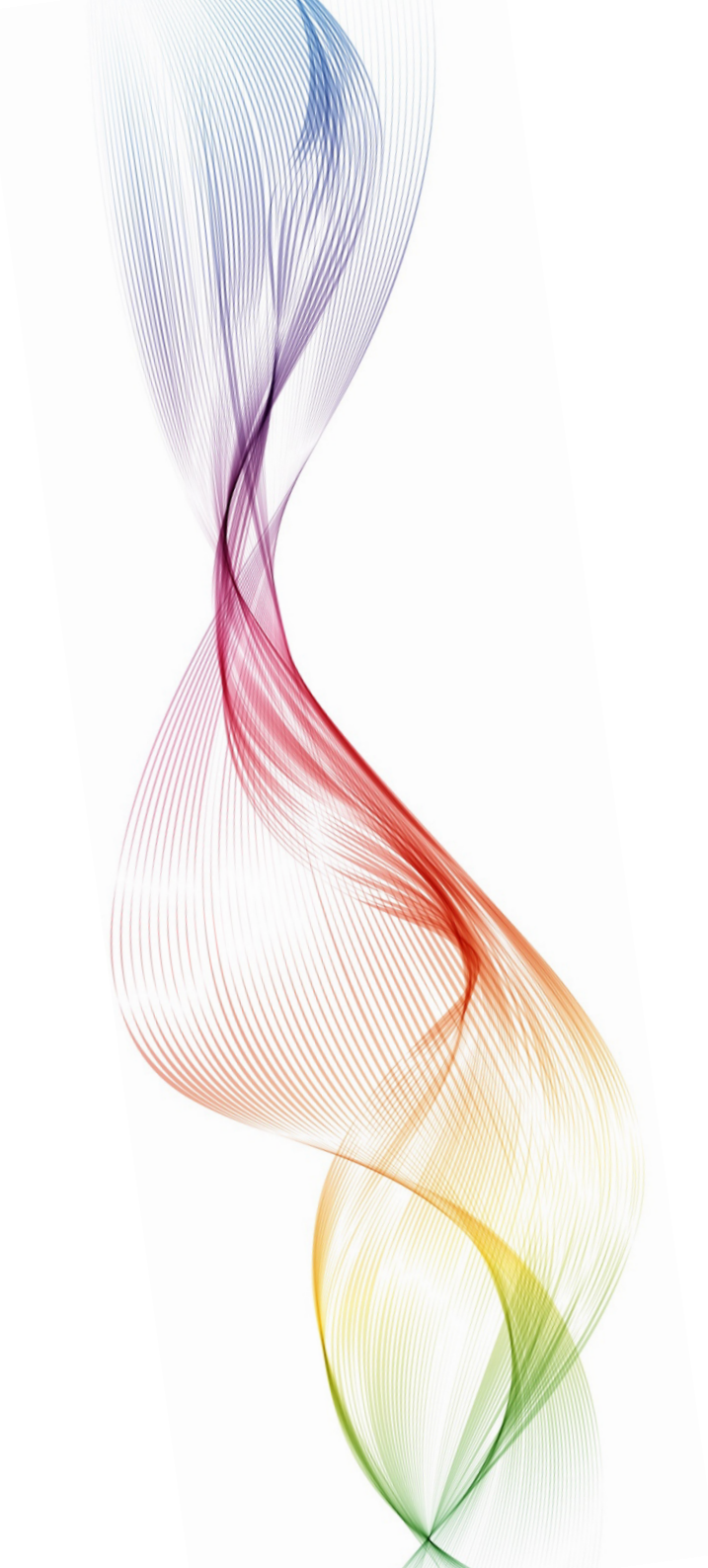




Planning and Affordable Housing Statement

Land off Damask Way, Warminster

On behalf of Backhouse Housing Ltd

April 2026

Co-Creation UK
BRINGING PEOPLE TOGETHER

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Rev	Date
1	24/03/2026
2	29/03/2026
Final	01/04/2026

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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by CoCreationUK on behalf of Backhouse Housing Ltd (the Applicant), in support of a Reserved Matters application at Land off Damask Way, Warminster (the Site).
- 1.2 This Statement describes the proposed development, the Site and its context, relevant planning history, and the applicable planning policy framework. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it assesses the extent to which the proposal accords with the Development Plan, having regard to other material considerations.
- 1.3 Backhouse Housing Ltd is an established housebuilder committed to delivering high quality residential development that responds positively to local context and community needs. The Applicant places emphasis on placemaking, design quality and the delivery of sustainable, well-integrated communities.

2.0 PROPOSED DEVELOPMENT

2.1 In accordance with Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the proposed description of development is:

Outline planning application for the erection of up to 49 dwellings with associated access, public open space, landscaping, drainage and associated infrastructure (all matters reserved except access).

2.2 The application seeks approval for access only, with all other matters (layout, scale, appearance and landscaping) reserved for future consideration.

2.3 The proposals will deliver a much-needed residential scheme, including:

- A mix of dwelling types and sizes
- Policy-compliant affordable housing provision
- Public open space and green infrastructure
- Sustainable drainage infrastructure
- Vehicular and pedestrian access from Upper Marsh Road

