
Draft Statement of Common Ground

Prepared jointly by PlanningSphere Ltd and Wiltshire Council

PINS Ref: TBC

LPA Ref: PL/2026/02029

Appellant: Stonebury Land Ltd

Date: May 2026

Site: Land north of Drove Lane, Market Lavington, Devizes, Wiltshire

Appeal Proposal: Permission in Principle for the development of up to 9 No. residential dwellings.

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AGREEMENT

The signatories below confirm that they agree with the contents of this Statement of Common Ground and its appendices.

Signed



Date: XXth XX 2026

Name: Chris Beaver BSc (Hons) MA MRTPI
(Planning Director, PlanningSphere Ltd)
For and on behalf of Stonebury Land Ltd

Signed ...

Date XXth XX 2026

Name: Adrian Smith **Qualifications**
(Senior Planning Officer)
For and on behalf of Wiltshire Council

1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared pursuant to an appeal against the refusal of Wiltshire Council to grant permission in principle for the erection of up to 9 No. dwellings and associated works. It sets out those matters on which Wiltshire Council and the Appellant have common ground and identifies those areas where disagreement lies.
- 1.2 The planning application was validated by the Council on 26th March 2026.
- 1.3 The Permission in Principle (PiP) application was accompanied by the following documentation as set out in the enclosed Core Documents List:
- Application Form
 - PiP Planning Statement
 - Ecological Impact Assessment (EcIA)
 - Historic Environment Desk-based Assessment
 - Landscape Strategy
 - Transport Technical Note
 - Illustrative Masterplan
 - Proposed Site Access Arrangements Plan
 - Baseline Habitats Plan
 - Proposed Habitats Plan
 - Validation Schedule
- 1.4 Planning application PL/2026/02029 was refused permission by Wiltshire Council under officer's delegated powers with the decision notice issued on 30th April 2026 for the following reason:

1 The proposed development is contrary to the adopted Development Plan housing delivery strategy in that it involves a greenfield site that lies in an unsustainable location within open countryside; and is outside and some distance from the defined settlement boundary for the Local Service Centre of Market Lavington and the Small village of Easterton. It is also considered that the proposals do not represent sustainable or infill

development and will only serve to uncharacteristically elongate the small hamlet of Fiddington Sands in a southeasterly direction away from its current central core, with a scale of development that is disproportionate for the hamlet, by virtue of the number of dwellings proposed (6-9) on the site, which conflicts with, and is separated from, the existing linear character of development. The principle of housing development on this site, in terms of both its location and quantum, is therefore considered to be contrary to the provisions of the National Planning Policy Framework; Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP12 (Devizes Community Area)CP57 (Ensuring High Quality Design and Place Shaping and National Planning Policy Framework (December 2024) paragraphs 7-11, 39, 84, 124-141.

- 1.5 The appeal documentation for the s.78 appeal comprising plans and relevant correspondence is catalogued in a Core Documents List.

2.0 Site Description and Planning History

(i) Site Location and Description

- 2.1 The appeal site extends to 0.68ha, as outlined in red in the Site Location Plan as shown in Figure 1 below. The site is identified in the recent Neighbourhood Plan Site Options and Assessment Report (September 2025) as part of Site 3627 (2.9ha).

