
Statement of Case

Appellant: Stonebury Land Ltd

PINS Ref: TBC

LPA Ref: PL/2026/02029

Date: May 2026

Appeal Site: Land to the 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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1.0 Introduction

- 1.1 This Statement of Case has been prepared by PlanningSphere on behalf of Stonebury Land Ltd, a local developer who has an Option Agreement with the landowner of the appeal site.
- 1.2 The appeal proposal seeks permission in principle for the development of up to 9 No. residential dwellings.
- 1.3 The appeal site is located on land north of Drove Lane, Market Lavington, Wiltshire.
- 1.4 The Council refused planning permission under officer's delegated powers on 30th April 2026 (Document Ref: CD3A) for the following single 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 above refusal reason has informed the appellant's grounds of appeal.

- 1.6 To assist the appeal process a Core Documents List has been prepared and included with the appeal submission. In the interest of brevity, the relevant Core Documents are referred to in the text narrative of this Statement by their reference numbers.

2.0 Relevant Background Information

(i) Site Description and Context

- 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 Site 3627.

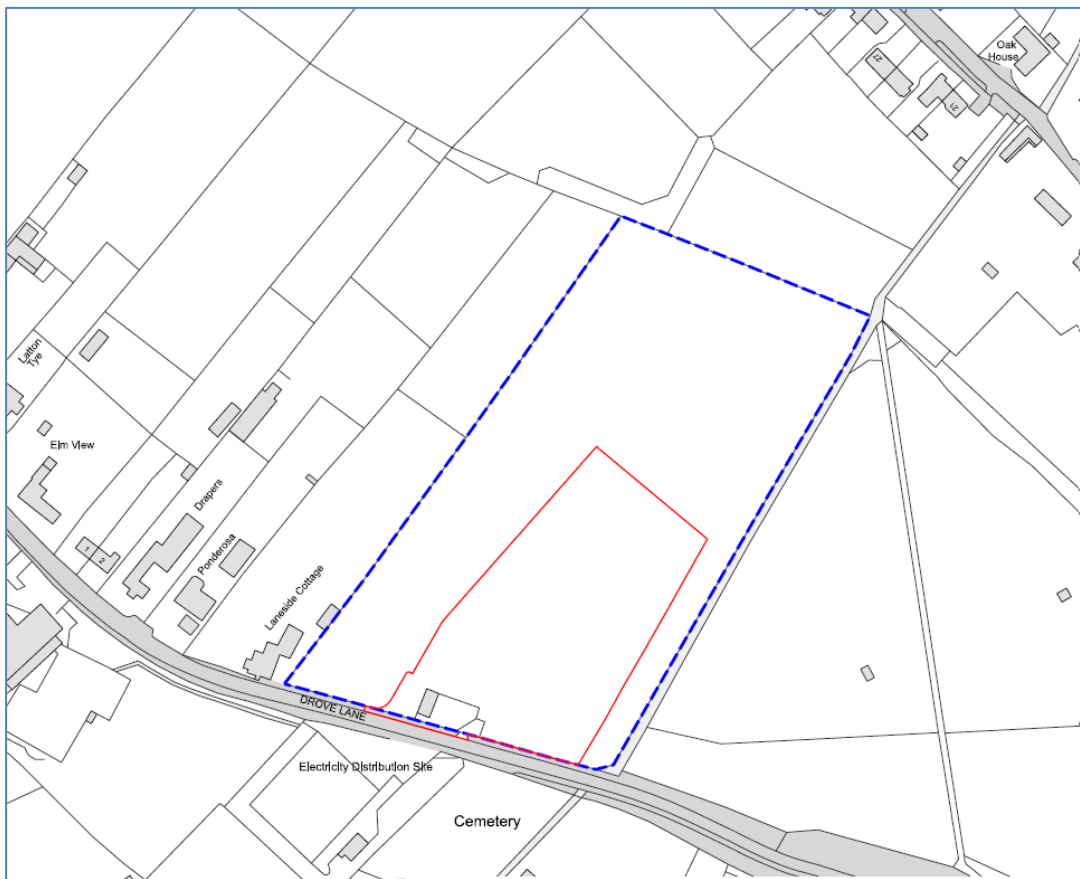


Figure. 1 Site Location Plan: the dashed blue line shows the extent of land in the landowner's control.

- 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 (CD4A). The redline boundary of the site has been determined by easements associated with overhead power cables and a Landscape and Visual Appraisal included within a Landscape Strategy which informed the extent of the application site (CD5D).
- 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 Easterton, Littleton Panell and West Lavington. The site is situated in an accessible location near to the local primary school.

- 2.4 The enclosed Transport Technical Note (CD5E) describes the site's location and active travel links in respect of existing facilities, services and public transport (CD5G). Information on the site's heritage context is set out in the Historic Environment Desk Based Assessment (CD5B). A Landscape Strategy (CD5D) and Ecological Impact Assessment (CD5C) has informed the enclosed Proposed Illustrative Masterplan (CD5F).
- 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 settlement hierarchy of the adopted Wiltshire Core Strategy 2015 (WCS) benefitting from a good range of services and amenities.