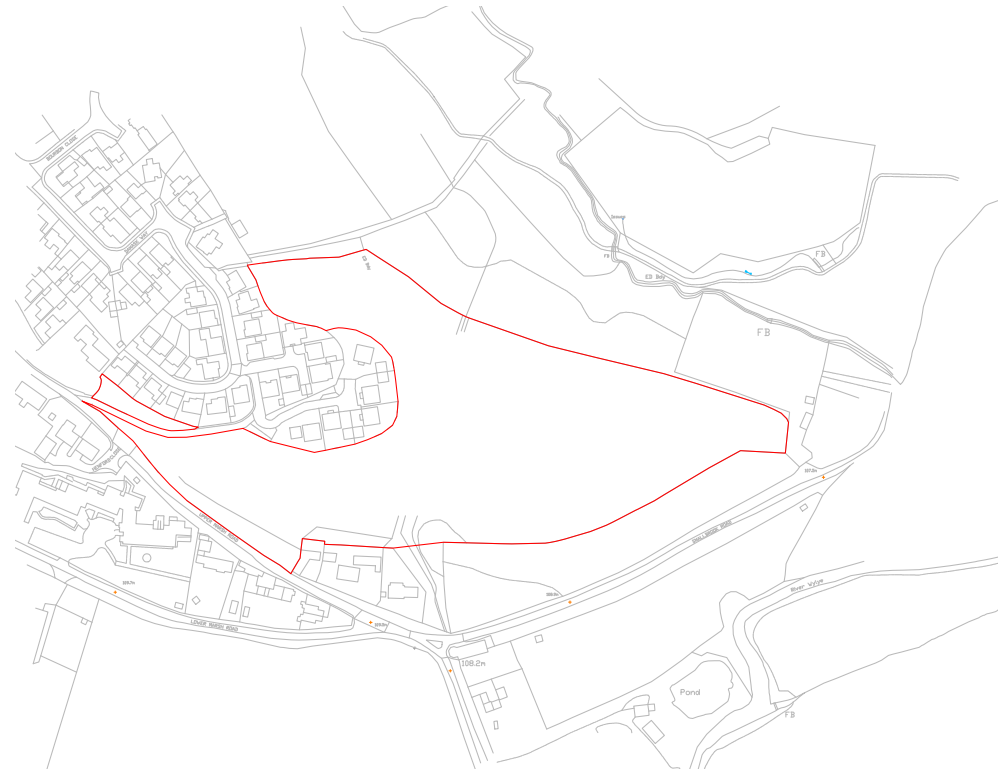


2.4 The above matters are demonstrated within the application material. Where they are based on the illustrative layout, the details provided seek to demonstrate that the proposals can be delivered in the form proposed, with such details controlled by condition and submitted alongside the detailed design as reserved matters.



3.0 SITE DESCRIPTION AND CONTEXT

- 3.1 The application Site is located on the eastern edge of Warminster and comprises approximately 3.51 hectares of land situated to the east of Damask Way, to the north-east of Upper Marsh Road and to the north of Smallbrook Lane.
- 3.2 The Site is currently undeveloped and in agricultural grazing use. The land is classified as Grade 4 agricultural land, representing poorer quality land with limitations that restrict the range of crops and overall productivity.
- 3.3 The Site is broadly regular in form and defined by established field boundaries, including hedgerows and mature vegetation along parts of its perimeter. These features provide a degree of containment, particularly along the northern and southern boundaries.
- 3.4 The Site occupies a slightly elevated position, forming part of the brow of a hill, with land falling away to the north, east and south. This topography allows the Site to relate closely to the existing settlement edge, whilst maintaining a clear distinction from the wider countryside beyond.
- 3.5 The surrounding context is characterised by:
- Established residential development to the west and south, including development at Damask Way;



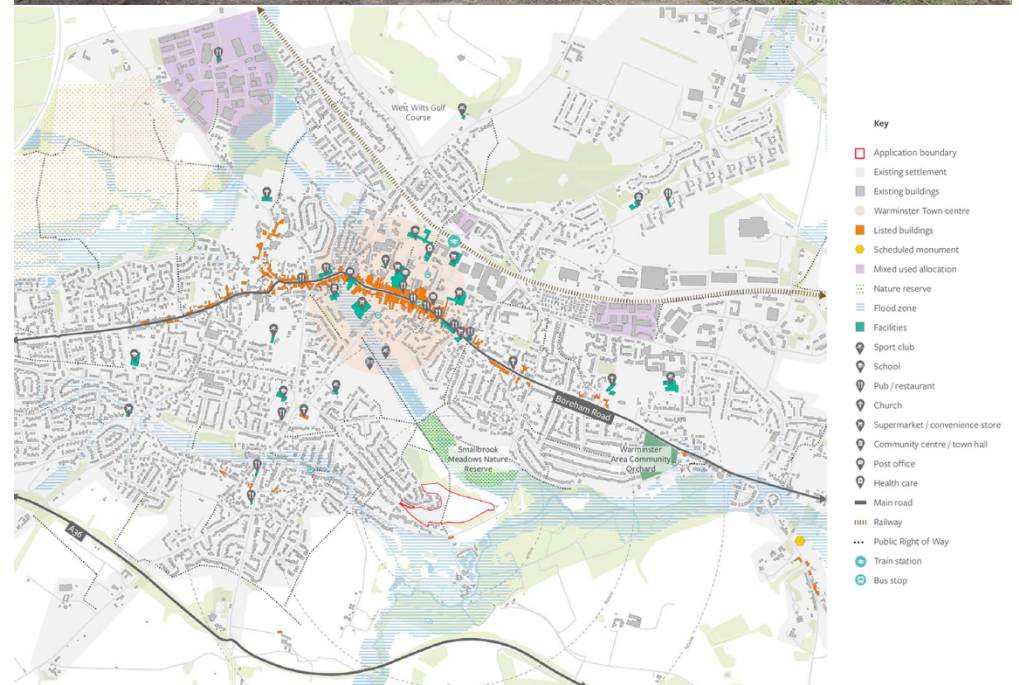
- Further built form associated with Warminster across the wider area;
- Open countryside extending to the east.

3.6 The Site is therefore positioned at the interface between the built-up area of Warminster and the surrounding rural landscape. However, it is closely contained by existing development and does not read as isolated or detached from the settlement.

3.7 Residential development immediately to the west of the Site has been established through a series of planning permissions, as considered in Section 4 below. These developments have been implemented and now form part of the established settlement edge. In this context, the Site represents a logical and contained extension to the settlement, capable of integrating with the existing pattern of development and forming a coherent and defensible urban edge.

3.8 A public footpath (WARM53) passes through the Site on a north–south alignment, providing connectivity to the surrounding area. To the north of the Site lies Smallbrook Meadows Local Nature Reserve, extending to approximately 20 hectares and comprising a mosaic of water meadows, wet woodland, marsh, ponds, chalk rivers, hedgerows and drainage features.

3.9 The River Wylfe, forming part of the River Avon System Site of Special Scientific Interest (SSSI), is located to the south and





east of the Site, at its closest point approximately 80 metres from the Site boundary. A Grade II listed building, Turnpike Cottage, lies to the south of the Site on the opposite side of Smallbrook Lane.