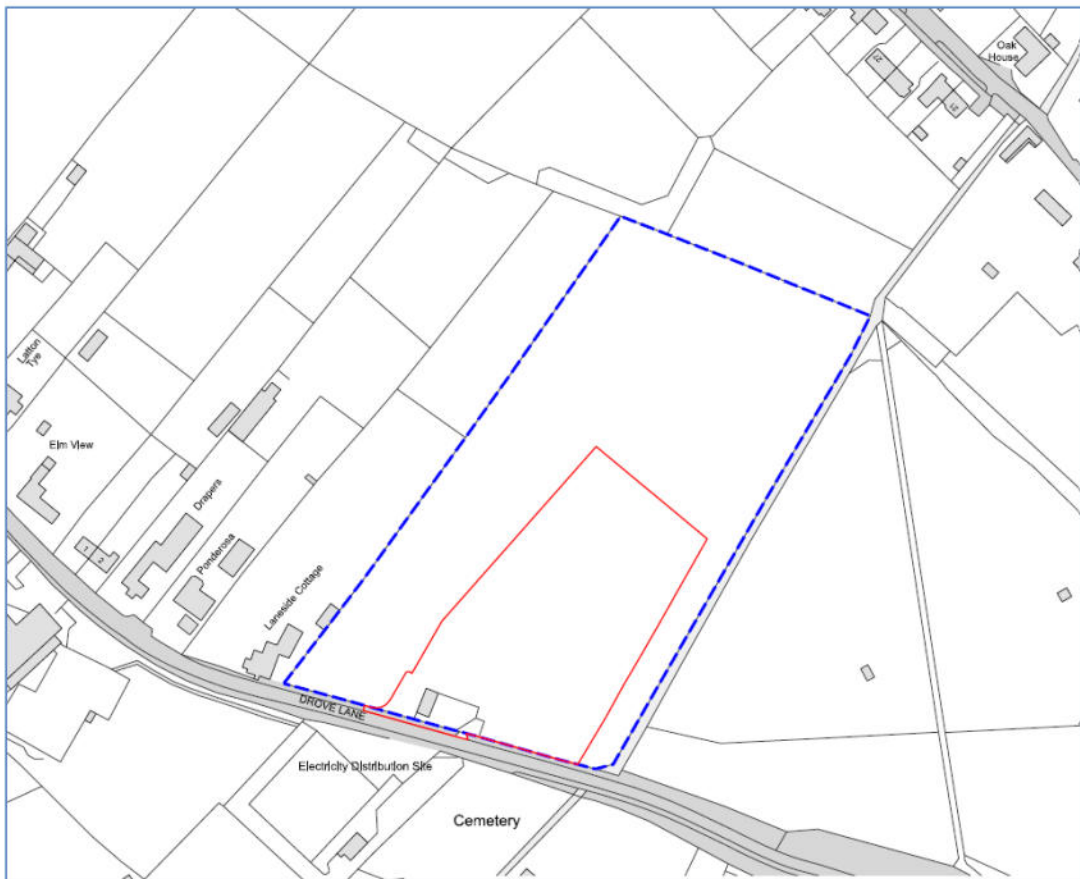


Figure 1. Extract from Site Location Plan: CD4A

- 2.2 The site comprises a rectangular parcel within paddock land to the north of Drove Lane (B3098) in Market Lavington and south west of the adjacent village of Easterton. The paddock is bounded by hedgerows and trees along the northern, eastern and western edge. The redline boundary of the site has been determined by easements associated with overhead power cables and a landscape and visual appraisal which has identified the extent of the northern boundary.

- 2.3 Residential properties border the site to the west and north. A public right of way MLAV16 runs along the eastern boundary. The parish is well served by footpaths, bridleways and byways that connect the settlement with the surrounding countryside and the nearby villages of Easterton, Littleton Panell and West Lavington. The site is situated in an accessible location near to the local primary school.
- 2.4 The appeal site is located outside the built-up boundary of the Market Lavington and is therefore located within open countryside in planning policy terms, albeit it is not isolated, being well related to the village. The site sits entirely in Flood Zone 1.
- 2.5 Market Lavington is a settlement with a population of 2,045 according to the 2021 census and has status as a Local Service Centre in the adopted Wiltshire Core Strategy 2015 (WCS) and benefits from a range of services and amenities.

(ii) Planning History

- 2.6 There is no relevant planning history other than the appeal application decision as summarised in the table below:

Reference	Description	Decision
PL/2026/02029	Permission in Principle for the development of up to 9 No. residential dwellings	Refused 30.04.2026

Table 1: Planning History for the appeal site

(iii) Site Promotion in the Neighbourhood Plan

- 2.7 Details of the wider site were submitted to the Parish Council's Call for Sites in December 2024 as part of the neighbourhood plan review, Land to North of Drove Lane, 2.9ha for residential development of ranging from 9-30 units (Site Ref: 3627).

(iv) AECOM Neighbourhood Plan Assessment

- 2.8 The site was part of an independent assessment *AECOM Site Options and Assessment commissioned September 2025* for the Neighbourhood Plan. Sites were chosen from the 2017 Strategic housing and Economic Land Availability assessment (SHELAA) and 2024 Neighbourhood Plan Call for Sites exercise.