(ii) Planning history

- 2.6 There is no relevant planning history relating to the appeal site other than the refusal of the appeal application, as summarised below:

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

(iii) Site Promotion in the Neighbourhood Plan

- 2.7 Details of the 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) Determination of the appeal application PL/2026/02029

- 2.8 Permission in principle was sought for the erection of up to 9 No. dwellings and on 24th March 2026. Following the registration of the appeal Permission in Principle (PiP) application, contact was initiated with local planning authority with an offer of an accompanied site visit or Teams briefing meeting, which was not taken up by the planning case officer.
- 2.9 The only material post-submission correspondence comprised an exchange of emails dated 23rd April 2026 between the planning case officer and PlanningSphere, which confirmed the case officer's reliance upon the high-level conclusions in the AECOM Site Options and Assessments Report September 2025 for Site 3627, which informed the Council's assessment of the appeal application (CD6A).

(v) The Appeal Proposal

- 2.10 As noted above, the scope of PiP applications are limited to location, land use and the amount of development permitted. All other matters are to be considered as part of a subsequent technical details consent application. Appeal application PL/2026/02029 forms the basis for the current appeal proposal, which seeks permission in principle for the erection of up to 9 No. residential dwellings.
- 2.11 The appeal proposal is supported by a Proposed Illustrative Masterplan, which demonstrates how up to 9 No. residential units and parking could be accommodated on the appeal site (CD5F) – shown in Figure 2 below for ease of reference. The Illustrative Masterplan has been informed by baseline assessments relating to ecology (CD5C), landscape (CD5D), heritage (CD5B) and access (CD5G) and design development collaboration involving the appellant's professional consultant team. The resulting Illustrative Masterplan makes explicit provision for green / blue infrastructure and a coalescence buffer designed to provide a visual separation between Market Lavington and the settlement of Easterton to the north, as explained in the submitted Landscape Strategy (CD5D).

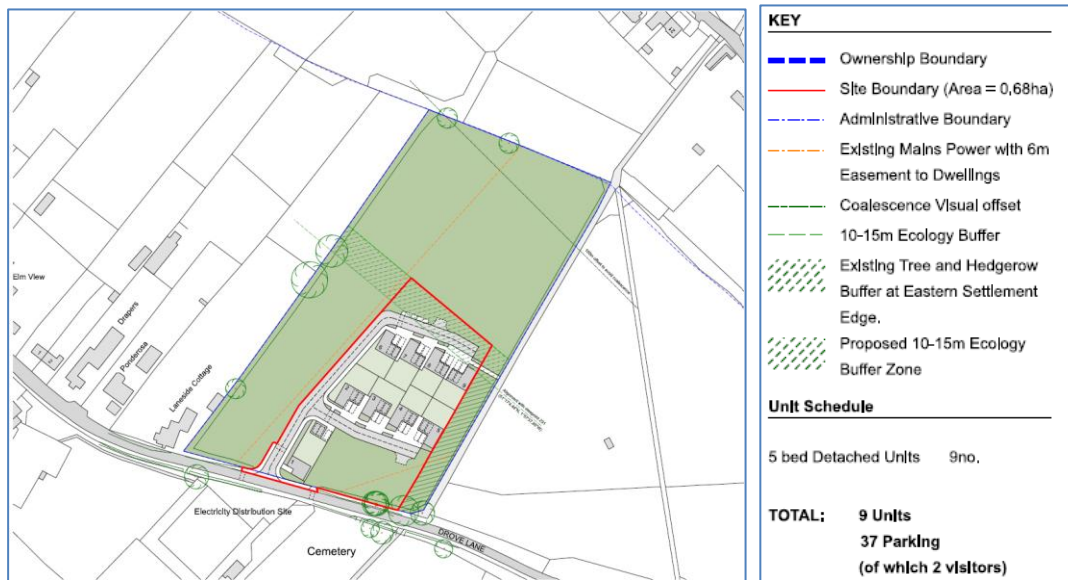


Figure 2: Extract from Proposed Illustrative Plan (CD5F)

- 2.12 The Proposed Illustrative Masterplan has been informed by a comprehensive and rigorous site analysis and assessment of constraints and opportunities. The site is broadly rectangular in shape and level; with the wider blue line area of ownership containing existing overhead cables and associated easements.
- 2.13 The proposed dwellings will be sited in the southern part of the parcel where it would be most closely associated with and anchored to Drove Lane so that the new development would be read in the context of the existing neighbouring built form aligned with the plot depth of existing residential curtilages on the north side of Drove Lane and in keeping with the established settlement pattern, leaving the northern part of the field undeveloped.
- 2.14 Vehicular access to the site is proposed in the form of a simple priority junction with the adopted Drove Lane utilising the existing field gate access as shown in the Proposed Access Arrangements Plan (CD5G), as shown in Figure 3 below for ease of reference. The appeal proposal would also benefit from existing footway connections to Market Lavington and Easterton and associated street lighting infrastructure in addition to the public right of way (PROW) network as described in the Transport Technical Note (CD5E).

