



TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL
STATEMENT OF CASE

Appeal Reference: 6007352

LPA Reference: PL/2025/09917

Site Address: Land to the east of New Road, Melksham, SN12 7QZ

Appellant: Mr Stuart Little

Development Description: Outline permission for the erection of up to 2 self-build dwellings and associated infrastructure, all matters are reserved except for access.

Procedure: Written Representations

Prepared by: Lucie Turner

Date: 01 May 2026

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1. Introduction

1.1 This Statement of Case is submitted on behalf of the Local Planning Authority in response to the appeal lodged by Mr Stuart Little against the decision of the Council to refuse planning permission for Outline permission for the erection of up to 2 self-build dwellings and associated infrastructure, all matters are reserved except for access at land to the east of New Road, Melksham, SN12 7QZ

1.2 The purpose of this statement is to set out the Council's case and explain the reasons why planning permission was refused. The decision was issued on 13th March 2026 following consideration of all relevant material planning matters. The refusal was based on the following reasons:

1) The site lies outside the defined settlement boundary of Melksham in open countryside. The proposal does not meet any of the exception policies in Core Policies 1, 2, or 15 of the Wiltshire Core Strategy and is not allocated in the Joint Melksham Neighbourhood Plan 2, and therefore contrary to Policy 6. Residential development in this location would conflict with the plan-led spatial strategy for housing growth and is therefore unacceptable in principle.

2) The development would extend the built form along New Road into otherwise open countryside, eroding the rural character and visual quality of the Open Clay Vale. The proposal fails to respond to the local context or settlement edge, contrary to Core Policies 51 and 57, the Wiltshire Design Guide, and guidance in the NPPF.

3) The proposed development is located outside the defined settlement boundary of Melksham, within the open countryside, where new residential development is strictly controlled. The site is not well related to existing services and facilities and is located along a rural section of New Road which has no footways, street lighting, or public transport provision. As a result, future occupiers of the development would be heavily reliant on private motor vehicles to access day-to-day services and facilities.

The proposal would therefore represent an unsustainable pattern of development that fails to promote sustainable transport choices and would be contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and the sustainable transport objectives of the National Planning Policy Framework.

4) The site lies in proximity to known protected species, including bats and potential Great Crested Newts. No confirmed Natural England district level licence or mitigation strategy has been provided, and there is significant doubt that the required mitigation could be successfully secured. As a result, the proposal presents unresolved ecological risks, contrary to Core Policy 50 and the NPPF.

5) The proposal relies solely on infiltration to manage surface water, but soakage testing has not been undertaken and no alternative discharge route exists. There is significant doubt that the development could provide effective surface water management, and it cannot be assumed that this matter could be adequately addressed by condition. As a result, the scheme fails to demonstrate compliance with Core Policy 67 of the Wiltshire Core Strategy and national guidance, and is unacceptable in drainage and flood risk terms.

- 1.3 This statement has been prepared in accordance with the Planning Inspectorate's Procedural Guide for Planning Appeals and complies with the requirements of the Town and Country Planning Act 1990 (as amended) and associated regulations. It provides a clear and robust justification for the Council's position, referencing relevant planning policy, guidance, and material considerations.

2. Site Description

- 2.1 There have been no material changes to the site since the application was determined. Accordingly, the site description set out in the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

3. Planning History

- 3.1 There have been no changes to the planning history of the site since the application was determined. Therefore, the summary contained within the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

4. The Proposal

- 4.1 There have been no amendments to the proposed development since the application was determined. Accordingly, the description of the proposal set out in the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

5. Relevant Planning Policy and Guidance

- 5.1 There have been no changes to the relevant national or local planning policies, nor to associated guidance, since the application was determined. All applicable policies and guidance are set out in the original Officer Report, which has already been provided to the Planning Inspectorate. Links to policies, guidance and the Joint Melksham Neighbourhood Plan 2 have been sent to the Inspectorate with the Council's Appeal Questionnaire.

