wiltshire Core Strategy (2015)

5.38. The Wiltshire Core Strategy (WCS) was adopted in January 2015. It sets out a strategic vision for delivering sustainable growth over the period up to 2026.

5.39. The PPG is clear that the weight given to relevant policies in existing plans is according to their consistency with the NPPF and it will be up to the decision maker to decide the weight to give to policies. The Wiltshire Core Strategy was adopted in 2015, but it was submitted for examination in July 2012 but based on work undertaken by the former districts in 2006 – 2008 with initial consultation held in Oct– Dec 2009 prior to the publication of the first NPPF in 2012. The preparation of the WCS thus took approximately 9 years. The Inspector recommended an early review. However, the early review did not happen, the result is that the Council produced a Strategic Plan, in need of an early review with a plan period too short and a housing requirement that was too low which took 2.5 years from submission to adoption.

5.40. According to the Wiltshire Core Strategy Proposals Map (Devizes Community Area), the site is outside of the Settlement Boundary. The Proposals Map also confirms that the site falls within the 30% affordable housing provision zone.

- 5.41. **Core Policy 1** (Settlement Hierarchy) identifies locations for sustainable development. Devizes is identified as a Market Town, providing:

“...the ability to support sustainable patterns of living in Wiltshire through their 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 in order to help sustainable and where necessary enhance their services and facilities to promote better levels of self-containment and viable sustainable communities”.

- 5.42. **Core Policy 2** (Delivery Strategy) confirms that between 2006 and 2026, at least 42,000 homes will be distributed across Wiltshire, in response to the full objectively assessed needs of 44,000 homes, as identified by the examining Inspector (in paragraph 78 of his final report). The strategic requirement is disaggregated between the County’s three Housing Market Areas (HMAs) with requirements provided for each Principal Settlement, Market Town and by Community Area.

- 5.43. The Delivery Strategy recognises that, in some settlements, new jobs have not necessarily been delivered alongside new homes. It therefore seeks to strengthen communities, wherever possible, by allowing appropriate growth to provide for the most sustainable pattern of development within Wiltshire which seeks to reduce the need to travel and help redress the imbalance between jobs and homes.

- 5.44. Paragraph 4.20 states that:

“Wiltshire’s proposed strategic housing requirement is set out against defined subcounty areas as identified within the Wiltshire Strategic Housing Market Assessment (SHMA). However, in order to support the most sustainable pattern of growth, in line with the principles defined in Core Policy 1, indicative requirements are provided for each Principal Settlement, Market Town and by Community Area within paragraph 4.26. The indicative figures also allow a flexible approach which will allow the council, including through the preparation of the Site Allocations DPD, and local communities preparing neighbourhood plans, to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan.”

- 5.45. Core Policy 2 identifies a minimum housing requirement for the East Wiltshire Housing Market as 5,940 new dwellings.

- 5.46. Paragraph 4.26 explains that in order to direct development at a strategic level to the most suitable, sustainable locations and at appropriate times, the area strategies contain an indicative housing requirement for each Community Area including the Principal Settlements and Market Towns and, in the South Wiltshire HMA, the Local Service Centres. The indicative requirement for Devizes Town is 2,010, and 490 for the remainder of the Devizes Community Area.
- 5.47. Paragraph 4.27 explains that the Core Strategy allocates sites and broad locations for growth that are strategically important for the delivery of the Plan for Wiltshire. Additional sites will also be identified through the Chippenham and Housing Site Allocations DPDs to ensure the delivery of housing land across the plan period in order to maintain a five-year land supply at each HMA.
- 5.48. However, paragraph 4.30 states that:
- “The disaggregation to Community Areas set out above is not intended to be so prescriptive as to be inflexible and potentially ineffective in delivering the identified level of housing for each market area. It clarifies the council’s intentions in the knowledge of likely constraints in terms of market realism, infrastructure and environmental capacity. They provide a strategic context for the preparation of the Housing Sites Allocation DPD and in order to plan for appropriate infrastructure provision.”***
- 5.49. Core Policy 2 also states that:
- “Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans”.***
- 5.50. **Core Policy 3** (Infrastructure Requirements) sets out that new development will be required to provide for necessary on and off-site infrastructure (where appropriate).
- 5.51. **Core Policy 12** (Spatial Strategy: Devizes Community Area) confirms that over the plan period, approximately 2,500 new dwellings will be provided in the Community Area (of which around 2,010 should occur in Devizes).
- 5.52. **Core Policy 41** (Sustainable Construction and Low Carbon Energy) has been superseded by national planning guidance; however, it retains a requirement for major development to submit a Sustainable Energy Strategy with a planning application outlining the low-carbon strategy for the proposal.

- 5.53. **Core Policy 43** sets out the Council's approach to the provision of affordable homes through new development.
- 5.54. **Core Policy 45** sets out the Council's approach to housing mix with regard to the type and size of dwellings to be provided by new development. It states;
- "New housing, both market and affordable, must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities."***
- 5.55. **Core Policy 50** sets out how development proposals must take into consideration matters relating to biodiversity and geodiversity and states that all new development should seek to enhance biodiversity.
- 5.56. **Core Policy 51** sets out how development proposals should address landscape matters and where relevant be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.
- 5.57. **Core Policy 52** requires development to make provision for the retention and enhancement of Wiltshire's green infrastructure network and to ensure that suitable links to the network are provided and maintained. It states that;
- "Proposals for major development should be accompanied by an audit of the existing green infrastructure within and around the site and a statement demonstrating how this will be retained and enhanced through the development process."***
- 5.58. **Core Policy 57** considers design quality and place shaping and requires a high standard of new design in all new development with a strong sense of place created by drawing on the local context. Major development proposals are required to be accompanied by a detailed design statement and masterplan with clearly stated design principles which underpin the character of the new place.
- 5.59. **Core Policy 58** (Ensuring the Conservation of the Historic Environment) seeks to ensure that development protects, conserves and enhances the historic environment.
- 5.60. **Core Policies 60 and 61** seek to reduce the need to travel by private car and support and encourage the sustainable, safe and efficient movement of people and goods. This is sought

by ensuring that sustainable development is located in accessible locations and by promoting sustainable transport alternatives to the use of the private car.

- 5.61. **Core Policy 64** (Demand Management) requires parking to be in accordance with minimum standards.
- 5.62. **Core Policy 67** (Flood Risk) requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Wiltshire Housing Sites Allocation Plan (February 2020)

- 5.63. The Wiltshire Housing Allocations Plan (WHSAP) was adopted on 25th February 2020. The WHSAP confirms that Devizes falls within the East Wiltshire Housing Market Area.
- 5.64. The WHSAP made amendments to the Settlement Boundary of Devizes, however, the Site does not fall within the amended Settlement Boundary and remains unallocated in the Development Plan.

Neighbourhood Planning

- 5.65. The Devizes Area Neighbourhood Plan was 'made' on the 7th December 2015. The Neighbourhood Plan sets out a vision for the area in the period up to 2026 and was prepared in the context of the WCS. Relevant policies included within the Neighbourhood Plan are as follows:
- 5.66. **Policy H1** (Strategic Policy Intent – Settlement Framework Boundary) confirms that the Settlement Framework Boundary defines the limits within which sustainable development should take place. It is confirmed that the area within the boundary will provide sufficient land capacity to accommodate the housing growth projected for the plan period.
- 5.67. **Policy H2** (Strategic Policy Intent – Built Environment & Sustainability) requires future housing growth to be managed in an incremental manner, utilising land distributed throughout the settlement to avoid any quantum change in population focused in any one location. All housing developments must be capable of being readily assimilated within the existing built environment and the social fabric of the settlement.
- 5.68. Policy H2 goes on to state:

“In particular, such proposals should meet the provisions of all the policies in this plan and should:-

Be limited to clusters of no more than 65 dwellings.

Demonstrate that access to health, education, retail and leisure facilities has been designed in such a way as to minimise dependence on the private car.

Be designed so as to be related to the character of the surrounding area.

Wherever practicable, contribute to the regeneration of the built environment in those areas of the settlement that would benefit.

Enhance the public realm and connect to the green infrastructure of the settlement thus positively contributing to its development.”