- 3.10 The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty is located approximately 820 metres to the south of the Site. The Site itself is not subject to any landscape or heritage designation.
- 3.11 The Site benefits from good accessibility to local services and facilities within Warminster, including schools, shops and community infrastructure. Opportunities for walking, cycling and access to public transport are available from the surrounding road network.
- 3.12 There are no known physical or environmental constraints that would preclude development of the Site. Technical assessments submitted in support of the application confirm that the Site is suitable for residential development, with any Site-specific considerations capable of being appropriately mitigated.

4.0 RELEVANT PLANNING HISTORY

4.1 The Site has been subject to a number of planning proposals in the past, as follows:

- 17/12348/OUT: Outline Planning Permission granted for up to 28 dwellings October 2018;
- 19/04677/DOC: Discharge of Conditions 8, 10 & 14 of application of 17/12348/OUT
- 17/12348/OUT regarding access – Approved
- 20/03192/DOC: Discharge of condition 21 of 17/12348/OUT
- 20/07214/REM: Reserved Matters Application (appearance, landscaping, layout and scale) for the erection of 28 No. dwellings and associated works (pursuant to 17/12348/OUT) – Withdrawn November 2021.

4.2 The above planning permissions establish the principle of development at the Site. Importantly, the relevant development plan for the consideration of these applications was the Wiltshire Core Strategy, adopted in 2015.

4.3 Interestingly, at the time of the determination of this application, the Site fell within the settlement policy boundary, as defined by the Core Strategy 2015. However, the emerging Wiltshire Housing Site Allocation Plan (WHSAP) proposed to amend the settlement boundary for Warminster, such that the Site would be excluded from the settlement boundary. At that time, by virtue of the early stage of the WHSAP, it was only given limited weight in the determination of the planning application at that time.

4.4 The WHSAP was subsequently adopted in February 2020.

5.0 PLANNING POLICY CONTEXT

Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2 The relevant Development Plan for the Application Site comprises:
- Wiltshire Core Strategy (2015)
 - Wiltshire Housing Site Allocations Plan (adopted February 2020)
 - West Wiltshire District Local Plan (saved policies)
- 5.3 The table below provides a summary of the relevant policies for the determination of this application:

Policy	Summary of Policy
<i>Wiltshire Core Strategy (2015)</i>	
Core Policy 1: Settlement Strategy:	The Settlement Strategy identifies the settlements where sustainable development will take place. Warminster is identified as a Market Town (tier 2 settlement) which have 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 sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.
Core Policy 2: Delivery Strategy:	The delivery strategy seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 42,000 homes. Warminster town / area is required to deliver approximately 1960 homes during the plan period.

	Development is not permitted outside the limits of development, as defined on the policies map, amended by the Wiltshire Housing Site Allocations Plan 2020.
Core Policy 3: Infrastructure requirements:	All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal.
Core Policy 31: Spatial Strategy – Warminster Community Area:	Development in the Warminster Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.
Core Policy 41: Sustainable construction and low-carbon energy:	New development is encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer. All proposals for major development will be required to submit a Sustainable Energy Strategy alongside the planning application outlining the low-carbon strategy for the proposal.
Core Policy 43: Providing affordable housing:	30% of the development to be provided as affordable housing, dispersed through site with mix to meet local needs
Core Policy 45: Meeting Wiltshire's Housing Needs:	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.
Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People; Core	Developers will be required to demonstrate how their proposals respond to the needs of an ageing population.
Policy 50: Biodiversity and geodiversity:	Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Proposals will be expected to avoid disturbance to protected habitats and seek to enhance biodiversity.

Core Policy 51: Landscape:	Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. A Landscape Assessment is required with any planning application.
Core Policy 52: Green Infrastructure:	POS as per Open Space standards
Core Policy 55: Air Quality	Development proposals which are likely to exacerbate existing areas of poor air quality will need to demonstrate appropriate mitigation.
Core Policy 57: Ensuring high quality design and place shaping:	Development Proposals will be required to demonstrate how they will make a positive contribution to the character of the area, considering: • Local distinctiveness • Retention of landscape / natural features • Height / form • Sustainable construction • Efficient use of land • Crime / antisocial behaviour • Character of public realm • Adaptability • High quality materials
Core Policy 58: Ensuring conservation of the historic environment:	Development should protect, conserve and where possible enhance the historic environment
Core Policy 60: Sustainable Transport	Planning developments to be located in accessible locations, promoting sustainable travel.
Core Policy 61: Transport and Development:	New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

	Transport Assessments must demonstrate how consideration has been given to all transport users. Where appropriate, contributions will be sought towards sustainable transport improvements. Travel Plans will be required to encourage the use of sustainable transport.
Core Policy 62: Development impacts on the transport network:	Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network.
Core Policy 67: Flood Risk:	Evidence is required if developing in Flood Zone 2/3. Requires the implementation of SUDS
Core Policy 69: Protection of the River Avon SAC.	Development will need to incorporate measures during construction and operation to avoid and prevent pollution and mitigate potential disturbance effects. Development will be required to undertake proportionate measures (which may include contributions towards those measures identified in the Nutrient Management Plan) to demonstrate that the proposals would have no adverse effects upon the SAC.
<i>West Wiltshire District Local Plan (saved policies)</i>	
U1a Foul Water Disposal:	Development will only be permitted where adequate foul drainage, sewerage and sewage treatment facilities are available or where suitable arrangements are made for their provision. In sewered areas new development will be expected to connect to mains drainage.
<i>Warminster made Neighbourhood Plan (November 2016)</i>	
L1: Design:	Development proposals are encouraged to reflect the principles outlined in the Building for Life 12 industry standard.
E2: New leisure facilities:	Major developments in Warminster shall include provision of, or a contribution towards, playground areas and green amenity spaces.

E5: Surrounding environment:	New developments should respect local character. The provision of green space that enhances its surroundings will be supported. Improvements to the natural environment, green space and biodiversity will be supported.
GA4: Rights of Way:	Public rights of way will be protected and their enhancement will be supported. Improvements to pedestrian and cycle access to the countryside will be supported.