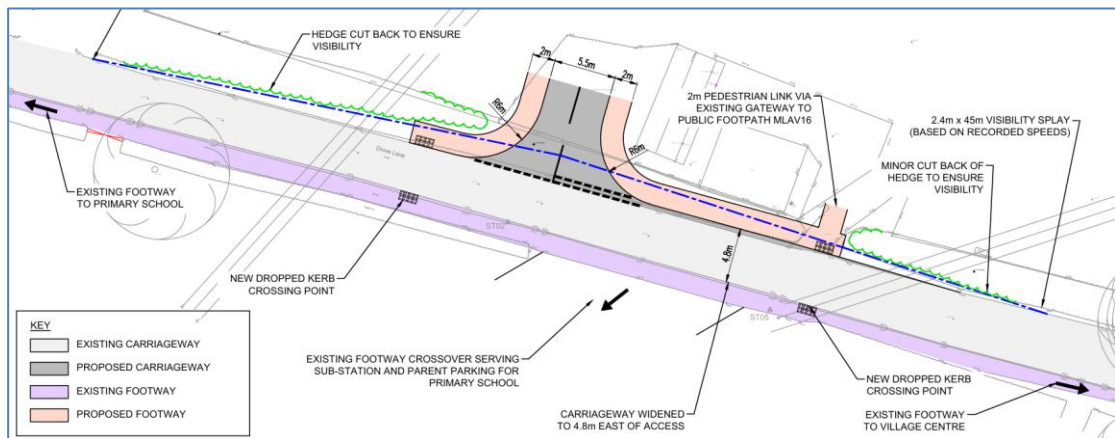


Figure 3: Extract from Proposed Access Plan (CD5G)

3.0 Planning Policy Context

(i) Development Plan

- 3.1 The Statutory Development Plan for the area currently comprises: (i) the adopted Wiltshire Core Strategy (2015); (ii) the Wiltshire Housing Site Allocation Plan (2020); and (iii) the Market Lavington Neighbourhood Plan (2021).

(ii) Applicable Designations

- 3.2 Market Lavington is described as a Local Service Centre in the WCS settlement strategy (Policy CP1). Local Service Centres are defined as *smaller towns and larger villages which serve a surrounding rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self containment. Local Service Centres will provide for modest levels of development in order to safeguard their role and to deliver affordable housing.*
- 3.3 Applicable designations include the location of the site within the Salisbury Plain Special Protection Area (SPA) Mitigation Zone which over washes this entire area. The site lies outside of the defined Market Lavington Settlement Limit, as shown on the development plan proposals map.
- 3.4 The village of Easterton and its 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). For further information refer to the Heritage Statement (CD5B).
- 3.5 The site lies with Flood Risk Zone 1, Low Flood Risk, as shown on the Environment Agency's Flood Map for Planning.

(iii) Core Strategy Policies

3.6 The following Core Strategy policies are applicable:

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 12: Spatial Strategy: Devizes Community Area
- Core Policy 41: Sustainable Construction and Low Carbon Energy
- Core Policy 45: Meeting Wiltshire's Housing Needs
- 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

(iv) Wiltshire Housing Sites Allocation Plan (WHSAP) (2020)

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

(v) Market Lavington Neighbourhood Plan (2018-2026)

3.8 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

3.9 It is noted that as there is an adopted Neighbourhood Plan, the Parish Council would be entitled to receive 25% of CIL receipts to help mitigate the impact of the development.

(vi) National Planning Policy Framework (NPPF)

3.10 National planning policy is set out in the NPPF (last updated in February 2025)¹. A summary of the applicable NPPF policies is set out below:

- Achieving sustainable development: 7-10
- The presumption in favour of sustainable development: 11-14
- Decision making: 39, 48-51
- Delivering a sufficient supply of homes: 61
- Promoting healthy and safe communities: 96
- Promoting sustainable transport: 109, 115, 116, 117
- Making effective use of land: 124, 125, 129
- Achieving well-designed places: 131, 135, 137
- Meeting the challenge of climate change, flooding and coastal change: 161, 164, 166, 170, 181
- Conserving and enhancing the natural environment: 187, 193
- Conserving and enhancing the historic environment: 202, 207, 210, 213, 215
- Annex 1: Implementation: 231-233

3.11 The following NPPF paragraphs are of particular relevance to the appeal proposal:

Para. 11 d (ii) i.e. the engagement of the Framework's 'tilted balance')

Para 14: "In situations where the presumption (at paragraph 11d) applies to applications relating to the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement..."*

Para 39: "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning

¹ At the time of writing a Consultation Draft NPPF has been issued with a consultation period that expired in March 2026. When the new NPPF is subsequently issued, and if the appeal remains undetermined, it is noted that the principal parties may be invited to provide further comments, if there any changes to national planning policy are material to the appeal proposal.

tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

Para 61: “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including an appropriate mix of housing types for the local community.”

*Para. 73: “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. ... To promote the development of a good mix of sites local planning authorities should...
d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...”*

Para. 124: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

Para 135: states that planning decisions should ensure that “...developments will function well and add to the overall quality of the area”; ‘are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’.