- 5.69. **Policy H3** (Strategic Policy Intent – Site Specific Allocations) sets out the number of dwellings required for the Area into tangible sites that can deliver this new level of housing. As such, 10 sites were identified of being deliverable in the period of 2014–2019 and a further 8 sites were identified as capable of being delivered in the period of 2019 – 2026.
- 5.70. **Policy E1** (Strategic Intent – Education) confirms that additional housing will give rise to additional need for school places. As such, applications for residential development should include assessments of the effect of the proposal on the capacity of the primary school in which the site is located. The capacity of the school and the potential for any expansion will be taken into account in the determination of the application. Provision should be made for non-private car travelling to primary schools.
- 5.71. **Policy T1** (Strategic Policy Intent – Getting Around) outlines that applications for residential development should include an assessment of the effect of the proposal on the local transport network, in particular on the A361 arterial route. Such an assessment should demonstrate how any adverse impact on the network might be mitigated. The nearest point from a new housing development to a bus stop should be within 5 minutes of that stop. Where possible, residential roads should not be through roads open to private and service vehicles.
- 5.72. **Policy ESD1** (Strategic Policy Intent – Environment & Sustainability) requires housing developments to not give rise to any significant harm to the areas identify or the environment. This will be achieved through:
- The provision of Design and Access Statements;

- Protection of existing open spaces;
- Provision of open spaces within the site or a proportional contribution;
- An assessment on the impact to Devizes' drainage system for both pluvial run-off and sewerage for new development;
- Ensuring residential roads are not through roads;
- Proposals which are on the edge of Devizes or adjoining the AONB should maintain a visual context with the countryside, consistent with the Wiltshire Landscape Character Assessment and the impact should be minimised;
- Car parking should be designed to fit in with the character of the proposed development;
- Developments should preserve and enhance conservation areas; and
- Implementation of GI recommendations in the Wiltshire Landscape Character Assessment.

5.73. It is noted that the Neighbourhood Plan is being reviewed and that a consultation event was held earlier this year.

Saved Policies of the Kennet District Local Plan 2011

5.74. On 26 September 2007, the Secretary of State issued a direction setting out the policies within the Kennet Local Plan 2011 that be 'saved' beyond 26 September 2007. The Wiltshire Core Strategy, adopted in 2015, replaced many of these saved policies. The remaining extant policies are listed at Appendix D of the Wiltshire Core Strategy, and will be replaced as part of the Local Plan Review.

5.75. Until replaced, these saved policies will still be used to inform decisions on planning applications within the area of Wiltshire relating to the previous administrative boundary of Kennet District Council.

5.76. **Policy HC34** (Recreation Provision on Large Housing Sites) requires that in new residential developments of 20 or more dwelling units provide recreational open space to the prescribed standards.

5.77. **Policy HC37** (Demand For Education) requires new housing developments involving 25 or more dwellings or 1 hectare of land (irrespective of the number of dwellings) to demonstrate that the primary and secondary education needs of the population of the new development can be met either by existing school infrastructure or through improvements to the existing school infrastructure. A contribution towards improvement of the existing school

infrastructure will be sought where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development. The contribution will be related to the education needs generated by that development.

Wiltshire and Swindon Waste Core Strategy

- 5.78. The Wiltshire and Swindon Waste Core Strategy Policy **WCS6** requires residential developments of 10 or more dwellings to design and provide facilities for occupiers of the development to recycle / compost waste (bring systems) and / or facilities within individual or groups of properties or premises for the source separation and storage of different types of waste for recycling and / or composting.

Emerging Local Plan

- 5.79. Wiltshire Council submitted the Wiltshire Local Plan Review to the Secretary of State for Housing Communities and Local Government for independent examination on 28 November 2024 following a Regulation 19 public consultation on the draft submission plan held between September and November 2023. Representations were submitted on behalf of Robert Hitchins Ltd to the Regulation 19 consultation in November 2023.
- 5.80. The Local Plan Review does not revisit the strategic objectives that are set out in the 2015 Wiltshire Core Strategy, but it does update and introduce new policies to guide the determination of planning applications.
- 5.81. On 27 February 2025 the appointed Inspectors for the Examination of the Wiltshire Local Plan Review wrote to the Council with some initial questions relating to Duty to Co-operate, the Plan Period, the proposed Salisbury Area New Community, the age and consistency of the submitted housing supply evidence, the current status of the Gypsies and Travellers DPD, existing Development Plan policies to be superseded/ not-superseded by the Local Plan review, highways modelling, and retail evidence.
- 5.82. On the 20 March 2025 the Council responded in writing to the Inspectors' Initial Questions.
- 5.83. On the 9 May 2025 the Local Plan Inspectors issued their Matters, Issues and Questions for Focussed Hearing Sessions in respect of the Duty to Co-operate scheduled to commence 24 June 2024.

- 5.84. Following the Hearing for the Focussed Duty to Co-operate session, the Inspectors issued their post hearing letter for that session, having heard and considered the evidence they were satisfied that the examination could proceed to Stage 2 to consider the soundness of the remaining matters of legal compliance of the plan.
- 5.85. In September 2025 the Inspectors issues the programme for Stage 2 and the MIQs. The Hearings were scheduled to commence on 11th November, with the second week commencing on 2nd December. However, following the first week in November the Inspectors issues a letter on 17th November stating that they had a number of concerns and that further work would be required. Given the circumstances the Inspectors stated that the remaining hearing sessions would be postponed. Following their letter the Inspectors wrote to the Council on 22nd December 2025 setting out their initial views on the next steps and identified several significant issues in respect of the submitted Plan. They requested the Council address these matters and outline a timetable for next stage of the Examination consisting of the expected dates of completion for each item of work, key milestones and the dates when monthly progress updates will be provided. The Inspectors considered that ideally the entire programme of works should be completed as soon as possible to avoid unreasonable delay to the examination. They also stated that whether the examination can proceed to the remaining hearings would then be dependent on their consideration of the additional work provided and the responses to a consultation that would follow.
- 5.86. The Council responded as requested by 30th January and outlined two options in terms of the work required to address the Inspectors concerns. However, on 27th February 2026, the Inspectors responded having considered the Council's proposals and work programme, they raised several concerns regarding both the achievability of the proposed programme and the implications for the timeframe of the examination. The Inspectors concluded that the proposed programme would result in an overly long examination which would conflict with the key aims of the Minister of State for Housing and Planning's letters of 9th October 2025 and 30th July 2024. Furthermore, as the Council fail to achieve the 80% target under the transition arrangements outlined in the NPPF, they are required to give notice of preparing a new plan by 30th June 2026 and to submit Gateway 1 self-assessment by 31st October 2026 under the new Local Plan Regulations
- 5.87. The Inspectors have concluded that the most efficient and effective course of action for all parties to avoid an overly long examination is for the Council to withdraw the submitted Plan

and address these matters through the preparation of the new plan under the new local plan-making system. The alternative would be for the Council to request that the Inspectors proceed and prepare their report.

5.88. The Council have replied and stated that the two options will be considered by Cabinet and Full Council in May 2026.

5.89. Although the Local Plan Review reached an advanced stage, there remain considerable unresolved objections to relevant policies, particularly as they relate to housing supply. Furthermore, given the fundamental concerns expressed in the letters from the Inspectors, in accordance with paragraph 49 of the NPPF, the Local Plan Review can only be given very limited weight in determination of this application.

5.90. The issue of the weight to be afforded the emerging Local Plan Review was considered in the appeal at Land Rear of 117 High Street, Dilton Marsh made on 12 March 2025 and thereby post-dates the submission of the Wiltshire Local Plan Review:

“....Although my attention has been drawn to the Council progressing its new Local Plan, which will inevitably respond positively to these challenges, its present status does not permit me to give any meaningful weight to this emerging plan at this time” (para. 29).

5.91. Notwithstanding the now limited weight to be given to the submitted Local Plan Review the following draft policies are considered relevant to the application:

- **Policy 1 Settlement Strategy** – the policy identifies those settlements where sustainable development will take place. Devizes is identified as a ‘Market Town’, having the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.
- **Policy 2 Delivery Strategy** – seeks to delivery development in Wiltshire in the plan period 2020 – 2038 at the most sustainable locations. The delivery strategy proposes approximately 36,740 homes in accordance with the form and distribution of development as set out in the policies within the four Area Strategies. The housing requirement is phased across the Plan period and will be used to assess land supply.