3.0 Planning Application and Appeal Submission

- 3.1 The proposed development comprises 'Permission in Principle' for the erection of up to 9 No. residential dwellings.
- 3.2 Following the registration of the appeal Permission in Principle (PiP) application, contact was initiated with the planning case officer with an offer of an accompanied site visit or Teams briefing meeting.
- 3.3 The only post-submission dialogue that took place between the planning case officer and the appellant's planning agent, PlanningSphere, is an exchange of email correspondence (CD6A)
- 3.4 The Planning Case Officer's decision was made on the basis of the AECOM Assessment.
- 3.5 The appeal documentation for the s.78 appeal comprising plans and relevant correspondence is catalogued in the Core Documents List.

4.0 Planning Policy

(i) Development plan

- 4.1 Section 38 (6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicated otherwise.
- 4.2 The statutory development plan comprises: the Wiltshire Core Strategy (2015), the Wiltshire Housing Site Allocation Plan (2020) and the Market Lavington Neighbourhood Plan (2021). The Core Strategy was adopted in 2015 so is more than five years old and can be considered out of date in the context of the NPPF (2024).
- 4.3 At the time of writing, it is understood that Wiltshire Council's Cabinet and Full Council meetings schedule for May 2026 will be considering an officer recommendation to withdraw the ELP (Regulation 19 iteration of the Wiltshire Local Plan Review) and commence work on a new replacement plan following fundamental concerns raised by planning inspectors appointed to undertake an independent examination into the soundness and legal compliance of the Plan regarding the spatial strategy and insufficient considerations of a reasonable alternative. Therefore the adopted development plan will provide the decision-making framework.

(ii) Wiltshire Core Strategy

- 4.4 The appeal site lies within the Salisbury Plain Special Protection Area (SPA) Mitigation Zone which over washes this entire area. The site lies within the 30% affordable housing zone (Policy CP43) where affordable homes should make up 30% of new developments of over 5 dwellings. The site lies in open countryside for the purposes of planning albeit adjacent to existing dwellings and on a paddock that has defensible boundaries on all sides. The site lies outside Market Lavington's Settlement Limit as shown in the development plan.
- 4.5 The Easterton Conservation Area lies to the northwest. A Quaker Burial Ground (non-designated heritage asset) is located opposite the site on the south side of Drove Lane. The nearest listed buildings include Kestrels (Grade II*), and gate piers to yard at rear of

Kestrels, garden wall and gate piers to Kestrels, High View, and Easterton Manor (Grade II) as referenced in the Heritage Statement (CD5B). The site lies within Flood Risk Zone 1.

4.6 Relevant Local Plan policies include:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 12: Spatial Strategy for the Devizes Community Area
- Core Policy 41: Sustainable Construction and Low Carbon Energy
- Core Policy 45: Meeting Wiltshire's Housing Needs
- Core Policy 48: Supporting Rural Life
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment
- Core Policy 60: Sustainable Transport
- Core Policy 61: Transport and Development
- Core Policy 67: Flood Risk

(iii) Wiltshire Housing Sites Allocation Plan (2020)

4.7 The WHSAP does not contain any policies relevant to the appeal proposal.

(iv) Market Lavington Neighbourhood Plan 2018-2026

4.8 Applicable policies from the Market Lavington Neighbourhood Plan made in May 2021 include the following:

- Policy 1: Housing (general)
- Policy 2: Housing Site Allocations
- Policy 3: Local Infrastructure Priorities

(v) National Planning Policy Framework (NPPF)

- 4.9 The National Planning Policy Framework (NPPF) is a material consideration and will be referred to as appropriate.

(vi) National Planning Practice Guidance

- 4.10 National Planning Practice Guidance (NPPG) was first published in March 2014 and provides a web-based source of supporting guidance to supplement policies in the NPPF. The PPG is a material consideration and will be referred to as appropriate.

5.0 Agreed Matters

5.1 Both the appellant and the LPA agree that the following matters are not in dispute.

(i) Permission in Principle

5.2 The parties agree that the Planning Practice Guidance is clear that the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.