Para. 215: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

(vii) National Planning Policy Guidance (NPPG)

- 3.12 National Planning Policy Guidance (NPPG) was published on 6th March 2014 and provides a web-based source of supporting guidance to supplement policies in the NPPF. Practice Guidance under Paragraph: 004 Reference ID: 58-004-20190315. The following table sets out the eligibility criteria for PiP applications, as shown in Figure 4 below:

Type of development or land	Route to permission in principle: Following an application	Route to permission in principle: Entering a site in Part 2 of a brownfield land register
Householder development	X	X
Major development	X	✓
Development on land not defined as previously developed	✓	X
Development consisting of the winning and working of minerals	X	X
Environmental Impact Assessment development	X	X
Habitats development	X	X

Figure 4. Extract from NPPG

(viii) Wiltshire Local Plan Review

- 3.13 A Regulation 19 iteration of the Wiltshire Local Plan Review (ELP) was submitted to the Secretary of State for Housing Communities and Local Government for examination on 28 November 2024. Two planning inspectors were appointed to undertake an independent examination into the soundness and legal compliance of the Plan. However, the Inspectors raised fundamental concerns about the spatial strategy and insufficient considerations of reasonable alternative in their letter to the Council dated 22nd December 2025 (Exam Ref: ID.11).
- 3.14 Given that the ELP is being examined under transitional arrangements which pre-date the changes to the Council's annual housing requirement, the Inspectors in their most recent letter to the Council on 27th February 2026 recommended that the most efficient and effective course of action for all parties to avoid an overly long examination is for the Council to withdraw the submitted Plan and address matters through the preparation of the new plan under the new local plan-making system (Exam Ref: ID.13). The alternative would be for the Council to request that the Inspectors proceed to prepare and issue the report on the Plan as submitted which would inevitably lead to a recommendation that the Plan is not adopted.
- 3.15 At the time of writing, it is understood that Wiltshire Council's Cabinet and Full Council meetings scheduled for May 2026 will be considering an officer recommendation to

withdraw the ELP and commence work on a new replacement plan in accordance with the regulations introduced under the Levelling-up and Regeneration Act 2023 which came into force on 25th March 2026. The new local plan regulations mandate a faster 30-month digital-first plan-making system. Accordingly, no weight can be ascribed to the development management policies and allocations contained within the soon to be withdrawn ELP.

(ix) Wiltshire Housing Land Supply

- 3.16 Following publication of the December 2024 iteration of the NPPF, Wiltshire Council's annual housing requirement has been significantly increased from 1,917 to 3,525 dwellings per annum. At the time of writing, Wiltshire Council can only demonstrate **2.42 years** of housing land supply. This level of housing land supply has been acknowledged in recently published committee reports² and appeal decisions and constitutes a severe shortfall in housing land supply.

(x) Other Legislation

- 3.17 The following legislation is relevant to the application:

- Town and Country Planning Act 1990, as amended
- Environment Act 2021
- Planning (Listed Building and Conservation Areas) Act 1990

² The Officer Report prepared for the August 2025 meeting of the Council's Strategic planning Committee in respect of planning application PL/2024/07097 (Land South of Snarlton Lane, Melksham) stated that the Council can demonstrate a housing supply of 2.42 years.

4.0 Statement of Case

- 4.1 This section of the statement expands upon the appellant's grounds of appeal and demonstrates that the proposed development is compliant with applicable development plan policy, national planning policy and legislation.

(i) Procedural Compliance

- 4.2 The scope of the permission in principle (PiP) application is limited to location, land use and amount of development. Other matters outside of the scope of the PiP will be considered at a subsequent 'Technical Details' consent stage.
- 4.3 Although there is no requirement for technical reports to accompany this submission, the appeal planning application is supported by an Historic Environment Desk Based Assessment (CD5B), an Ecological Impact Assessment (CD5C), a Landscape Strategy incorporating a Landscape and Visual Assessment (CD5D), and a Transport Technical Note (CD5E) to inform the planning balance and decision making.

(ii) Principle of Development

- 4.4 Market Lavington is designated as a 'Local Service Centre' under Core Strategy Policy CP1 where a modest level of development is acceptable to safeguard its role in serving the surrounding rural hinterland and deliver affordable housing, given that local service centres possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self-containment.
- 4.5 Market Lavington is home to a range facilities, including a convenience store, a pre-school, a primary school and a secondary school, a doctor's surgery, a library, a community hall, a village museum, a butcher, café, hairdressers, pub and other retail units. Having regard to the size and layout of the plot, and the availability of an access, the appeal site is demonstrably capable of accommodating the proposed dwellings.
- 4.6 The site whilst located within a residential area near the village primary school, is located outside of the Market Lavington defined settlement boundary. However, Wiltshire Council's significant and persistent lack of housing land supply, as outlined in Paragraph 3.14 above, is highly relevant as the Framework's 'titled balance' is engaged (NPPF: 11d ii). This reduces the weight that can be attached to the development plan's

spatial strategy, which directs new housing to within settlement boundaries.