The emerging plan also includes a housing trajectory at Appendix C, as required by national guidance.

- **Policy 3 Reserve sites for housing and broad locations for growth** – permits development at identified sites should housing land supply of deliverable sites is fall below five years (as set out in the annual Housing Land Supply Statement) and the site is located within a housing market area where a shortfall has been identified. No reserve sites are identified at Devizes.
- **Policy 4 Addressing Climate Change**
- **Policy 5 Securing infrastructure provision from new development**
- **Policy 14 Devizes Market Town** – sets out the proposed development strategy for Devizes including the provision of approximately 980 homes and 9.9ha of employment land across the Plan period, including 140 dwellings on small sites of less than ten dwellings, additional dwellings forming part of the regeneration of the Wharf, Assizes Court and Wadworth Brewery site (Policy 15); and existing allocation for 8.4ha of employment land on land between A361 and Horton Road, as identified on the Policies Map. The neighbourhood area designation requirement is 170 dwellings.
- **Policy 71 Transport and New Development** – promotes access and choice of sustainable transport modes and opportunities to make improvements. The policy states that development proposals must be capable of being served by suitable and safe access to the highway network and where appropriate, developer contributions will be sought towards sustainable transport improvements. Travel Plans will be required ravel plans will be required to promote the use of sustainable transport alternatives and more sustainable freight movements. Electric vehicle infrastructure will be required in accordance with national or local standards as relevant.
- **Policy 76 Providing Affordable Homes** – the policy seeks the provision of at least 40% (net) affordable housing on sites of ten or more dwellings or 0.5ha or more in areas that are not designated as rural areas. The provision of affordable housing may vary on a site-by-site basis taking into account the evidence of local need. The tenure mix is 65% affordable housing for rent, 10% shared ownership and 25% First Homes. Affordable housing is to be distributed across the site.
- **Policy 78 Meeting Wiltshire's housing needs** – the policy provides the basis for considering dwelling type and mix of housing to be built including specialist homes.

- **Policy 80 Self and custom build housing** – on sites of 20 or more dwellings, 5% should be made available as serviced plots for self and custom build. Plots should be marketed for sale for a period of 12 months per plot and any plots subsequently developed for self-build and custom build must be completed within 3 years of purchase by a self-builder.
- **Policy 82 Housing in the countryside** – restricts housing development outside of the defined settlement boundaries and outside of the built areas of Small Villages, on land that is not allocated in the development plan or subject to an exceptions policy unless it meets one of the defined criteria.
- **Policy 83 Health and Wellbeing** – the policy states that proposals should demonstrate how the development will contribute positively to health and wellbeing by enabling or promoting healthy lifestyles and minimising any negative health and wellbeing impacts. For significant development (i.e. where the number of homes is over 150 or the site is 5 hectares or more) the policy requires a Health Impact Assessment to be submitted alongside planning applications.
- **Policy 84 Public Open Space and Play Facilities** – all development is to make provision for public open space and where appropriate, play facilities and protect and improve the quantity, quality and accessibility of and to public open space.
- **Policy 85 Sustainable Construction and Low Carbon Energy** – the policy states that new build residential development will achieve a zero-carbon in operation standard, by significantly reducing heat and power demand of the building through energy efficient design and/or modern methods of construction. The remaining energy demand should then be supplied through onsite renewables. The policy sets out what proposed new dwellings will demonstrate, subject to economic viability.
- **Policy 87 Embodied Carbon** – Proposals for major residential and/or non-residential development will need to be supported by an Embodied Carbon Assessment.
- **Policy 88 Biodiversity and Geodiversity** – the policy provides the framework for development proposals to demonstrate how the mitigation strategy has been sequentially applied.
- **Policy 89 Biodiversity Net Gain** – the policy as drafted in the Reg 19 Plan goes beyond national guidance by stating that development must achieve a minimum of 20% BNG. This will be no doubt discussed at the examination.

- **Policy 90 Woodland, Hedgerows, and Trees** – the policy makes provision for the retention and enhancement of Wiltshire’s woodlands, hedgerows and trees.
- **Policy 91 Conserving and Enhancing Wiltshire’s Landscapes** – the policy seeks to conserve and where possible enhance Wiltshire’s landscapes and their distinctive landscape character.
- **Policy 93 Green and Blue Infrastructure** – the policy requires developers to contribute to the long-term management of green and blue infrastructure, through **either financial contribution, management schemes or management plans.**
- **Policy 95 Flood Risk** –the policy outlines the Council’s approach to flood risk management and drainage strategies.
- **Policy 96 Water Resources** – the policy sets out the Council’s approach to management of water resources.
- **Policy 98 Ensuring High Quality Design and Place Shaping** – the policy covers all aspects of design and place shaping that will need to be taken into account when designing schemes.
- **Policy 99 Ensuring the Conservation and enhancement of the Historic Environment** – sets out the Council’s approach to conserving and enhancing the historic environment.
- **Policy 101 Air Quality** – sets out the Council’s approach to mitigating emission levels.

6. Affordable Housing Statement

- 6.1. Paragraph 63 of the NPPF requires local authorities to plan for the size type and tenure of housing needed for different groups in the community, including those who require affordable housing, by assessing need as part of plan making and reflecting need in planning policy.
- 6.2. Paragraph 64 states that where a need for affordable housing is identified that planning policy should specify the type of affordable housing required. Such housing is expected to be met on site unless off site contributions can be robustly justified and the agreed approach contributes to the objectives of creating mixed and balanced communities.
- 6.3. Paragraph 66 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
- 6.4. The adopted Wiltshire Core Strategy (2015) Policy 43 'Providing Affordable Homes' states the locally adopted policy for the delivery of affordable housing on development schemes within Wiltshire. On schemes of more than five dwellings the Policy has two zones, a 30% zone and a 40% zone. The level of affordable housing to be provided is subject to viability and tenure mix is to be negotiated on a site-by-site basis to reflect local need.
- 6.5. The Wiltshire Core Strategy Proposals Maps confirms that the site falls within the 30% affordable housing zone.
- 6.6. A policy compliant level of affordable housing is proposed in the Draft Heads of Terms submitted with the planning application.

APPENDIX 2 – DRAFT HEADS OF TERMS

7. Planning Assessment of the Development Proposals

7.1. This section sets out the main planning considerations for this application.

The Spatial Strategy for Development

- 7.2. The site is not allocated for residential development in the Wiltshire Housing Site Allocations Plan or the Devizes Area Community Neighbourhood Plan. It lies outside of the defined limits of development for the market town of Devizes set by the Wiltshire Core Strategy and the Devizes Area Neighbourhood Plan; as such, the site lies within the countryside. However, the site benefits from a location adjacent to the established residential areas of Devizes, being adjacent to the adopted settlement boundary. As such, the site would form a logical extension to Devizes.
- 7.3. Devizes is in the second tier of the Settlement Strategy found in CS Core Policy 1. This policy also sets the scale of development that is appropriate at different levels of the settlement hierarchy.
- 7.4. CS Core Policy 1 confirms that Market Towns are settlements that have the ability to support and sustain patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Moreover, Market Towns have the potential for significant development to help sustain and enhance services and facilities, alongside promoting better levels of self-containment and sustainable communities.
- 7.5. CS Core Policy 2 sets out how the Settlement Strategy is to be delivered in line with the defined limits of development. The policy states that at least 42,000 new homes will be required over the Plan period 2006 to 2026, with a minimum housing requirement disaggregated into three Housing Market Areas (HMAs). These indicative requirements were established to ensure an appropriate distribution of housing across Wiltshire. The Site lies within the East Wiltshire HMA with a requirement of 5,940 dwellings over the Plan period. CS Core Policy 12 confirms that, Devizes should accommodate around 2,010 new homes over the Plan period.
- 7.6. These figures indicate that as a matter of principle the LPA has considered it appropriate to direct a significant new housing development to Devizes reflecting its capacity to accommodate development in a sustainable way.

7.7. However, it is acknowledged that as the proposal will be outside the limits of development, and none of the exceptions set out in WCS Core Policy 2 apply, it conflicts with CS Core Policy 2 and Neighbourhood Plan Policy H1.