5.4 Section 7 below considers the extent to which the Proposed Development is in accordance with the development plan.

Non-Statutory Guidance and Emerging Plans

Wiltshire Local Transport Plan 2025-2038

- 5.5 The Wiltshire Local Transport Plan 4 (LTP4) provides the strategic framework for transport across the county for the period 2025–2038. It establishes a vision for a safe, connected and accessible transport system that supports sustainable economic growth, protects Wiltshire’s natural and historic environment, and contributes to a low carbon future. The Plan identifies key challenges including rural connectivity, health and inequality, economic performance, decarbonisation and the need to futureproof infrastructure, and sets out corresponding objectives to improve accessibility, resilience and environmental performance.
- 5.6 The strategy is underpinned by an “Avoid, Shift, Improve” framework, seeking to reduce the need to travel, promote more sustainable modes such as walking, cycling and public transport, and support the transition to low and zero emission vehicles. These measures are delivered through place-based strategies for different settlement types and county-wide strategies covering areas such as freight, parking and electric vehicle infrastructure. The Plan places strong emphasis on sustainability, partnership working and securing funding, including developer contributions, alongside ongoing monitoring to ensure effective delivery.

Open Space Assessment Update (2020): Final report March 2023

- 5.7 The Wiltshire Open Space Assessment Update (2020) provides a comprehensive and up-to-date evidence base to inform planning policy and decision-making in relation to open space provision across the county. It assesses the quantity, quality and accessibility of existing open space, identifies deficiencies and opportunities for enhancement, and establishes standards for future provision. The study supports the preparation of the emerging Local Plan and will be used to guide the delivery of new open space through development, including on-site provision and developer contributions.
- 5.8 The assessment confirms the important role that open space plays in supporting sustainable development, contributing to health and wellbeing, biodiversity, climate resilience and community cohesion. It emphasises that new development should deliver high-quality, accessible and well-designed open spaces, integrated within wider landscape and green infrastructure networks. The findings also highlight the need to both protect existing open space and address identified shortfalls, ensuring that future growth is supported by appropriate recreational and natural green space provision in accordance with local standards.

Emerging Local Plan

- 5.9 The replacement Wiltshire Local Plan Review was submitted for Examination in 2024. However, following the Examination, the Inspectors have recently recommended the draft plan be withdrawn, or for the Inspectors to report that the plan is not adopted, considering the plan not to meet the tests of soundness in the NPPF. At the time of writing, Wiltshire Council has not determined how to respond. However, it is clear that the draft plan will not proceed and should therefore carry very limited weight in the determination of this application.

Emerging Neighbourhood Plan

- 5.10 The replacement Neighbourhood Plan is also being prepared. This is also at an early stage, with a consultation on the pre-submission plan (Regulation 14) ending on 23rd March 2023.

5.11 The draft plan only seeks to allocate land for circa 90 dwellings, despite the Local Plan identifying the town as a focus for growth across Wiltshire. The Site Assessment Report (June 2025) supporting the draft plan considers the Application Site (identified as Site 10), alongside others, noting that:

“The site is comparatively well located to the existing settlement of Warminster and key facilities. There are a number of site sensitivities including impacts on key viewpoints and biodiversity. Impacts on the adjacent biodiversity site of Smallbrook Nature Reserve would require appropriate mitigation. Access issues associated with previous consents would require resolution although it is understood that the proposed development has addressed these. The site itself provides limited wider benefits to the community.”

5.12 The conclusion of the report is that development of this land would have “No issue/neutral impact”.

5.13 The report also highlights the previous planning permission ((17/12348/OUT) granted in 2019 for up to 28 dwellings).

5.14 The summary of the detailed site assessment concludes that:

“The site is comparatively well located to the existing settlement of Warminster and key facilities. There are a number of site sensitivities including impacts on key viewpoints and biodiversity. Impacts on the adjacent biodiversity site of Smallbrook Nature Reserve would require appropriate mitigation. Access issues associated with previous consents would require resolution although it is understood that the proposed development has addressed these. The site itself provides limited wider benefits to the community.”

5.15 The evidence base supporting the Neighbourhood Plan therefore provides no meaningful reason why this site cannot be brought forward for development. The assessment also offers nothing to support the proposed Local Green Space allocation.

5.12 The plan also proposes to allocate the Application Site as a Local Green Space. Objections have been submitted to the draft plan consultation on the grounds that:

Firstly, the Basic Conditions (as required by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)), require, by law, that the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan. It is suggested that the draft Neighbourhood Plan fails this test for the following reasons:

As currently drafted, the Neighbourhood Plan is not in accordance with the NPPF as it:

- Fails to respond to up-to-date housing needs;
- Relies implicitly on out-of-date strategic policies; and
- Results in a policy approach that is more restrictive than national policy allows.

Accordingly, the Plan fails to:

- Contribute to the achievement of sustainable development; and
- Have appropriate regard to national policy,

and therefore does not meet the Basic Conditions.

Secondly, the draft Neighbourhood Plan proposes to designate the Site as Local Green Space (LGS). This representation objects in full to that designation on the basis that the proposed LGS allocation:

- Fails to meet the tests set out in the National Planning Policy Framework (NPPF);
- Is not supported by robust or proportionate evidence as required by Planning Practice Guidance (PPG); and
- Conflicts with the Basic Conditions, in particular the requirement to contribute to the achievement of sustainable development.

5.13 On this basis, it is considered that the emerging Neighbourhood Plan also carries only limited weight in the determination of this application.

6.0 AFFORDABLE HOUSING

- 6.1 The UK is in a housing crisis, with insufficient homes being provided compared to identified needs. The greatest impact of this shortfall in supply affects the most vulnerable in society. Furthermore, higher proportions of people are unable to afford a home of their own as a consequence of the cost of housing. Wiltshire Councils evidence of affordable housing need dates back to the 2017 (Strategic Housing Market Assessment which states that:

“The housing mix analysis identified a need to provide additional affordable housing for 22,756 households over the 20-year period 2016-36. This yields a total affordable housing need of 23,053 dwellings, equivalent to 1,153 dwellings per year.” (Paragraph 3.113).