- 4.7 The appeal site was included in the AECOM *Site Options and Assessment Report September 2025* commissioned as part of the Neighbourhood Plan review (as part of Site 3627).
- 4.8 The AECOM Report is caveated with the acknowledgement that the quantitative and qualitative information collected to inform the assessments was mainly through desk-based research to support conclusions around landscape sensitivity and visual amenity. Where consultants were unable to access a site upon visiting Market Lavington to make a judgement on landscape sensitivity and visual amenity, a high-level judgement was formulated and AECOM recommend that a more detailed assessment or verification should be sought from a landscape professional or the Local Planning Authority, if appropriate. The Report clearly states that the Site Assessment work comprises a high-level evaluation of all constraints on a site.
- 4.9 In this context, it is important to highlight that the appeal site at 0.68ha comprises only the southern part of the larger Site 3627 (NB. the blue line extent is 2.9ha) and that Site 3627 was put forward for residential development of up to 30 units. Therefore, and bearing in mind the acknowledgement from AECOM that the initial assessment was 'high-level', the Site Assessment Report (and therefore the planning case officer's conclusions) cannot be relied upon definitively to inform any judgements in respect of the appeal proposal. It is submitted that the detailed site-specific assessment that has been undertaken by the appellant's design team, should be given more weight in the determination of the appeal proposal.
- 4.10 The appeal proposal, as demonstrated by the technical evidence base enclosed and categorised in the Core Documents List, was informed by a rigorous and detailed site-specific analysis in accordance with Landscape Institute Guidelines, as set out in the submitted Landscape Strategy (CD5D). The appeal site was assessed from first principles at a detailed site-specific level. The rigorous analysis undertaken by the appellant's design team demonstrates that the appeal proposal is sustainable by objectively meeting the Framework's three-dimensional tests for 'sustainable development' (NPPF: 7-10).
- 4.11 We consider that the Council's reason for refusal, as discussed in detail below, is

therefore not well-founded in planning terms, and that the Council has erroneously relied heavily on an acknowledged high level evaluation of a larger site put forward as part of the Neighbourhood Plan review without attaching sufficient weight to the technical evidence enclosed by the Appellant and without acknowledging the planning and public benefits of the proposal particularly in the absence of a five year housing land supply in Wiltshire.

- 4.12 Furthermore, the Council's decision not to grant permission in principle runs contrary to Paragraph 38 of the revised NPPF which states that: *Local planning authorities should approach decisions on proposed development in a positive and creative way.*
- 4.13 It is acknowledged that the appeal site lies outside of the defined Limits of Development for Market Lavington. However, as explained above we consider that the Council has significantly underestimated the sustainability credentials of the proposal giving too much weight and relying heavily on the high-level AECOM *Site Options and Assessment Report* that was undertaken in September 2025 and giving insufficient weight to the detailed technical evidence that has been provided by the Appellant at the site specific level.
- 4.14 The Council has also given the spatial strategy policies that restrict the distribution of housing development in Wiltshire undue weight in its decision-making process, given the Council's inability to demonstrate a 5-year land supply as detailed below and noting the expiry of the plan periods of both the Wiltshire Core Strategy and the Market Lavington Neighbourhood Plan in 2026.

Five Year Housing Land Supply Deficit

- 4.15 Following changes introduced to the 'Standard Method' of calculating housing need by the revised NPPF (December 2024), there has been an increase of 84% of Wiltshire Council's Housing Need: rising from 1,917 to 3,525 homes per annum. The recalculation has led to a significant reduction in housing land supply. At the time of writing, Wiltshire Council can only demonstrate 2.42 years supply in its administrative area.
- 4.16 Following the joint inspectors' latest correspondence in respect of the Emerging Local Plan (Exam Ref: ID.13), it is anticipated at the time of writing that the Council will now need to commence work on a replacement Local Plan (NB. a decision on the replacement Local Plan will be made the Council's Cabinet and Full Council in May

2026). A consequence of the inevitable withdrawal of its Emerging Local Plan, is that the inability to demonstrate a 5-year housing land supply is now persistent and will remain so until at least 2029/2030 i.e. until such time that a sound replacement Local Plan is adopted. In this context, it will be essential for the Council to permit sustainable residential proposals to ensure the delivery of new homes to meet market demand and housing need.

- 4.17 The importance of providing a consistent supply of homes is strongly recognised in the NPPF and in recent appeal precedents. There is also an increasing recognition of the importance of housing delivery by SME developers who find it difficult to compete in the land market with national volume housebuilders which have dominated the Wiltshire land market. The provision of up to 9 No. homes would make an important contribution to meeting local housing need in accordance with Section 5 of the Framework.
- 4.18 On the basis that the NPPF 'presumption in favour of sustainable development' is engaged, the conflict with the Council's spatial development policies CP1 and CP2, is outweighed by the following:
- The severity of the housing land supply shortfall, i.e. 2.42 years.
 - Full compliance with applicable development plan (development management) policies and legislation.
 - Contribution towards the delivery of the Devizes Community Area Strategy.
 - Delivery of economic, social, environmental benefits, i.e. meeting the Framework's three-dimensional sustainable development test, as summarised below:

Test 1: Sustainable Location

- 4.19 As referenced above, Market Lavington is categorised as a 'Local Service Centre' within the Devizes Community Area, benefiting from a range of day-to-day services and amenities with the proposed site being well located to allow future residents convenient access on foot to existing local services and community facilities. Primary and secondary school education, convenience shopping opportunities, medical and leisure facilities are all available locally and generally within an appropriate walking distance. Furthermore, the quantum of development, up to a maximum of 9 homes would not place any unreasonable pressure on these local services and would add additional

social and economic vitality to the village, helping to support these services. Refer to the enclosed Transport Technical Note which sets out details of the various services and amenities with the associated walking distance and walking time from the appeal site (CD5E).

- 4.20 Cycling opportunities and Public Transport provision is also good for a village environment offering longer distance non-car travel options to numerous local villages and the higher order settlements of Devizes and Salisbury. The appeal site's proximity to open countryside offers direct access to an extensive network of public footpaths, encouraging walking and outdoor recreation.
- 4.21 The proposed development would, in principle, provide a positive approach to sustainable growth in this part of the village, knitting into the existing infrastructure network of roads and footpaths and will provide an appropriate density of new housing set within a landscape that will enhance the ecology and drainage of the site in this existing residential location with the provision of ecological and coalescence buffers, providing a visual offset between Market Lavington and Easterton to the north.

Test 2: Socio-economic benefits

- 4.22 Socio-economic benefits of housing are recognised by Inspectors in appeal decisions. Government have committed to the delivery of 1.5 million homes across this parliament as a key milestone in their mission to kick start economic growth, set out in its Plan for Change (Dec 2024). This commitment has been further reflected in £100 million grant in aid for Council planning departments to accelerate decision making and the planning reforms set out in the December 2024 NPPF revision. The clear political commitment to solving the housing crisis, and the role that councils have in addressing this through positive decision making, means that the economic benefits of new housing are now vitally important and should be viewed as a crucial component of the planning balance.
- 4.23 The government's mission led approach to increasing housing supply, as well as evidence from the Bank of England and, internationally, the European Commission and International Monetary Fund clearly demonstrate that there is a consistent and pressing requirement to build more homes to meet the significant level of unmet need in Britain, particularly for homes that are affordable. There is also a strong recognition of the need to provide more affordable homes in this approach, which is reflected in both increased

policy and funding support.

- 4.24 The housing crisis has arisen because new housebuilding has not kept pace with population growth and household formation rates, and due to the shortage in housing stock which is now outstripped by demand, house prices in the UK have continually increased, both in real terms and relative to incomes making them unaffordable or unsuitable for today's needs. The level of affordable housing need in Wiltshire is substantial. The application proposals will deliver a policy compliant scheme of 30% affordable homes that will add new social vitality to Market Lavington, noting that the *AECOM Site Options and Assessment Report September 2025* (para 1.8) comments that the Parish Council have cited an ageing population as a demographic challenge in the area.
- 4.25 The permission in principle proposal for up to 9 homes would deliver local benefits through the provision of both open market properties and affordable homes which is a key part of national and local planning policy and has recently been re-enforced by the Written Ministerial Statement and would contribute towards addressing the Council's housing shortfall and meeting affordable housing needs, which merits being afforded very significant weight in the planning balance.
- 4.26 Furthermore, the combination of economic benefits including but not limited to those associated with local spending power of future residents, the construction phase, and payments such Council Tax, should also be acknowledged as forming part of the planning balance.

Test 3 - Environmental objectives

- 4.27 The proposal will result in the loss of agricultural land. However, the appeal site is a relatively small area of land, and there is a significant stock of such land in the surrounding area. As such this should only be attributed limited adverse weight in the overall planning balance. Paragraph 187 of the NPPF requires planning decisions 'to contribute to and enhance the natural and local environment'. Ecological advice has confirmed that it will be possible to deliver and/or exceed mandatory requirements of biodiversity net gain (CD5C). Matters relating to sustainable construction can be secured at a subsequent Technical Details Stage.
- 4.28 Given that the Neighbourhood Plan was 'made' in 2021 and only allocates housing for

the plan period 2018-2026 and noting the severe housing need across Wiltshire Council's administrative area (open market and affordable), it is submitted that NPPF Paragraph 14 which describes the status of the Neighbourhood Plan in terms of the tilted balance is not applicable.

- 4.29 For the reasons set out above, including the engagement of the NPPF's 'tilted balance', the lack of new housing allocations given the expiry of the Neighbourhood Plan and the demonstrable compliance with the NPPF's 3-dimensional tests for achieving sustainable development, the principle of residential development is clearly established in planning terms.

(ii) Technical Matters

- 4.30 The scope of permission in principle is limited to location, land use and amount of development and as set out in the PPG (paragraph 012) other matters should be considered at the technical details consent stage. However, given that the Council has relied heavily on the AECOM *Site Options and Assessment Report* for the larger Site 3627 in its decision making process as set out in the correspondence between PlanningSphere and the Council's planning case officer (CD6A), we refer the Inspector to the enclosed technical studies relating to landscape, ecology, heritage and highways that were submitted with the appeal planning application and referenced in the enclosed Core Documents List, which provide a more robust assessment.