7.8. The Inspector at the Land off Coate Road appeal in his decision letter dated 24th May 2023 reasoned that there is also resultant conflict with WCS Core Policies 1 and 12 as these policies should be read together, not in isolation, given that they jointly set the spatial strategy for how sustainable communities and sustainable patterns of living will be achieved in Wiltshire, namely the delivery of new homes and employment. In addition, in his conclusion the Inspector noted:

“However, even if I am wrong about CS Core Policies 1, 2 and 12 being read together, the proposal would still conflict with the development plan as a whole, given the conflict with CS Core Policy 2 and NP Policy H1. Any compliance with CS Core Policies 1 and 12 would carry neutral weight” (para. 70).

7.9. In contrast, in a more recent co-joined appeal at Land off Spitfire Road, Calne³ the Inspector concluded in his decision dated 21 January 2025:

“In summary, the appeal site is unallocated land outside the defined development limits for Calne and is to be considered as countryside for planning purposes. The proposal would be consistent with Wiltshire Core Strategy Policy CP1 as Calne is a second tier Market Town and by definition has the potential for significant development (para. 34).

Housing Supply

7.10. WCS Policy CP2 establishes a minimum housing requirement of 42,000 dwellings for the plan period 2006–26. The Inspector examining the Wiltshire Core Strategy identified that there was an objectively assessed housing need for in the region of 44,000 homes over the period 2006–26 across Wiltshire. The Inspector found that a minimum housing requirement of 42,000 homes over the period 2006–26 was sound and that future plan-making activity (specifically, an early review of the Core Strategy, the Wiltshire Housing Site Allocations Plan, the Chippenham Site Allocations Plan and neighbourhood plans) would *“enable the Council to proactively seek to meet, and if necessary reassess, its objectively assessed housing need and plan for its provision accordingly”*. The immediate early review did not happen.

³ Appeal Reference: APP/Y3940/W/24/3351528

- 7.11. WCS Policy CP2 also identifies how the strategic housing requirement is to be distributed across Wiltshire. It requires that a minimum of 5,940 dwellings is provided within the East Wiltshire Housing Market Area (HMA), of which Devizes forms part.
- 7.12. It was the intention that sites would be identified through subsequent Site Allocations DPDs and through neighbourhood planning. Those plans are now in place in Devizes, but they have not been effective in delivering a sufficient number of homes so as to maintain a plan period supply across Wiltshire as a whole as confirmed in the Council's most recent Housing Land Supply Statement (HLSS) (published June 2025) with a base date of April 2024. Table 3 of the HLSS confirms a plan period shortfall of 1,031 dwellings across the Plan area.
- 7.13. Although the HSS shows a plan period surplus for the East Wiltshire HMA of 73 dwellings, the annualised requirement has not been met since April 2019. Furthermore, the housing requirement in CS Core Policy 2 is a minimum not a maximum figure.
- 7.14. The shortfall was noted by the Inspector for the Land off Coate Road appeal:

"The shortfall of between 701 and 1,407 homes against the minimum housing requirement over the plan period for Wiltshire needs to be looked at through the lens of it being a minimum figure and that being at least the number of new homes that the CS would need to deliver over the plan period" (para. 17) (emphasis added).

- 7.15. He went on to conclude:

"So, whilst the Council says that homes have been built in the plan period just over the EHMA's minimum housing requirement and that just over a five-year supply can be demonstrated (5.29 years +66 homes), the housing requirement in CS Core Policy 2 is a minimum not a maximum. The appellant's view about there being a shortfall against that minimum requirement and a supply below five years only supports a need for houses in the EHMA if correct" (para 18).

- 7.16. Appendix 6 of the HLSS in Devizes shows that 2,153 homes will be built in the Plan Period (excluding windfalls), 143 homes above the indicative housing requirement in CS Core Policy 12.
- 7.17. However, paragraph 4.18 of the Wiltshire Site Allocations DPD states that:

"Indicative levels of housing for Market Towns are not a ceiling and variations would not seem to present new or significant issues for local infrastructure and environmental capacity."

- 7.18. Furthermore, there is also significant plan period shortfall in the neighbouring North and West HMA of 1,036 dwellings. As set out in the Strategic Housing Market Assessment of 2011,

Devizes could have been placed in the NWHMA and thereby clearly provides an appropriate location to respond to this unmet requirement. The Local Housing Needs Assessment (April 2019) also confirms that Devizes is located within the same Housing Market Area as Chippenham, and as such Devizes clearly provides an appropriate location to respond to at least part of this pressing unmet housing requirement according to the evidence of the Council.

- 7.19. Paragraph 78 of the NPPF states local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- 7.20. The adopted Wiltshire Core Strategy is more than 5 years old (as it was adopted in 2015), consequently in accordance with footnote 39 of the NPPF the housing requirement should be established by the local housing need using the Standard Method. The Council have not carried out a review of the policies as footnote 41 suggests, so this does not apply to Wiltshire Council. The calculation of the housing land supply therefore is based on the standard method.
- 7.21. On 17 December 2024. Wiltshire Council published a Briefing Note (No. 24-20) setting out the implications of the December 2024 NPPF and revisions to the Standard Methodology for the housing land supply of the Council.
- 7.22. In summary, the Briefing Note acknowledges the revision to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately.
- 7.23. It concluded the Council could not demonstrate the requisite five-year housing land supply for the period 2023-2028, being only able to demonstrate a 2.03 years supply.
- 7.24. The assessment of 2.03 years supply was confirmed in a number of recently allowed appeals⁴.

⁴ Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury (Appeal Ref: APP/Y3940/W/24/3345598), Land at Stones Farm, West Mill Lane, Cricklade (Appeal Ref: APP/Y3940/W/24/3351265), Land off High Street, Sutton Benger, Chippenham (APP/Y3940/W/24/3349828), and Land at Stones Farm, West Mill Lane, Cricklade SN6 6JL (Appeal Ref: APP/Y3940/W/24/3351265)

- 7.25. However, in June 2025 the Council published Briefing Note No. 25-04 which updated the five-year housing line assessment in light of the more recent HLSS. This confirmed the Council can only demonstrate a five-year supply of housing of **2.42 years** for the period 2024-2029. Although the Council's assessment indicates an improvement of the five-year housing land supply position there remains a significant shortfall of **9,561** homes.
- 7.26. Paragraph 11 (d) and footnote 8 of the NPPF state that where a five-year housing land supply cannot be demonstrated, for applications including housing provision, the policies that are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 7.27. The June 2025 Briefing Note refers to the December 2024 Briefing Note on the implications of not being able to demonstrate a five-year housing land supply. Paragraph 14 of the December 2024 Briefing Note states:
- “This alters the weight to give to housing supply when giving consideration to planning applications for residential development. This means balancing the strengthened need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies”.***
- 7.28. Wiltshire Council's Briefing Note No. 24-18 published in September 2024 acknowledges that in the context of Paragraph 11d the most important policies, including Core Policy 2 of the Wiltshire Core Strategy in relation to settlement boundaries and housing requirements, and the relevant Community Area Strategy Policies (Core Policies 4 – 33), should not have full weight applied to them in the decision-making exercise. The weight to be attributed to such policies is a matter of judgement for the decision maker.
- 7.29. The Inspector for the Land off Coate Road Appeal concluded in respect of the weight to be afforded these policies:

“So, although I conclude that the proposed development would not accord with the spatial strategy of the development plan in respect of CS Core Policies 1, 2 and 12 and NP Policy H1, these policies are deemed to be out-of-date due to the housing land supply position and carry limited weight (para. 24)”.

7.30. This conclusion is consistent with more recent relevant appeal decisions:

- Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ – decision date 21 January 2025:

“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” (para. 41) (emphasis added).

- Land at South Pavenhill Farm, Pavenhill, Purton, Wiltshire, SN5 4DQ – decision date 6 March 2025.

I have found conflict with the Council’s spatial strategy as set out in the WCS and the PNP, due to the location of the site beyond Purton’s defined limits of development. The restrictions on housing development resulting from the Council’s relevant housing delivery policies, namely WCS Core Policies 1, 2 and 19 have prejudiced the ability to demonstrate a satisfactory supply of deliverable housing sites. With this in mind, I attach limited weight to the scheme’s identifiable conflicts with the Council’s spatial strategy and the PNP” (para. 84) (emphasis added).