- 6.2 More recently, the Wiltshire Local Housing Needs Assessment Update (February 2023) identifies that around 10,451 households will require affordable housing over the Plan period 2020-38 (Paragraph 4.75), equating to 580 homes every year. This total includes 5,179 households unable to afford Affordable Rent without Housing Benefit, 1,883 households who are able to afford Affordable Rent without Housing Benefit, but unable to afford market rents, and 3,389 households who aspire to home ownership and require some form of discounted home ownership. Even putting aside the robustness or validity of this assessment, even at face value, the affordable housing need across Wiltshire is extensive.
- 6.3 Such is the problem that, in 2020, Wiltshire Council set about to build 1000 affordable homes by 2030. It is not known how many homes have been delivered against this aspiration.
- 6.4 In the absence of any up-to-date monitoring evidence being published by the Council, it is also not known how far short the Council is in meeting the need for 580 affordable homes per year between 2020 and 2038. However, given the housing supply shortfall across Wiltshire, it is suggested that the affordable housing need is significant and delivery is highly likely to be lagging behind identified need.
- 6.5 The proposed development will deliver a policy-compliant affordable housing provision of 30% of the total dwellings, in accordance with Core Policy 43. This means the Proposed Development will:
- Provide a meaningful contribution to local housing need;
 - Deliver a mix of tenures and dwelling sizes;
 - Integrate affordable housing throughout the development.

- 6.6 The provision of affordable housing is a significant material benefit, particularly in the context of identified local need. This is considered further in Section 8.

7.0 ASSESSMENT OF COMPLIANCE WITH THE DEVELOPMENT PLAN

- 7.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, it is necessary to consider whether the proposed development accords with the development plan as a whole.
- 7.2 In undertaking this assessment, it may be that different development plan policies pull in different directions, i.e. some supporting the proposed development, some weighing against it; the decision-maker being required to assess the proposed development against any policies the proposal is in conflict with and determine if, in light of the whole plan, the proposed development is or isn't in accordance with it. This requires a series of judgments which will include considering the relative importance of a policy, the extent of any breach and how firmly that policy favours or sets its face against the proposed development.
- 7.3 In undertaking these series of judgements, the fact that there may be a conflict with one relevant policy (or part thereof) does not mean that the proposed development is not in accordance with the development plan as a whole. Put another way, a proposed development does not need to comply with every aspect of every policy to be determined to be in accordance with the development as a whole.
- 7.4 Section 5 above identifies the policies considered relevant to this application. The following table provides a summary of these policies and the extent to which the proposals are considered to comply with them:

Policy	Assessment of Compliance	
<i>Wiltshire Core Strategy</i>		
Core Policy 1: Settlement Strategy:	The Proposed Development aligns with the focus of development at market towns.	✓
Core Policy 2: Delivery Strategy:	The Application Site helps meet much needed housing at Warminster. The indicative housing requirement for Warminster is not a cap on development; and only applies for the period up to 2026. The Site is located outside of the settlement boundary and therefore breaches this policy in part.	X

	However, this policy is deemed to be out of date and therefore reduced weight is given to it in the decision-making process. This is discussed further below.	
Core Policy 3: Infrastructure requirements:	The Proposed Development provides for the necessary infrastructure, some of which will be delivered and managed through a s106 agreement or CIL.	✓
Core Policy 31: Spatial Strategy – Warminster Community Area:	The Proposed Development complies with Policy CP1.	✓
Core Policy 41: Sustainable construction and low-carbon energy:	The application is in outline. The subsequent Reserved Matters submissions will demonstrate that the Proposed Development will be constructed to meet the latest Building Regulation standards and will be designed to reduce energy demand. A Sustainability Statement is submitted with this application.	✓
Core Policy 43: Providing affordable housing:	The Proposed Development provides for 30% affordable housing.	✓
Core Policy 45: Meeting Wiltshire's Housing Needs:	The illustrative layout provides for a mix of dwelling types and sizes.	✓
Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People; Core	The Planning Application is in outline, such details being provided through the Reserved Matters submissions.	✓
Policy 50: Biodiversity and geodiversity:	The Ecological Impact Assessment submitted with the application demonstrates how the Proposed Development will avoid or minimise disturbance to protected species, whilst achieving a biodiversity net gain.	✓
Core Policy 51: Landscape:	The Landscape & Visual Impact Assessment demonstrates that the Proposed Development would not result in material harm to the wider landscape character, nor	✓

	to the setting of the National Landscape. The key characteristics of the wider landscape would remain intact, with mitigation planting ensuring that local effects reduce over time. The loss of TPO trees required to secure the access to the Site will be compensated for by the landscape proposals, as set out in the Arboricultural Impact Assessment.	
Core Policy 52: Green Infrastructure:	The Proposed Development will provide for the requisite levels of open space through the Reserved Matters submissions, in accordance with the Open Space Assessment Update (2020).	✓
Core Policy 55: Air Quality	Development proposals which are likely to exacerbate existing areas of poor air quality will need to demonstrate appropriate mitigation. The Air Quality Assessment and Noise Impact Assessment demonstrate how any potential impacts through the construction phase can be managed and mitigated.	✓
Core Policy 57: Ensuring high quality design and place shaping:	The Planning Application is in outline, such details being provided through the Reserved Matters submissions. The illustrative layout demonstrates how a high quality development can be brought forward. The loss of trees required to secure the access to the Site will be compensated for by the landscape proposals.	✓
Core Policy 58: Ensuring conservation of the historic environment:	A Heritage Statement is submitted with the planning application which demonstrates that heritage assets will be conserved and enhanced; and that a condition should be attached to the planning permission.	✓
Core Policy 60: Sustainable Transport:	The Transport Statement submitted with this application demonstrates that the Site is located in a sustainable location with access to a wide range of services and facilities by active travel.	✓
Core Policy 61: Transport and Development:	The Site is located in a sustainable location with access to a wide range of services and facilities by active travel. The Transport Statement demonstrates how the	✓