(iii) Landscape Considerations

- 4.31 The Appellant's approach has been informed by a rigorous and detailed site-specific analysis in accordance with Landscape Institute Guidelines as explained in the submitted Landscape Strategy (CD5D). The empirical evidence from the Landscape report directly informed the identification of the application site parameters and extent. In contrast, the Neighbourhood Plan assessment relied upon by the Council's planning officer in the decision-making process, was more broad brush in its scope and as such, should be given less weight in the determination of this appeal.
- 4.32 The Landscape Strategy Report (CD5D) records and analyses the existing site context and baseline conditions, with design recommendations to inform future development proposals. It includes an appraisal of existing landscape character and views/ visual amenity and identifies constraints and opportunities presenting key design

recommendations. There is very limited visibility of the site from within the existing settlement and publicly accessible parts of the surrounding landscape. Fieldwork has confirmed no long-range visibility towards the site from the north and west. Analysis of site topography and levels and key publicly accessible viewpoints have informed the proposed site layout.

- 4.33 It should also be noted that the AECOM Report concludes in respect of the wider 2.9ha Site 3627 that:

The site is considered to have low to medium sensitivity in terms of landscape - the site is off the main road, has flat topography and there are limited long views available from the site. The site is also considered to be of low sensitivity with regards to visual amenity - the site is screened to the east and west by dense hedgerow/treeline and the site is not highly visible from the main road (Drove Lane) due to screening offered by existing vegetation.

- 4.34 In conclusion, the sensitive and well-considered development of the site would ensure that the existing rural settlement-edge character of the site is not lost, the established settlement pattern is preserved and the undeveloped settlement gap between Market Lavington and Easterton is maintained, whilst assimilating small-scale development into its immediate and wider landscape settings.

(iv) Heritage Considerations

- 4.35 The enclosed Historic Environment Desk Based Assessment (CD5B) notes the following in respect of archaeology and heritage assets.
- 4.36 **Archaeology:** there is generally low potential for encountering pre-historic deposits within the site and there is no evidence of Romano-British remains. A geophysical survey is recommended to better understand the archaeological potential and significance within the site to inform the need for, and scope of, any further work required, although the presence of any features of such importance precluding development is considered highly unlikely.
- 4.37 **Heritage Assets:** Designated heritage assets assessed include the Easterton Conservation Area to the north east of the site, 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). Non-designated heritage asset assessed includes the Quaker Burial Ground located opposite the site on the south side of Drove Lane, noting that the AECOM report confirms that: *the site does not make a significant contribution to the setting of the Quaker burial ground due to existing screening.*

- 4.38 While the proposed scheme would introduce some change into this wider rural setting, it is concluded that the appeal proposal would cause no harm to the significance or appreciation of these heritage assets.
- 4.39 In respect of the other Listed Buildings, the site forms a peripheral component of their wider rural setting which makes no meaningful contribution to their significance, and the proposed scheme would not be harmful to the significance of the Listed Buildings through changes to their setting.
- 4.40 The appeal site and scheme will comprise only the southern part of the field (not the much larger site assessed by AECOM) and the proposed development will be firmly anchored to the area of Drove Lane, which is characterised by existing residential development. The northern part of the field assessed as part of Site 3267 which is closest to the Conservation Area does not fall within the appeal site redline and will remain as open space, ensuring that a significant green buffer of encircling land is retained around the south-western part of the Conservation Area, preserving its rural surroundings and preventing physical coalescence with the settlement of Market Lavington. As such, it is concluded that the proposals will cause no harm to the special interest of the Conservation Area.
- 4.41 On this basis and noting the planning and public benefits outlined in the Conclusion Section 5.0 below, the proposal is considered to be compliant with WCS Policy 58, the NPPF and applicable heritage legislation.

(iv) Ecological Considerations

- 4.42 At the PiP stage it is only necessary to demonstrate that the proposal is not a 'habitats development'. This is confirmed in the Ecological Impact Assessment (CD5C) which notes that the site is not in a bat conservation zone and is not of significant ecological importance for protected or notable species and consists of widespread habitat types. As such the site provide a good opportunity for ecological enhancement as illustrated by the enclosed Baseline Habitats Plan (CD5H) and Proposed Habitats Plan (CD5I).

- 4.43 The appeal site is enclosed by mature hedgerows although the existing eastern boundary hedgerow is thin and gappy. The proposal therefore provides an opportunity to improve biodiversity through the planting of new trees which will also have the benefit of additional containment and visual screening by enhancing the boundary and supplementing with further planting. There is sufficient land available to deliver 10% biodiversity net gain in habitat and hedgerow units, making use of the offsite land adjacent to the red line boundary.
- 4.44 Further ecological information, including mitigation measures and mandatory BNG in line with the recommendations of the EclA will be submitted at the subsequent Technical Details Stage. On this basis the proposal is compliant with WCS Policy CP50 and applicable wildlife legislation.