5.3 As set out in PPG (paragraph 012), other matters should be considered at the technical consent stage. The parties agree that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

(i) Tilted Balance

5.4 The parties agree that the Council cannot demonstrate a five-year supply of available housing land and that the current figure stands at 2.42 years.

5.5 Since the Council cannot demonstrate a 5-year housing land supply, the parties agree that the policies which are most important for determining the application are out-of-date and the tilted balance is engaged, including:

- Core Policy CP1: Settlement Strategy
- Core Policy CP12: Spatial Strategy: Devizes Community Area

5.6 The parties agree that since the 'made' Neighbourhood Plan expires in 2026 and noting the severe housing need across Wiltshire Council's administrative area (open market and affordable) NPPF Paragraph 14 which describes the status of the Neighbourhood Plan in terms of the tilted balance is not applicable.

5.7 The parties agree that permission should be granted unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

(ii) Principle of development

- 5.8 It is agreed that the appeal site lies in an existing residential area outside of the defined Limits of Development for Market Lavington and outside of the built-up area of the Small Village of Easterton as defined in the adopted Core Strategy. The parties agree that whilst the site is located outside the limits of development of Market Lavington, Policies CP1: Spatial Strategy and CP12: Spatial Strategy: Devizes Community Area are out of date as a result of the lack of 5 year housing land supply and less weight should be afforded to the conflict with these two policies than would be if the Council could demonstrate a 5 year housing land supply.
- 5.9 The parties agree that the site lies in close proximity to a primary school, the church and the local recreation ground with active travel links to existing local services and community facilities.

(iii) Landscape Considerations

- 5.10 The parties agree that the site is not subject to any restrictive landscape designations and a landscaping scheme can be agreed at TDC stage.

(iv) Heritage Considerations

- 5.11 The parties agree that the site is located outside of the designated Easterton Conservation Area and that the nearby Quakers Burial Ground, a non-designated heritage asset, will not be impacted by the proposed development.

(v) Flood Risk and Drainage

- 5.12 The parties agree that the site is located within Flood Zone 1 and that any technical issues relating to flooding or drainage can be dealt with at TDC stage.

(vi) Ecology and Biodiversity

- 5.13 The parties agree that there are no ecological designations on the site that prevent development of the site and that impacts upon ecology and biodiversity can be dealt with at TDC stage.

(vii) Design and Layout

- 5.14 The parties agree that a heritage-led design and layout can be agreed at TDC stage.

(viii) Access and Highways

- 5.15 The parties agree that the details of access and highway can be agreed at TDC stage.

6.0 Matters in Dispute

6.1 The following matters are in dispute:

(i) Principle of development

6.2 The principle of housing development on this site, in terms of both its location and quantum.

6.3 Compliance with Core Policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP12 (Devizes Community Area), CP57 (Ensuring High Quality Design and Place Shaping) of the adopted Wiltshire Core Strategy (2015).

6.4 Compliance with the objectives of Section 9 of the National Planning Policy Framework, in particular paragraphs 109–111.

(ii) Planning Balance Considerations

6.5 Whether the supply of housing land supply in the Wiltshire Administrative Area is adequate and given appropriate weight in the determination of the appeal application.

6.6 Whether the site is in a sustainable location with satisfactory access to services and facilities to meet future occupiers' day to day needs.

6.7 Whether the proposed land use and amount of development proposed is acceptable in principle at this location. The Appellant considers that the planning and public benefits of the proposal significantly and demonstrably outweigh the harms.

6.8 Whether sufficient weight was given to detailed technical evidence provided by the Appellant in the determination of the appeal planning application. The Appellant considers that insufficient weight has been given to this robust site specific assessment.

6.9 Whether too much weight was given to the *AECOM Site Options Assessment Report September 2026* commissioned for the Neighbourhood Plan review in the Council's consideration of the application. The Council considers that the harms it has identified as set out in its reason for refusal (which include the site's location outside the built up limits of a Local Service Centre and the potential effect of the proposals upon the rural

character of the residential development in this location) significantly and demonstrably outweigh the benefits of the proposal.

- 6.10 Whether the social, economic and environmental benefits of the proposal were given appropriate weight in the determination of the appeal application.