	Proposed Development considers all road users. Travel Plans can be secured by condition and submitted as part of the at the Reserved Matters process.	
Core Policy 62: Development impacts on the transport network:	The Transport Statement identifies potential impacts on the transport network and that the Proposed Development would not give rise to an unacceptable impact on safety, nor will it result in a "severe" impact on the network. Any mitigation can be secured through a s106 agreement.	✓
Core Policy 67: Flooding	The Drainage Statement demonstrates that the Proposed Development falls within Floodzone 1. The drainage strategy identifies how a SUDS strategy could be implemented.	✓
Core Policy 69: Protection of the River Avon SAC:	Pollution prevention and mitigation has been assessed for the construction and operational phases. Any potential impacts can be managed through a CEMP and required by a condition. The Nutrient Statement submitted with this application provides a Nutrient mitigation strategy.	✓
West Wiltshire District Local Plan (saved policies)		
U1a: Foul Water Disposal:	Following outline planning permission being granted, discussions will be commenced with utility providers. A condition can be imposed on the planning permission requiring connection to foul drainage.	✓
Warminster made Neighbourhood Plan (November 2016)		
L1: Design:	The planning application is in outline. Such matters can be addressed through Reserved Matters submissions. The illustrative layout demonstrates compliance to the Building for Life Criteria.	✓

E2: New leisure facilities:	The Proposed Development will provide a Local Area of Play and wider green infrastructure. In addition, it will make contributions toward improvements to play space in the wider area.	✓
E5: Surrounding environment:	The DAS demonstrates that the Proposed Development will respect local character. The Ecological Impact Statement demonstrates that there will be no overriding harm to protected species and that the development will achieve a net gain in biodiversity	✓
GA4: Rights of Way:	The Proposed Development retains the PROW through the Site. The Transport Statement demonstrates how the Proposed Development encourages active travel.	✓

7.5 The above assessment confirms that the Proposed Development complies with all of the relevant development plan policies, with the exception of part of CP2: Delivery Strategy; insofar as it is located outside of the Settlement Boundary, for which the Site is subject to countryside policies.

7.6 It is fair to state that settlement boundaries are an important policy that steers the location of development. On this basis, it can be concluded that the Proposed Development is not in accordance with the development as a whole. That said, it is important to note that the Proposed Development is in accordance with the development plan in all other respects, save part of Policy CP2. Importantly, the Proposed Development:

- Aligns with the overall spatial strategy;
- Delivers sustainable development;
- Complies with relevant design and environmental policies.

7.7 The extent to which material considerations exist to justify planning permission being granted, in accordance with s38(6) of the PCPA 2004, is considered in Section 8.

8.0 MATERIAL CONSIDERATIONS

8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 There are considered to be significant and weighty material considerations in favour of the Proposed Development, which are considered in turn below:

- Housing Supply Shortfall
- Affordable Housing Need
- National Planning Policy Framework (NPPF)
- Benefits of the Proposed Development
- Planning History

8.3 Other material considerations needing to be considered in the planning balance are:

- The emerging Local Plan
- The emerging Neighbourhood Plan
- Supplementary Planning Documents

8.4 These are considered in turn below:

Housing Supply Shortfall

8.5 The latest published housing land supply figures are contained in the “Housing Land Supply Statement” published in June 2025. This has a base date of April 2024 and concludes that the Council has only a 2.42 year supply when compared against Local Housing Need.

- 8.6 More recently, appeal decisions within Wiltshire have considered that the Council could demonstrate only 2.03 years housing land supply (appeal at Land west of Westbury Road, Warminster: APP/Y3940/W/24/3338217, May 2025).
- 8.7 The housing shortfall is considered to still remain since these planning decisions. The implications of this housing shortfall on the decision-making process is considered further below.

Affordable Housing Need

- 8.8 As concluded in Section 6 above, the Proposed Development will:
- Provide a meaningful contribution to local housing need;
 - Deliver a mix of tenures and dwelling sizes;
 - Integrate affordable housing throughout the development.
- 8.9 The provision of affordable housing is considered to be a significant material benefit arising from the Proposed Development, particularly in the context of identified local need. This is deemed to be a material consideration that should be given substantial weight in the determination of this planning application.

National Planning Policy Framework (2024) (NPPF)

- 8.10 As identified in paragraphs 2 and 231 of the NPPF, the Government policy is a material consideration in planning decisions. The key sections relevant for the determination of this application are as follows:
- Achieving sustainable development (paragraph 8-9);
 - The presumption in favour of sustainable development (paragraph 11);
 - The weight to be given to emerging plans (paragraph 49);

- Delivering a sufficient supply of homes (paragraph 61);
- Achieving healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lives (paragraph 96);
- Giving priority to pedestrian and cycle movements; and creating places which are safe and attractive (paragraph 117);
- Achieving well designed places (Section 12);
- Managing flood risk and incorporating sustainable drainage systems (paragraph 181);
- Conserving and enhancing the natural environment (paragraphs 187 and 193);
- Conserving and enhancing the natural environment (paragraphs 207-8, 210, 212-216)

8.11 The Proposed Development is considered to contribute toward sustainable development objectives providing economic, social and environmental benefits, as set out further below.

8.12 The presumption in favour of sustainable development is at the heart of the NPPF (paragraph 10). In decision making, this means approving development proposals that accord with the development plan without delay; or where development plan policies are out of date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

8.13 Paragraph 11(d) requires consideration of whether the policies most important for determining the application are out of date. The above approach is known as the tilted balance. Footnote 8 of the NPPF identifies that where there is a shortfall in housing supply, the relevant policies are rendered out-of-date.

8.14 In determining whether the tilted balance is engaged for the determination of this planning application, it has been concluded in Section 7 above that the Proposed Development does not accord with the development as a whole, insofar as the Site is located outside of the settlement boundary and therefore in breach (in part) of Policy CP2. It is not deemed necessary to consider any development policies in this exercise beyond Policy CP2, given the Proposed Development is in accordance with all other policies.