7.31. Whilst the Inspector at the Land at Stones Farm, West Mill Lane, Cricklade in her decision letter dated 23 January 2025 gave moderate weight to the conflict with the development strategy she went on to state:

“... Such a level of shortfall would also mean that the provision of up to 140 houses would attract significant weight in the balance, consistent with the Government’s aim in paragraph 61 of the Framework of significantly boosting the supply of homes (para. 52).

7.32. Briefing Note No. 24-20 notes that the same implications for determining planning applications continue to apply as outlined in Briefing Note No. 24-18, but with other particular factors to be considered because of changes to the NPPF as set out below:

“Firstly, the magnitude of the shortfall in supply is now substantial and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply. However, and following on from this, the presumption in favour of sustainable development now requires decision-takers to have particular regard to key policies as set out in footnote 9 of the NPPF to ensure that proposals that can help improve housing land supply are properly and thoroughly assessed against the key policies”.

7.33. Briefing Note No. 25–04 states that to improve the housing supply:

“The council will look to restore a five-year housing land supply through the Local Plan, which should be adopted prior to December 2025. In the interim, where applications are being considered for sites at settlements but outside the defined settlement boundaries there may be the opportunity to improve housing supply by favourably considering housing development proposals. The Wiltshire Local Plan review also looks to allocate additional housing land, some of which can be delivered within five years, and therefore will contribute towards meeting the five-year housing land supply in the future”.

7.34. Hence, a site being outside of the settlement boundaries is not a bar to development.

7.35. Wiltshire Council Briefing Note No 24–13 published in June 2024 also notes that:

“The council will look to restore a five-year housing land supply through the Local Plan, which should be in place prior to December 2025, and permitting appropriate housing developments in the meantime. The Plan looks to allocate additional housing land, some of which can be delivered within five years, and therefore contribute towards meeting a five year housing land supply”.

7.36. This recognises that at present if the policies of the Development Plan are applied with full rigour the housing land supply issues will not be addressed, and that as such a conflict with the policies of the Development Plan in itself would not be sufficient to refuse otherwise sustainable development proposals.

7.37. The Briefing Notes are a material consideration giving significant weight to the proposal for reasons set out above.

7.38. The Council are reliant on the progression of the emerging Local Plan Review to rectify the housing supply shortfalls⁵; however, this situation has changed with the recent letter (27th February 2026) from the Inspectors following the initial hearing sessions in November 2025 and correspondence between the Council and the Inspectors. The latest letter advises that the Council *“the most efficient and effective course of action for all parties to avoid an overly long examination is for the Council to withdraw the submitted Plan and address these matters through the preparation of the new plan under the new local plan-making system”.*

⁵ In the Five-year Housing Land Supply position paper published in May 2025 the Council forecast a 7.12 years housing land supply against the Wiltshire Local Plan review housing requirements.

The alternative would be for the Council to request that the Inspectors proceed and prepare their report, which given the fundamental concerns about the spatial strategy etc would lead to a report recommending that the Local Plan is not sound.

7.39. It is noted that the Council have stated that members will need to consider the two options and this will not take place until the Cabinet meeting on 6th May and full Council on 19th May.

7.40. In the meantime, given the housing land supply shortfall there is a need to ensure delivery of a range of sites, which benefit from existing utility infrastructure provision and can come forward, such as land off Windsor Drive, Devizes which is available and deliverable. This approach would be in accordance with the NPPF and contribute to much needed housing delivery and support economic growth in the area.

Contribution to meeting affordable housing needs

7.41. The site will make a policy compliant 30% contribution (subject to viability) to affordable housing.

Proximity of the proposed site to existing facilities and services

7.42. The site is in a sustainable location for development. It forms a natural and logical extension and completion of the development at the eastern edge of Devizes. The site is available now and housing can be delivered within the plan period.

7.43. The application is well positioned in terms of existing services and subject to any reinforcement identified at the detailed design stage, there are no service provision restrictions that would prevent the application site coming forward for residential development.

7.44. The application demonstrates that there is sufficient utility, highway and social infrastructure capacity to accommodate the proposed development.

Landscape and Visual Impact

7.45. A Landscape and Visual Impact Assessment has been prepared by MHP Design Ltd to accompany the application.

7.46. In summary the site is not within a nationally protected landscape. There are no local landscape designations that attribute extra protection or value above and beyond open

countryside. For example, the site and its features are not protected by recreational, or amenity land, greenbelt, listed park and garden, or ancient woodland and it is not open access land, there is however a right of way passing through the site. As such development of the site should protect the landscape character in this edge of settlement location and protect the visual amenity of local views. The study site lies within the setting of the North Wessex Downs National Landscape so development must also ensure that views to and from the National Landscape are not harmed by development.

- 7.47. The LVIA concludes that, overall, with the embedded mitigation and establishment of additional green infrastructure mitigation, **negligible** residual landscape effects have been assessed, and **slight adverse** residual visual effects have been assessed. No significant residual harm has been assessed.
- 7.48. The site is well contained by existing vegetation, landform and existing residential built form. The extent of effects is largely contained to the immediate area and a limited number of locations on elevated land within the National Landscape to the north of the site. The impact of development on these views is limited by the introduction of mitigation planting breaking up the massing of built form and its conformity to the existing settlement pattern, being perceived as a minor extension to the existing settlement to the east.
- 7.49. The LVIA states that the character of the area is strongly influenced by the residential urban edge and separation of the site by vegetation and landform from the wider agricultural landscape. With careful consideration of design and mitigation planting this will ensure that green infrastructure connectivity to the wider landscape is retained through the development of the site.
- 7.50. **Overall, a residual slight adverse/ negligible significance of effect is assessed from the development proposals.** These potential slight adverse effects arise from the introduction of residential development resulting in a change to the character of the site from rural edge to urban and the potential for some visibility of this to be retained within the national landscape. In the context of the settled and active landscape and visual baseline and undesignated nature of the landscape, this harm is not assessed to be significant. The level of harm assessed to all landscape and visual receptors falls below the threshold of significant harm.

Transport

- 7.51. A Transport Statement (TS) and Travel Plan (TP) have been prepared by PFA Consulting to support the planning application. The TS concludes that the proposed development would provide safe and suitable access for all users.
- 7.52. The proposed access arrangements would provide pedestrian and cyclist connections to existing facilities on Windsor Drive allowing for the future upgrade of the footway on the west side of the road to a shared footway/cycleway. Bus public transport has the potential to replace car-based trips for journeys in excess of walk and cycle distances.
- 7.53. The TS demonstrates that the proposed site access arrangements would operate within capacity with the proposed development and with the development proposals on Land South of Coate Road, and that the proposed development traffic can be satisfactorily accommodated on the surrounding local highway network.
- 7.54. The TS concludes that the proposed development accords with national and local policy, in that it will provide a sustainable development. It would have good access to existing and proposed facilities providing opportunities for sustainable travel, with safe and suitable access for all modes. The additional traffic would not give rise to an unacceptable impact on highway safety or capacity. There is therefore no reason in transport terms why the outline planning application should not be permitted.

Ecology

- 7.55. Aspect Ecology have prepared an Ecological Appraisal of the proposed development based on an appraisal, surveys and desk top information. The site itself is not subject to any statutory or non-statutory ecological designations within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.
- 7.56. The habitat survey has established that the site is dominated by habitats not considered to be of intrinsic ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation is proposed to offset losses, in conjunction with the landscape proposals.

- 7.57. In summary, the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals would not result in significant harm to biodiversity.

BNG

- 7.58. A Biodiversity Net Gain Assessment has been prepared by Aspect Ecology. The report provides the necessary information to meet the LPAs statutory requirements under the BNG Legislation.
- 7.59. A preliminary BNG assessment of the post-development value has been undertaken, which concludes that the proposed development will result in net gains in habitat units and hedgerows units within the site boundary, which are substantially in excess of the relevant figure of 10%.