6. The Council's Case

- 6.1 The Council relies entirely on the evidence and assessment contained within the original Officer Report, which has already been provided to the Planning Inspectorate. No additional points or further evidence are submitted. Accordingly, the Officer Report forms the Council's full case for the purposes of this appeal.

7. Comments on Appellants Statement of Case

- 7.1 Below is the Council's assessment of the Appellant's Statement of Case. Commentary is provided where necessary to address points of disagreement that go beyond what has already been set out in the original Officer Report already sent.
- 7.2 In their statement of case, at paragraph 3.6 and section 4, the appellant refers to the council having a 2 year housing supply (for clarity, it was 2.42 years at the time of the application submission and decision). The Council does not dispute that it is currently unable to demonstrate a 5 year supply of deliverable housing land; the council also accepts that paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged, as acknowledged by the appellant. This position was fully recognised and applied at decision stage, and is clearly set out within the officer's report.

- 7.2.1 However, the engagement of the tilted balance does not automatically render all developments proposals acceptable; as set out in national policy, planning permission should be granted only where the impacts of doing so would not *“significantly and demonstrably outweigh the benefits when assessed against the policies in [the] framework as a whole”*. The Council maintains, therefore, that the appeal turns on the proper identification and weighting of the harm and benefits of the proposal, rather than solely the existence of an acknowledged shortfall in housing land supply.
- 7.3 In paras 3.7 to 3.10 of their Statement of Case the appellant suggests that paragraph 14 of the NPPF is not met in this case. The Council disagrees with this as the Joint Melksham Neighbourhood Plan 2 (JMNP2) was formally made in August 2025 and is therefore less than five years old. It forms part of the statutory development plan and contains housing policies and site allocations informed by evidence, including a Housing Needs Assessment, to meet the identified housing requirement for the neighbourhood plan area.
- 7.3.1 Paragraph 14 of the NPPF specifically affords decision-makers a clear policy position where a recently made neighbourhood plan contains policies and allocations to meet its identified housing requirement. The Council considers that those criteria are met in this case and that paragraph 14 is therefore engaged. Accordingly, national policy advises that the adverse impacts of allowing development that conflicts with the neighbourhood plan are likely to significantly and demonstrably outweigh the benefits. The Council does not accept the appellant’s assertion that paragraph 14 applies only where neighbourhood plans meet authority-wide housing need. Such an interpretation would undermine the intended role and policy protection afforded to neighbourhood plans within the statutory development plan framework.
- 7.3.2 The Council acknowledges that uncertainty has arisen following the rejection of the emerging Wiltshire Local Plan and the absence of an up-to-date strategic plan at present. However, this does not negate the status or relevance of the JMNP2, which was formally made in August 2025 following independent examination. While the Council accepts that strategic housing figures may be subject to review in the future, this does not alter the fact that JMNP2 satisfies the criteria set out in paragraph 14 of the National Planning Policy Framework in terms of age and content. The Council considers that any uncertainty arising from the wider plan-making context is a matter relevant to the weight to be afforded to the neighbourhood plan, rather than to the applicability of paragraph 14 itself. In this case, the proposal conflicts with the spatial strategy and site selection

approach set out in JMNP2, and that conflict attracts meaningful weight in the overall planning balance.