- 8.15 Policy CP2 identifies the settlement boundary for Warminster, amongst others. This was cast back in 2015, over 10 years ago, when the housing requirement was very different, only applying themselves for the plan-period up to 2026. The Council recognised the need to update its development plan and settlement policy boundaries through the replacement Local Plan. Whilst that process has failed its Examination, the out-of-date settlement boundaries remain.
- 8.16 On this basis, reduced weight should be given to the settlement boundaries as defined in the Core Strategy.
- 8.17 Recent appeal decisions within Wiltshire support this conclusion, the application of the presumption in favour of sustainable development and the weight to be afforded to settlement boundary policies.
- 8.18 In the appeal at Land west of Westbury Road, Warminster (APP/Y3940/W/24/3338217, May 2025), the Inspector concluded in his decision that as a result of the housing shortfall, paragraph 11(d) of the NPPF was engaged (paragraph 80). The Inspector went on to conclude that policies relating to the settlement boundary and spatial strategy were out of date (Core Policy 1, Core Policy 2 and Core Policy 31), attracting very limited weight (paragraph 87). Importantly, the Inspector also concluded that the delivery of housing, including affordable housing, attracted substantial weight in favour of the scheme (paragraph 83). Whilst that appeal was ultimately dismissed, this was not due to the principle of development or location, but rather due to unacceptable flood risk and a failure to satisfy the sequential test.
- 8.19 An appeal for residential development at Melksham (APP/Y3940/W/24/3343787, September 2024) was allowed, with the Inspector granting outline permission for 53 dwellings despite conflict with settlement policy boundaries. In that case, the Inspector accepted that the Council had a shortfall in housing supply and the tilted balance was engaged.
- 8.20 At a further appeal for residential development on Land South of Ballingers, Urchfont (APP/Y3940/W/24/3348374, March 2025), the Inspector concluded that conflict with the settlement boundary policies (amongst others) carries only moderate and limited negative weight respectively. Against that, the proposal made a meaningful contribution to the supply of housing in the area, by the addition of up to 21 dwellings. The Inspector gave this benefit substantial positive weight (paragraph 25).
- 8.21 The above appeals provide very clear and consistent evidence that in light of the significant housing shortfall, reduced weight is given to the settlement boundary and strategy policies in the development plan in the application of the tilted balance and application of paragraph 11d of the NPPF for the determination of planning applications.

- 8.22 In this context, in applying Paragraph 11(d) of the NPPF, the decision-maker must grant planning permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.23 Footnote 7 to the NPPF identifies examples of policies in the NPPF that would protect areas or assets of particular importance, including Green Belt, Local Green Space, National Landscape, SSSI, irreplaceable habitats; designated heritage assets and areas at risk of flooding. The Site does not fall within any of these protected areas. Whilst the emerging Neighbourhood Plan is suggesting the Site is allocated for a Local Green Space, this has yet to be confirmed and has yet to be subject to testing through the Examination process. As noted above, the emerging Neighbourhood Plan should carry only limited weight in the determination of this application.
- 8.24 The test therefore falls to Paragraph 11(d)(ii) where the decision-maker must grant planning permission unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.25 This is a high bar for any potential impacts if they are to outweigh the benefits. The benefits of the Proposed Development are considered below, which are considered to be extensive and should carry substantial weight in the determination of this planning application.
- 8.26 In contrast, the potential impacts of the Proposed Development are considered to be limited; and can be appropriately mitigated; hence the conclusion that the Proposed Development complies with all the relevant policies in the development plan, save Policy CP2 (relating to settlement boundaries).
- 8.25 The conclusion of the above assessment of the Proposed Development against the NPPF paragraph 11 is that the presumption in favour of sustainable development applies, which should be given significant weight as a material consideration in the determination of this planning application.

8.26 In terms of the other relevant requirements of the NPPF (as set out above), the Proposed Development is considered to be meet the NPPF requirements, as demonstrated in the technical assessments submitted with this planning application.

Benefits of the Proposed Development

8.27 The Proposed Development will deliver significant economic, social and environmental benefits, as follows:

- Delivery of much needed homes;
- Delivery of much needed affordable housing;
- Provision of planting, green infrastructure, open space and play space, complementing the Smallbrook Meadows Nature Reserve;
- Biodiversity net gain of at least 10%;
- Improvements to local transport and community infrastructure, as delivered through the s106 agreement and CIL contributions;
- Job creation in the construction sector;
- Increased local expenditure to the local economy, including supply chains for the construction of the Proposed Development.

8.28 It is considered that the above benefits constitute a weighty material consideration in the determination of this planning application.

Planning History

8.29 As noted in Section 4 above, the Site has previously secured outline planning permission in April 2019 (17/12348/OUT) for up to 28 dwellings, with all matters reserved except access (with new access proposed off Upper Marsh Road). The Officers Report to Committee (dated 27th June 2018) concluded that:

- The Site is located within the settlement limits of Warminster (as it was at that time pre adoption of the WHSAP) and was considered to be a sustainable location;
- The proposed residential development would be a sufficient distance from neighbouring residential properties and that the site can accommodate 28 dwellings without adversely impacting on the living conditions and amenities of the occupants;
- The density of the scheme was considered appropriate for the site the revised illustrative layout suggests that the level of development proposed (up to 28 houses) could be satisfactorily accommodated on site in terms of landscape, character and visual impacts;
- The development would cause less than substantial harm to the setting of the listed building at Turnpike Cottage, this harm being offset by public benefits such as the provision of affordable homes, the delivery of open market housing and improvements to the local highway;
- The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Sufficient parking could be secured and drainage issues can be adequately dealt with;
- The illustrative site layout demonstrated that the scheme could be planned to avoid harmful overlooking and maintain sufficient separation distances between existing and proposed new housing;
- In terms of positive aspects, the development would provide up to 8 affordable dwellings and 20 open market new homes and the scheme would result in highway improvements along Upper Marsh Road, these being moderate weight;
- Some short terms benefits during the construction phase of the development through direct and indirect job creation which were given some weight as part of the planning balance determination;
- The site has good transport links, and is able to be accessed via a variety of sustainable transport methods;
- It was considered that the benefits of the development outweigh the negative aspects and in the planning balance the proposed development was considered acceptable.

8.30 It is recognised that each application should be determined on its own merits; and that the development plan policy context has changed insofar as, at the time the above application was determined, the Site was located within the settlement boundary. However, in the context of such settlement boundaries being given reduced weight in the determination of this application, the comments of the Officer above are helpful and relevant, in particular, the Site's sustainable location, limited harm to heritage assets, safe access to the highway network and the benefits of the proposed development.

8.31 It is therefore considered that the planning history should be given moderate weight in the determination of the application.

The Emerging Local Plan

8.32 As noted in Section 5 above, the replacement Wiltshire Local Plan is highly likely to be withdrawn, the Council commencing a new Local Plan. A timetable for its preparation is not yet known.