Heritage

- 7.60. An Archaeological Desk Based Assessment has been prepared by RPS. A separate Built Heritage Assessment has also been prepared by RPS.
- 7.61. This assessment has demonstrated that the study site does not lie within the setting of, nor contribute to the significance of, any designated archaeological assets (e.g. Scheduled Monuments, World Heritage Sites, Registered Battlefields). Therefore, the proposed development will not have any impact upon any such assets.
- 7.62. Based on current evidence, a high potential has been established for Prehistoric, Roman and as yet undated archaeological features to be present within the study site. All other periods have been assigned a low potential.
- 7.63. Medieval and/or Post Medieval agricultural activity would likely have truncated any earlier archaeological remains which may have been present within the study site.
- 7.64. At this stage, it is considered that any archaeological remains that may be present on the study site would not likely be of such significance to preclude development.
- 7.65. The Built Heritage Statement concludes that there is no reason why development should not proceed in built heritage terms. The proposed development is considered to result in no material impact to two identified heritage assets, namely the Grade II listed former Gatehouse to the Le Marchant Barracks and the non-designated heritage asset, the Main

Accommodation Building for the Le Marchant Barracks. The Main Accommodation Building for the Le Marchant Barracks is identified on the Wiltshire Historic Environment Record and therefore merits consideration as non-designated heritage assets. Paragraph 214, 215 and 216 of the NPPF are therefore not engaged in this instance.

Flood Risk & Drainage

- 7.66. A Flood Risk Assessment and Drainage Strategy has been prepared by Phoenix Design. The site is within Flood Zone 1 with a low flood risk (less than 1:1,000 or 0.1% annual probability of flooding from rivers).
- 7.67. The proposed residential development is classified as 'More Vulnerable' and is in Flood Zone 1; the proposed residential development is suitable in this zone and the NPPF Sequential and Exception Tests are not required.
- 7.68. Development levels will be designed to route surface water flows away from dwellings to protect them from flooding.
- 7.69. Flood risk from fluvial, pluvial, sewers, surface water, groundwater and artificial sources have been assessed, and it has been demonstrated that the proposed development will not be at risk from flooding from all sources.
- 7.70. The Flood Risk Assessment and Drainage Strategy demonstrate that the proposed development meets with all the national and local policy requirements and satisfies all the criteria of the Planning Authority, Lead Local Flood Authority, and Environment Agency.
- 7.71. The Flood Risk Assessment concludes that the site can be safely developed without flood risk and without increasing flood risk elsewhere using an appropriately designed and maintained Sustainable Drainage System.

Noise

- 7.72. A Noise Assessment has been prepared by LFAcoustics to identify any potential constraints. and outline noise mitigation requirements to ensure a satisfactory noise environment would be achieved.
- 7.73. Noise monitoring has been carried out to establish the noise levels within the site attributable to the traffic passing along the road.

- 7.74. At this stage, the assessment has been based upon the illustrative layout to demonstrate that, in principle, the site is suitable for residential development. A further noise assessment would be prepared to support a reserved matters application, which would consider the final layout for the development.
- 7.75. The Assessment provides recommendations for consideration during the detailed design stage.

Air Quality

- 7.76. An Air Quality Assessment has been prepared by Logika Group and concludes that Air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives throughout the site.
- 7.77. The traffic generated by the proposed development will be below industry screening thresholds and the proposed development will not introduce any combustion sources. Thus, the proposed development will have a negligible impact on local air quality conditions. The overall operational air quality effects of the proposed development are judged to be 'not significant'.
- 7.78. The Assessment concludes that the proposed development is consistent with Paragraph 198 of the NPPF, being appropriate for its location both in terms of its effects on the local air quality environment and the air quality conditions for future residents. It is also consistent with Paragraph 199, as it will not affect compliance with relevant limit values or national objectives.
- 7.79. The proposed development is also consistent with Core Policy 55 in WC's Core Strategy and Policy 101 of the draft Local Plan as it will not exacerbate conditions in areas of poor air quality.
- 7.80. It is considered that the development complies with the requirements to deliver achievement of the AMCT and PERT by 2040 as appropriate action has been taken to minimise emissions of PM2.5 and its precursors as far as is reasonably practicable.

Layout and Design

- 7.81. The proposal seeks to meet the national policy requirement for high quality design and specifically the criteria set out in Core Policy 57. Further information is provided in the Design and Access Statement.

8. Overall planning balance and conclusion

- 8.1. This section of the Planning Statement explains how the Applicant believes the decision maker should approach the determination of this application, before going on to identify the issues that need to be weighed in the overall planning balance.

The Decision-Making Framework

- 8.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004; requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.3. In this case the 'tilted balance' is engaged by virtue of the housing land supply position, given that LPA confirm the current five-year housing land supply to be **2.42** years.
- 8.4. Having set out the framework for decision making, the Applicant will now go on to summarise the positive benefits and adverse effects which should be taken into account⁶.

The benefits associated with the application proposals

- 8.5. If the application proposals were to be granted, they would secure important benefits that would respond to all three of the Government's overarching objectives for sustainable development (social, economic and environmental). The benefits of the application proposals are outlined below.

The Social Benefits

- 8.6. The Applicant considers that **very significant weight** should be afforded to the provision of **additional open market homes**. Appeal inspectors have consistently applied similar weight to this in other appeals, recognising the inadequate levels of house building in recent years, which is affecting the availability and affordability of housing across the country.
- 8.7. It is an undisputed fact that this country is in the middle of a housing crisis. The Government accepts that the housing market is broken and the NPPF includes the national policy imperative that requires LPA's to significantly boost the supply of housing (paragraph 61).

⁶ For the avoidance of doubt, the weightings that will be applied are as follows:- Very Limited, Limited, Moderate, Significant and Substantial.

- 8.8. As well as increasing the availability of open market housing, the proposals would also make provision for a meaningful number of new **affordable homes** (30%). The provision of additional affordable housing should be afforded **significant weight**.
- 8.9. It is generally true that the planning system has a technocratic character which requires abstract policy to be applied to objective evidence usually expressed in statistical terms. Occasionally however, a human face emerges. This is particularly true when considering the real problems facing real people in need of affordable housing. This brings the seriousness of this issue into sharp focus. It is not just any other material consideration, and it warrants significant weight in the overall planning balance. The application proposals would deliver a meaningful number of affordable homes for real people that are in need of those homes now.
- 8.10. There are no impediments to its delivery. It is immediately available for development and capable of implementation following the necessary approvals. In other words, it is capable of assisting with the LPA's housing needs and obligations now.

Economic Benefits

- 8.11. The Applicant considers that **Significant weight** should be afforded to expenditure on construction and investment in the area.
- 8.12. The NPPF states that "significant weight" should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (NPPF para 85). Housing development has a significant role to play in supporting economic growth.
- 8.13. It is widely recognised that house building has knock-on effects on other sectors which leads to increased demand for building materials and equipment at the building phase as well as domestic furniture and carpets etc. following completion. This generates/sustains employment in other sectors including the direct and indirect supply chain and aligns with the NPPF's objective of building a strong, competitive economy.
- 8.14. The construction industry is reliant upon a constant stream of new sites to keep people employed and to maintain delivery rates. This indicates that new construction jobs could be created locally unless delivery is frustrated by the planning system. The Applicant would attach **moderate weight** to the newly created **construction jobs**.

8.15. **Moderate weight** should be attributed to the provision of homes for economically active people that can support the economic role of Devizes and the surrounding area. New residents can also help to sustain local facilities and services including public transport, by bringing additional expenditure to the area on a day-to-day basis.

8.16. The likely economic benefits of residential element of the scheme alone can be summarised as follows:-

- a. Estimated Construction investment over the one-year build programme – £8.9M
- b. Direct construction roles and indirect includes jobs supported during the building phase – 178
- c. Economically active and employed residents estimated to live in the new housing – 48
- d. Estimated annual increase in Council Tax revenue – £97,736
- e. GVA – £12.5M economic output contribution from jobs supported by activities at the Site over one year build programme
- f. Annual Household expenditure £1.3M

APPENDIX 3: ECONOMIC INFOGRAPHIC

8.17. The Applicant recognises that these payments are essentially required to mitigate the impact of the development, however they do still represent new investment in infrastructure which will also be used by existing residents living in the surrounding area. These benefits should be afforded **limited weight**.

Environmental Benefits

8.18. The application proposals would deliver new **on-site green infrastructure** and public open space within the application site. It is recognised that much of this will be to meet the needs of new residents, but it will also be available to existing residents also. The Applicant would afford this **limited weight**.