- 7.4 In their Statement, the appellant raises a number of points regarding the suitability of the site's countryside location. The Council maintains its position, as set out in the officer's report, that the appeal site lies outside the defined settlement boundary of Melksham and is located within open countryside for the purposes of policy assessment. The proposal does not fall within any of the countryside exception categories set out in Core Policies 1, 2 or 15 of the Wiltshire Core Strategy, nor is the site allocated for development within the Joint Melksham Neighbourhood Plan 2.
- 7.4.1 The Council does not agree with the appellant's suggestion at paragraphs 3.32 and 3.33 of the Statement that the conflict with the settlement strategy is "academic" or merely "cartographic". The assessment of the site was based on its physical context and settlement form, including the absence of containment, the presence of open land to the south and east, and the lack of a continuous built frontage along New Road. As explained in the officer's report, New Road currently forms a clear and defensible settlement edge, beyond which the landscape retains an open and rural character within the Open Clay Vale Landscape Character Area. The proposal would therefore extend built development into open countryside rather than representing infill. The dispersed pattern of development along New Road and the extent of open land beyond the site reinforce the conclusion that the proposal would erode, rather than reinforce, the existing settlement edge, resulting in harm to landscape character and the spatial form of the settlement, contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy and relevant policies of JMNP2.
- 7.4.2 Limited weight is attributed to the reference at paragraphs 3.36 and 3.37 of the appellant's statement to an application for a larger residential scheme nearby (PL/2024/10345). At the time of writing that application has not yet been determined, and so cannot be relied upon to redefine the established settlement edge or landscape character, nor does it justify further encroachment of built development into the countryside at this location.
- 7.5 With regard to sustainability and transport the Council continues to consider that the appeal site represents an unsustainable location for new residential development. While the appellant acknowledges at paragraph 3.4 of their statement that future occupiers would be likely to travel by car, the Council considers that the absence of footways, street

lighting and public transport along New Road would result in a development that is heavily reliant on private vehicle use for day-to-day journeys. This reliance conflicts with the objectives of Core Policies 60 and 61 of the Wiltshire Core Strategy and the NPPF. The harm was not treated as absolute but was afforded appropriate weight within the overall planning balance, having regard to the site's rural context .

- 7.6 The Council recognises the importance of self-build and custom housebuilding and acknowledges its statutory duties under the Self-Build and Custom Housebuilding Act 2015, as amended. However, the provision of two self-build plots at this location does not outweigh the identified conflicts with the development plan, particularly in circumstances where the site lies outside the settlement boundary and within the open countryside. The appellant places significant reliance on national guidance and highlights allowed appeal decisions elsewhere; however the planning balance must be undertaken on the specific circumstances of this case. The modest scale of the proposal, its location within an area covered by a recently made neighbourhood plan with housing allocations, and the nature of the harms identified mean that the self-build benefits attract limited weight in this instance.
- 7.7 In response to paragraphs 3.40–3.41 of the appellant's Statement, at the time of determination, the Council was not in possession of a completed and countersigned Great Crested Newt District Level Licence certificate or associated confirmation from Natural England. As set out in the officer's report, this prevented the Council from concluding that the proposal would not result in harm to protected species, contrary to Core Policy 50 of the Wiltshire Core Strategy.
- 7.7.1 The Council does not accept that the submission of a Unilateral Undertaking, as referenced at paragraph 3.40, provided sufficient certainty to overcome this concern. The existence of a future mechanism does not remove the requirement for the decision-maker to be satisfied, prior to the grant of planning permission, that ecological impacts have been appropriately addressed. The Council therefore maintains that this matter could not reasonably be deferred to condition.
- 7.8 With regard to drainage and Flood Risk matters, (paragraphs 3.42–3.43 of the appellant's Statement), the Council remains concerned that, at decision stage, the proposal relied entirely on infiltration-based drainage without the benefit of BRE 365-compliant soakage testing to demonstrate feasibility. As noted in the officer's report, no viable alternative discharge route was identified and the absence of such evidence

created significant uncertainty regarding the effectiveness of surface water management.

While the appellant refers at paragraph 3.42 to updated drainage information submitted with the appeal, this does not alter the Council's position that the proposal failed, at determination, to demonstrate compliance with Core Policy 67 of the Wiltshire Core Strategy.

- 7.9 With regard to the appellant's conclusion at section 4 of their statement of case, the Council maintains that, even when applying the tilted balance under paragraph 11(d) of the NPPF, the cumulative harms identified in relation to countryside location, landscape character, settlement pattern, sustainability, ecology and drainage were correctly found to significantly and demonstrably outweigh the benefits of the proposal. The decision to refuse planning permission is therefore considered sound and remains defended.

8. Planning Balance

- 8.1 The Council relies on the planning balance assessment set out in the original Officer Report, which has already been provided to the Planning Inspectorate. No further commentary is offered, and the Officer Report forms the Council's position on this matter for the purposes of the appeal.