8.33 Paragraph 49 of the NPPF confirms that decision makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF. Paragraph 50 - 51 goes on to state that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where 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 the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan.

8.34 In this case, the Local Plan is not proceeding to adoption, having been found to fail the tests of soundness in the NPPF. The new Local Plan has yet to commence in earnest. In addition, the Proposed Development represents a modest scale of sustainable development that aligns with the Spatial Strategy for focusing growth at the market town of Warminster. On this basis, there is no justification for refusal of planning permission on prematurity grounds.

8.35 In light of the above, the draft Local Plan should carry very limited weight in the determination of this application.

Emerging Neighbourhood Plan

- 8.36 As also noted in Section 5 above, the replacement Neighbourhood Plan is at an early stage, with a consultation on the pre-submission plan (Regulation 14) ending on 23rd March 2023. There are significant outstanding objections to the draft policies, including the proposed Local Green Space on the Site.
- 8.37 The NPPF policy on prematurity equally applies to the Neighbourhood Plan, whereby it has not at the publicity period on the draft plan. Furthermore, the Proposed Development is not so significant that it 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.
- 8.38 Whilst the Proposed Development is not on land proposed to be allocated for development; and on land proposed for a Local Green Space, objections have been lodged against both matters, which have yet to be considered and resolved. Indeed, the Neighbourhood Plan is not considered to align with the NPPF in providing sufficient land for sustainable development.
- 8.39 On this basis, it is considered that there is no justification for refusal on prematurity to the emerging Neighbourhood Plan; and that the emerging plan carries only limited weight in the determination of this application.

Supplementary Planning Documents (SPD's)

- 8.40 Section 5 above considers the following SPD's as relevant to the determination of this application:

- Wiltshire Local Transport Plan 2025-2038
- Open Space Assessment Update (2020): Final report March 2023

- 8.41 It is concluded that the Proposed Development meets the requirements of these guidance documents.

- 8.42 The above SPD's should be given some weight in the determination of this planning application.

9.0 CONCLUSIONS AND OVERALL PLANNING BALANCE

- 9.1 This Statement has considered the Proposed Development, the Site and its context, compliance with the development plan and other material considerations.
- 9.2 The application seeks outline planning permission for up to 49 dwellings on land off Damask Way, Warminster, with all matters reserved except access. The Site is located on the edge of the settlement, adjoining existing residential development and forming a logical and contained extension to the built-up area. It is well-related to local services and facilities, with no overriding technical or environmental constraints to development.
- 9.3 The proposed development will deliver a sustainable residential scheme in a location closely related to Warminster.
- 9.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 9.5 Overall, the Proposed Development gives rise to a limited and clearly defined conflict with the development plan, insofar as the Site lies outside of the defined settlement boundary and therefore conflicts, in part, with Core Policy 2. However, this represents the sole substantive policy conflict, and the proposal is otherwise fully compliant with the development plan when read as a whole, including policies relating to design, landscape, biodiversity, transport, infrastructure and affordable housing provision. Importantly, the Proposed Development aligns with the broader spatial strategy for growth at market towns such as Warminster and represents sustainable development in locational and environmental terms. Furthermore, the Proposed Development provides for a mix of housing types, 30% affordable housing, public open space, sustainable drainage and biodiversity enhancements.
- 9.6 In accordance with s38(6), given the Proposed Development does not accord with the development plan as a whole, it is necessary to determine if there are any material considerations; and to consider the weight to be afforded to them; that would justify a breach to the development plan in the determination of this application.
- 9.7 Whilst the Site is located outside of the settlement boundary, there are considered to be a number of material considerations that weigh strongly in favour of the development.

- 9.8 Wiltshire Council cannot demonstrate a five-year housing land supply, with recent evidence indicating a supply of only 2.0 - 2.4 years. In accordance with the NPPF, this renders relevant policies for determining the application out-of-date, most notably, the settlement boundary policies of Policy CP2; and the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged. This significantly reduces the weight that can be attributed to settlement boundary policies and materially alters the planning balance. In this context, the settlement boundary is not a physical constraint, but a policy tool which becomes less determinative where such housing policies are rendered out of date.
- 9.9 The remedy for the significant housing shortfall would typically be for the development plan to allocate more land for residential development. However, the replacement Local Plan has failed its Examination and will not proceed. It will be at least 30 months (applying the new Local Plan preparation process) before a Local Plan can be in a place to offer a plan-led solution.
- 9.10 Furthermore, the replacement Neighbourhood Plan is at an early stage and is proposing to allocate land for only 90 dwellings, woefully short of the identified needs.
- 9.11 The solution to the housing shortfall and the boost in housing supply advocated by national planning policy can therefore only be found by the granting of planning permissions. Those sites that would contribute toward sustainable patterns of development, adjacent to the existing built form, should be granted planning permission without delay. The application Site clearly forms a logical and defensible extension to Warminster, immediately adjacent to the settlement, closely related to existing residential development and capable of integrating seamlessly into the settlement.
- 9.12 Backhouse Housing owns the Site and is ready to commence development at the earliest opportunity.
- 9.13 The benefits of the Proposed Development are substantial. The scheme would deliver up to 49 dwellings, including policy-compliant affordable housing, making a meaningful contribution to both market and affordable housing need in an area where delivery is demonstrably failing. In addition, the proposals would provide public open space, biodiversity net gain, infrastructure improvements and economic benefits through construction and local expenditure. These benefits attract substantial weight in the determination of this application, consistent with recent appeal decisions within Wiltshire.
- 9.14 Set against this, the identified harms are limited in scope and can be appropriately mitigated through detailed design, planning conditions and legal agreement. The Site is not subject to any of the restrictive policies identified in Footnote 7 of the NPPF that would provide a

clear reason for refusal. As such, when applying the tilted balance, the benefits of the Proposed Development clearly outweigh any limited harm. In applying the tilted balance (paragraph 11(d) of the NPPF), it is evident that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

- 9.15 Emerging plan policies carry limited weight, with the Wiltshire Local Plan Review having failed examination and the emerging Neighbourhood Plan at an early stage with unresolved objections.
- 9.16 The proposal therefore constitutes sustainable development and, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted without delay.