8.19. The scheme would include new footpath links and **biodiversity enhancements**. This will open up new opportunities for all residents in this part of Devizes, not just the new residents. The Applicant would afford this **moderate weight**.

8.20. The preliminary BNG assessment of the post-development value has been undertaken, which concludes that the proposed development will result in net gains in habitat units and

hedgerows units within the site boundary, which are substantially in excess of the relevant figure of 10%. The Applicant would afford this **significant weight**.

Adverse effects

- 8.21. The Applicant accepts that there would be conflict with the Development Plan as proposals by virtue of it being an unallocated site beyond the settlement boundary of Devizes.
- 8.22. Paragraph 11d and footnote 8 identify that owing to the absence of a five-year land supply, the policies that are most important for determining the residential planning applications should be considered out-of-date. These policies would include any which the proposal was considered to be in conflict with.
- 8.23. The weight afforded to any such policies would be determined based on their consistency with the current NPPF as set out in paragraph 232 of the NPPF as well as numerous other factors. Indeed, as set out in the Court of Appeal Judgement of Hallam Land & the Secretary of State [2018] EWCA Civ 1808, the absence of a five-year land supply, the extent of the shortfall, the length of time this is likely to persist and the actions being proposed to remedy this will all be material to the weight afforded to policies which impede the supply of housing.
- 8.24. Given the Inspector's recent letter on the Wiltshire Local Plan, it will be some time before a Local Plan is prepared to address the substantial housing shortfall. Therefore, in light of the tilted balance being engaged the applicant would apply **limited weight** to the conflict with the development plan.
- 8.25. The proposals would involve development on a greenfield site that would give rise to the loss of countryside. Such losses are inevitable and unavoidable if housing needs are to be met. As already explained, in the LVIA, whilst the site lies within the setting of the North Wessex Downs National Landscape, development will ensure that views to and from the National Landscape are not harmed. Due to containment and topography, the overall combined sensitivity of the landscape in relation to the proposal is judged as medium-low. Overall, with the embedded mitigation and establishment of additional green infrastructure mitigation, negligible residual landscape effects have been assessed, and slight adverse residual visual effects have been assessed. As no significant residual harm has been assessed, the applicant would afford limited weight.

8.26. Overall, a residual slight adverse/ negligible significance of effect is assessed from the development proposals, in which case the applicant would afford **limited weight**.

8.27. Paragraph 11d attaches particular importance to key policies for:

- Directing development to sustainable locations
- Making effective use of land
- Securing well designed places
- Providing affordable homes

8.28. In respect of these, it is considered for the reasons outlined above that the site is in a sustainable location, and it makes effective use of land in providing for development. Although design will be a reserved matter, the development will be in keeping with the character of the area, managing the transition from the edge of Devizes to the open countryside to the east. It will provide affordable homes in accordance with the policy requirements. As such there is no harm to be weighed in the planning balance in respect of these matters.

Other considerations

8.29. There are no other grounds to resist development on this site which cannot be avoided, mitigated, or controlled through planning conditions and/or planning obligations.

Overall Conclusion

8.30. The overall planning balance can be summarised as follows:-

A. The proposals will also deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below:-

- Provision of Open Market Housing – Very significant
- Provision of Affordable Housing – Significant
- Expenditure on construction and investment – Significant
- Creation of construction jobs – Moderate
- Providing homes for economically active people – Moderate
- On site public open space and green infrastructure – Limited

- New footpath links into the site, new publicly accessible land and biodiversity enhancements – Moderate
- BNG in excess of the statutory 10% – significant weight

B. Other potential residual adverse impacts have been identified, and these should also be afforded varying degrees of weight as follows:

- Conflict with the Development Plan – Limited
- Effects of the development on the character and appearance of the area – Limited

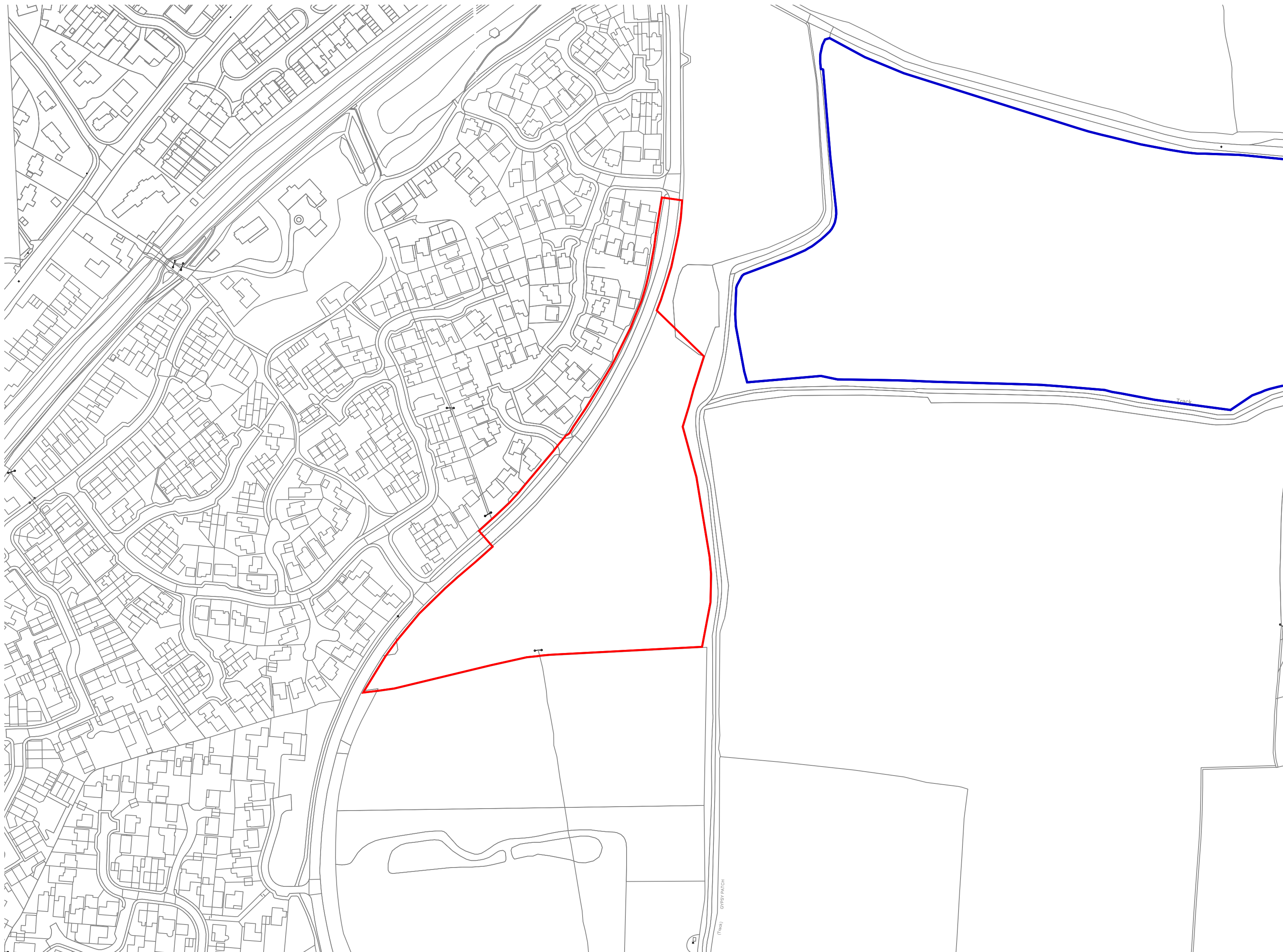
8.31. All other identified impacts have been mitigated through the layout and design of the proposal or can be through Planning conditions and obligations.