(v) Flooding and Drainage

- 4.45 The site lies within Flood Zone 1, indicating a low overall risk of flooding. A drainage strategy will be submitted at the subsequent Technical Details Consent stage to ensure that the development would not increase flood risk and that future occupiers would be safe from flooding. On this basis the proposal is in compliance with WCS Policy 67 and applicable legislation.

(vi) Access and Highways

- 4.46 Drove Lane is a good standard 'no through road. The proposal will connect into the adopted road via a simple priority junction: the site benefits from a 'verge crossover' agricultural field access from the northern edge of Drove Lane which can be re-used for vehicular access with appropriate visibility splays and dimensions. Pedestrian footways will be provided on both sides of the site access junction with these linking via drop kerb crossing points to the existing footway on the southern side of Drove Lane. Refer to the enclosed Proposed Site Access Arrangements Plan (CD5G).
- 4.47 The on-site layout will include turning heads of an appropriate size to accommodate the turning requirements of the Council's standard Refuse Collection Vehicle. Car and cycle

parking will be provided in full accordance with the Council's standards. The projected level of additional vehicle movements will have no material impact on road capacity or safety. Electric vehicle charging points would be provided in accordance with Building Regulation requirements. On this basis, the proposal is considered to be compliant with WCS Policy 61 and applicable legislation.

(vii) Utilities

- 4.48 Existing overhead power lines cross the wider site from the electrical infrastructure station opposite. The proposed development will not encroach into the associated easements and will be able to coexist with this infrastructure.

(viii) Residential amenity

- 4.49 The development of the site would not compromise the residential amenity currently enjoyed by any neighbouring occupiers. The Illustrative Plan demonstrates that a landscape-led appeal scheme could be comfortably accommodated without any overlooking of nearby dwellings or resulting in any adverse building domination or other matters that may affect residential amenity. On this basis, the proposal is in compliance with WCS Policy 57.

(ix) Section 106 Requirements

- 4.50 The appellant would be willing to enter in a s.106 agreement at the subsequent Technical Details Stage, to ensure the delivery of policy compliant affordable housing noting that the application site area exceeds the 0.5ha size threshold requiring affordable housing provision, as advised in the NPPF.

5.0 Conclusions

- 5.1 This Statement of Case supports the appeal proposal comprising permission in principle for the erection of up to 9 No. residential dwellings on land north of Drove Lane, Market Lavington, Devizes, Wiltshire.
- 5.2 It has been demonstrated that the appeal proposal complies with procedural requirements of a 'PIP' application and that applicable design and technical development management can be addressed at a subsequent Technical Details submission stage.
- 5.3 In relation to the principle of development and the Council's reason for refusal, it has been demonstrated that the NPPF's 'titled balance' is engaged pursuant to NPPF: 11d on the basis that the Council cannot demonstrate a 5-year housing land supply. As noted in Sections 3.0 and 4.0, the Council has a persistent lack of housing land supply that is unlikely to be addressed for several years until such time as a replacement Local Plan has been formulated and tested through public examination.
- 5.4 We consider that the planning and sustainability benefits of the proposal are such that these outweigh the restrictive nature of Policies CP1 and CP2 with respect to the distribution of housing and we conclude that the principle of development is acceptable in this location.
- 5.5 In contrast to the Council's reliance upon a broad-brush high level site assessment undertaken to inform the review of the neighbourhood plan, the appeal proposal has been formulated based on a rigorous and detailed site-specific analysis which would be developed further through the implementation of a landscape-led scheme at the Technical Consent stage. The proposal is otherwise compliant with other relevant local plan and NPPF policies.
- 5.6 The planning benefits of the appeal proposal, which form part of the overall planning balance, are summarised as follows:
- A modest but important contribution to housing supply attracting significant weight in the context of the Council's significant undersupply.

- Delivery of mixed-tenure housing with affordable housing to meet local needs. (NB. it is acknowledged that affordable housing could only be secured at a subsequent Technical Details Stage).
- A housing proposal that is located in an existing residential area and well connected with active travel links to the range of communities and services in Market Lavington, noting its status as a Local Service Centre and the availability of public transport links to other higher order settlements in the Devizes Community Area.
- Additional village vitality and support for existing local services.
- Enhanced natural surveillance over Drove Lane – a key walking route to the primary school and recreation field.
- Provision of mandatory biodiversity net gain and associated long-term management of the existing perimeter hedgerows and new green infrastructure.
- Construction stage economic activity supporting the SME development sector and local supply chain.
- Environmental benefits through the use of sustainable construction techniques to create energy efficient homes.
- Post-development support of existing community facilities and services and adding vitality to this part of the settlement.
- Generation of CIL and Council Tax revenue for reinvestment in community infrastructure.

5.7 In accordance with Paragraph 11d of the NPPF, and on the basis that the proposal is demonstrable compliant with applicable development management policies and legislation, the Inspector is respectfully requested to allow the appeal and permission in principle for housing development for up to 9 No. residential dwellings subject to any necessary planning conditions.