9. Summary and Conclusions

- 9.1 The Council relies on the summary and conclusion set out in the original Officer Report, which has already been provided to the Planning Inspectorate. No additional points are raised, and the Officer Report represents the Council's full position for the purposes of this appeal.

10. Appendices

Appendix 1: Suggested planning conditions:

APPENDIX 1: SUGGESTED PLANNING CONDITIONS

Without prejudice, should the Inspector be minded to allow the appeal, the Council requests that the following conditions be imposed to ensure the development is acceptable in planning terms and in accordance with paragraph 57 of the NPPF and relevant PPG advice on the use of planning conditions:

1. Time Limit for Reserved Matters

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission, and the development shall begin not later than two years from the date of final approval of the last of the reserved matters to be approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Reserved Matters

Details of the following matters (hereinafter referred to as “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place:

- Appearance
- Layout
- Scale
- Landscaping

The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that the development is of a high standard of design and appropriately integrated into its surroundings, in accordance with Core Policies 51 and 57 of the Wiltshire Core Strategy.

3. Approved Plans – Access

The development hereby permitted shall be carried out strictly in accordance with the following approved plan:

- Proposed Site Access plan numbered PCD781/001 received 19th December 2025

There shall be no variation from the approved access arrangements unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to define the terms of the permission, in accordance with Core Policies 60 and 61 of the Wiltshire Core Strategy.

4. Self-Build Restriction

The dwellings hereby permitted shall be constructed and occupied as self-build or custom-build dwellings only, in accordance with the definition set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).

No dwelling shall be occupied until written confirmation has been submitted to and approved in writing by the Local Planning Authority that the dwelling has been completed in accordance with the self-build arrangements secured through the associated legal agreement.

REASON: To ensure that the development delivers self-build housing as proposed and assessed, and in the interests of meeting identified self-build housing needs.

5. Great Crested Newts – District Level Licensing

No development shall commence (including any site preparation, clearance or groundworks) until a completed and countersigned Impact Assessment and Conservation Payment Certificate under the Great Crested Newt District Level Licensing Scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

REASON: To ensure adequate protection of legally protected species, in accordance with Core Policy 50 of the Wiltshire Core Strategy and the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

6. Ecological Parameters Plan

An Ecological Parameters Plan (EPP) shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. The EPP shall identify:

- Retained habitats and boundary features
- Ecological buffer zones and dark corridors

- Measures for habitat creation and enhancement

The development shall thereafter be carried out in accordance with the approved EPP.

REASON: To safeguard biodiversity and ensure ecological impacts are appropriately mitigated, in accordance with Core Policy 50 of the Wiltshire Core Strategy.

7. Surface Water Drainage Strategy

No development shall commence until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall:

- a) Be informed by soakage testing undertaken in accordance with BRE Digest 365;
- b) Demonstrate that the drainage system can accommodate all flows up to and including the 1 in 100 year rainfall event plus climate change;
- c) Identify exceedance routes and long-term management and maintenance arrangements.

The approved scheme shall be implemented prior to first occupation of the development and thereafter retained and maintained.

REASON: To ensure effective surface water management and to prevent increased flood risk, in accordance with Core Policy 67 of the Wiltshire Core Strategy.

8. Landscaping Scheme

A detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. The scheme shall include:

- Existing and proposed levels
- Planting plans and schedules
- Boundary treatments
- A programme for implementation and maintenance

All landscaping shall be carried out in accordance with the approved scheme.

REASON: In the interests of visual amenity, landscape character and the setting of the site, in accordance with Core Policy 51 of the Wiltshire Core Strategy.

9. Restriction of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no development within Classes A, B or E of Part 1 shall be carried out without the prior written approval of the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain control over development in the interests of landscape character and visual amenity.

In accordance with the requirements of the Planning Inspectorate guidance on the use of artificial intelligence in casework evidence, it is confirmed that this document was prepared with assistance from Microsoft Copilot. Copilot was used for proofreading purposes and to avoid repetition. All suggested amendments by Copilot were reviewed and verified by the author to ensure that the content is accurate and fully reflects the Council's intended position and professional assessment.