9. Summary and Conclusions

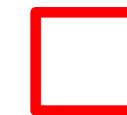
- 9.1. This Planning Statement has been prepared on behalf of Robert Hitchins Ltd in support of an application for outline planning permission with all matters reserved for a development comprising up to 40 dwellings, with associated infrastructure, open space and landscaping.
- 9.2. The application is submitted with a number of supporting documents as required by the Council's Validation Checklist.
- 9.3. This Planning Statement has set out to explain why the application proposals represent sustainable development and it has demonstrated that there are compelling reasons to justify the granting of planning permission.
- 9.4. The site is available, suitable and capable of delivering much needed development as soon as the necessary approvals are in place. The site is well related to Devizes being approximately 1.2km from the town centre. The TS has demonstrated that there are a range of facilities and services within walking and cycling distance of the site. As such, the site is sustainable economically, socially and environmentally.
- 9.5. The planning application has demonstrated that the site is not constrained, and as such is capable of accommodating development to support Wiltshire's housing need and address the housing land supply shortfall. The site constitutes a logical location for development, and development on the site would be in accordance with the settlement hierarchy in the adopted Core Strategy.
- 9.6. In view of the forgoing, the LPA is respectfully requested to **grant Outline Planning Permission**, subject to any necessary conditions and planning obligations



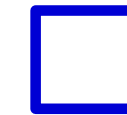
Appendix 1 – Site Location Plan



KEY



RED LINE BOUNDARY -
2.968HA (7.334ACRES)



LAND WITHIN APPLICANT'S
OWNERSHIP

0 20 50 100m

Site Name: LAND OFF WINDSOR DRIVE, DEVIZES		Drawing Number: DEVIZES.UD.13		Revision: E		 Robert Hitchins The Complete Development Solution The Manor, Boddington, Cherttenham, Gloucestershire, GL51 0TJ Tel: 01242 680994 www.robert-hitchins.co.uk
Drawing Title: SITE LOCATION PLAN		Drawn By: LJD	Checked By: GRJ	Date: 17/02/2025	Scale: 1:2000 @ A2	

Appendix 2 – Draft Head of Terms

Land off Windsor Drive, Devizes

DRAFT HEADS OF TERMS

(August 2025)

**Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990**

Introduction

The following Draft Heads of Terms deal with site specific matters, the remainder being covered by Wiltshire's Community Infrastructure Levy as set out in the Council's Revised Regulation 123 List.

As the planning application is in outline there is no requirement to complete and submit a CIL Planning Application Additional Information Form.

Public Open Space/Formal Recreation Provision

1. At the same time as submitting an application for approval of reserved matters pursuant to the permission, details as to the provision of Public Open Space shall be submitted to the Council. The Developer will lay out the Public Open Space/Recreational Space as approved under the reserved matters application and having received written confirmation from the Council that the Public Open Space/Recreational Space has been laid out to its reasonable satisfaction thereafter to retain maintain and manage the Public Open Space/Recreational Space in accordance with a Landscape Masterplan for a minimum period of 12 months AND to ensure that the Public Open Space is retained as publicly accessible areas.
2. Upon expiry of said 12 months to invite the Council to inspect the Public Open Space/Recreational Space and upon confirmation from the District Council that the Public Open Space/Recreational Space has been properly maintained to its reasonable satisfaction, the Developer may (at its discretion) either

- offer to transfer the Public Open Space/Recreational Space to the Council or such other body nominated by the Council; or;
- transfer the Public Open Space/Recreational Space to a Management Body.

In the event that the Public Open Space/Recreational Space is transferred to the Council, the Developer will pay a commuted sum to the Council for the future maintenance of the Public Open Space/Recreational Space. In the event that the Public Open Space/Recreational Space is transferred to a Management Body it shall be on terms requiring the Public Open Space/Recreational Space to be managed and maintained in accordance with a Landscape Masterplan.

Affordable Housing

3. A policy compliant % of the new dwelling units shall be used exclusively for the purposes of “Affordable Housing” as defined by the National Planning Policy Framework.
4. The Affordable Units will consist of a range of dwelling types and sizes to be agreed.
5. In the eventuality that a Registered Social Housing Provider cannot be secured the affordable housing will become available for development by the developer for sale direct to eligible persons at a market discount with a covenant to ensure subsequent sales are similarly discounted.
6. The Developer shall use all reasonable endeavours to ensure that the Affordable Housing Units shall be constructed contemporaneously with the Market Housing save where non provision of the entirety of the Affordable Housing is not due to the demonstrable fault of the Developer.



7. The Affordable Housing shall be designed and constructed to no less a standard than and be visually indistinguishable from the market housing.

Transport/Highways

8. The developer shall make such contributions as can be lawfully justified having regard to the CIL Regulations towards off site highway improvements, pedestrian cycle facilities and public transport.

Education

9. The developer shall make such contributions as can be lawfully justified having regard to the CIL Regulations towards education facilities.

Appendix 3 – Infographic

Economic Benefits

Land south of Windsor Drive, Devizes, Wiltshire

Construction of up to 40 dwellings

Construction Benefits

£8.9million

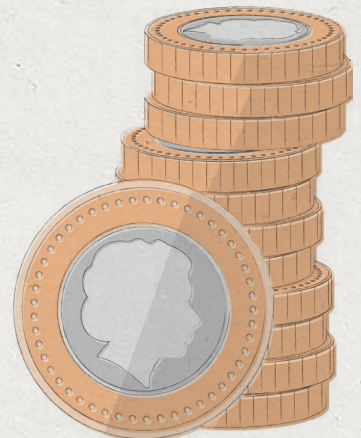
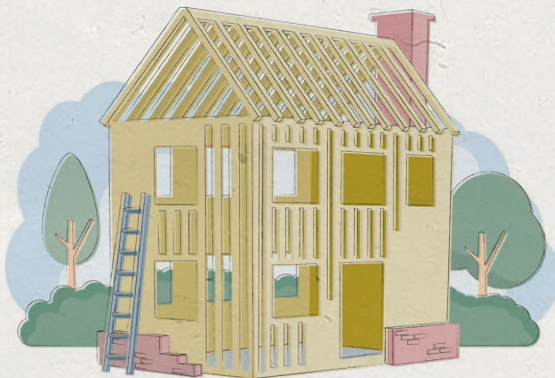
Estimated construction investment over one-year build programme ^①

178

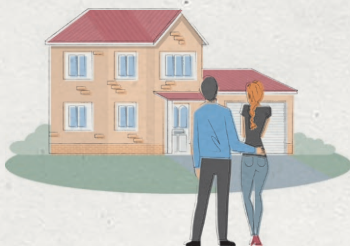
Direct construction roles and indirect/induced jobs supported during build phase

£12.5million GVA ^②

Economic output contribution from jobs supported by activities at the Site over one-year build programme (at current prices)



Operational Benefits



48

Economically active and employed residents estimated to live in the new housing

£280,000

Estimated first occupation expenditure. (Spending to make a house feel like a 'home') ^③

3,535 ^④

Businesses in Wiltshire from retail and accommodation & food services that could benefit from the spend



£1.3million

Total annual household expenditure

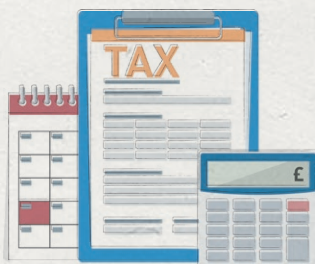


£541,200

Of spend on food & drink, leisure, clothes, household goods etc. per annum

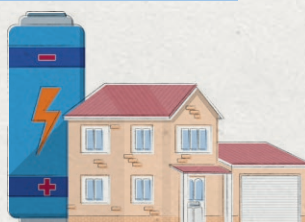
£97,736

Estimated annual increase in Council Tax revenue ^⑤



£16,840

Estimated energy cost savings per annum from the Proposed Development compared with older homes



59%

Of employed residents estimated to be working in higher value/higher income occupations

43.2 tonnes

Less carbon emitted per annum by the dwellings at the Proposed Development compared with older homes



^① The construction cost has been estimated using BCIS Online tool and is exclusive of external works, contingencies, supporting infrastructure fees, VAT, finance charges etc. It is based on the cost of a typical mixed housing scheme in the South West (Accessed: 17/03/2026).

^② GVA, or gross value added, is the measure of the value of goods and services produced in an area, sector or industry.

^③ Research suggests that the average homeowner spends approximately £7,000 to make their house 'feel like home' within 18-months of moving in (HBF research from 2024. Available at: <https://www.hbf.co.uk/research-insight/economic-footprint/>).

^④ Business Count data is sourced from from ONS UK Business Count 2025.

^⑤ Based on Council Tax for a Band D dwelling in Wiltshire of £2,443.40 for 2025/26.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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