
PLANNING STATEMENT (INCORPORATING AFFORDABLE HOUSING STATEMENT & SECTION 106 HEADS OF TERMS

Land off Storridge Road, Westbury



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EXECUTIVE SUMMARY

- i. This statement concerns an application made by Gladman Developments Ltd for outline planning permission for up to 165 residential dwellings at Land off Storridge Road, Westbury.
- ii. The site is sustainability located within Westbury which is a second tier “Market Town” in the Wiltshire Core Strategy settlement hierarchy. Moreover, the site is within walking distance of Westbury railway station and is bound by existing or permitted development on all of its boundaries, it is therefore essentially in-fill development, albeit outside of the defined settlement boundary. However, it is accepted by the Council that it is necessary for these settlement boundaries to flex in order to meet local housing need and that sites which do not pose any real harms, as opposed to harm via conflict with spatial policy alone, are to be supported¹. This planning statement outlines why there are no real harms arising from these proposals and why the application ought to be supported by Wiltshire Council.
- iii. The Council have been unable to demonstrate a housing land supply (HLS) figure which exceeds 5 years for a prolonged period of time. Currently it is claimed that the HLS figure when calculated against the latest local housing need requirement is 2.42 years. This equates to a shortfall of 9,561 dwellings across the five year period, or 1,912 dwellings per annum. This is very significant and the delivery of housing in this context should be afforded very substantial weight.
- iv. Furthermore, the Council’s emerging Local Plan which was submitted for examination in November 2024 is due to be withdrawn. A letter dated 22nd December 2025 from the examining Inspectors outlined numerous significant workstreams and changes which would be required in order to make the plan sound. The latest letter from the Inspectors, dated 27th February 2026, further outlined the significant workstreams required, and the substantial time these would take to complete. The letter outlined two options for the Council, either to withdraw the Local Plan Review from the examination, or to request the Inspectors to issue their report on the Plan which will recommend the Plan is not adopted. The Council formally decided to withdraw the plan following a Full Council meeting on the 19th May. In the light of this, it is clear that there will be no plan-led remedy to the Council’s HLS shortfall in the short or medium term. Nevertheless, it is noteworthy that the Site has been promoted through the emerging local plan process and when turning to the evidence base and sustainability appraisal for Westbury the site scored 2nd out of the 12 sites considered and out-performed the two sites which were proposed for allocation. The site was also assessed jointly with the adjacent land at Glenmore Farm, which now benefits from outline planning permission thus reinforcing the suitability of housing in this location.

¹ Wiltshire Housing Land Supply Statement, Briefing Note No. 25-04 (June 2025) available at: <https://moderngov.microshadeapplications.co.uk/calnetc/documents/s16886/Wiltshires%20Housing%20Land%20Supply%20REDACTED.pdf>

- v. An appeal for residential development on the site was dismissed in August 2024. Since then, a detailed iterative process has been adopted to address the concerns raised by the previous appeal Inspector and this process has been worked through with development management officers and the EHO at the Council. By having pulled the built development extent back by over 80m from the West Wiltshire Trading Estate (WWTE) to the north of the site, considering in detail the potential site layout including the building types, orientation and internal layouts and the inclusion of the previously included acoustic bund and fence combination, it can be demonstrated that all of the site meets the acoustic criteria found acceptable by the previous Inspector without resulting in a significant adverse impact to the living conditions for future residents. The noise report confirms that the layout ensures that no windows to habitable rooms would be exposed to noise levels above the target levels with windows open.
- vi. Finally, the noise report has considered what the potential outcomes on the proposed development would be if the noise environment within the WWTE were to increase by both a realistic worse case and a theoretical worse case scenario. The inputs into this are explained in detail within the noise report however on the basis of the realistic worst case expansion and operation of WWTE, with windows open, there would be negligible exceedance of desirable internal noise levels for any of the three design options considered. External noise levels would also be below the target noise level in all gardens. Assuming, the theoretical worst case levels which could occur and assuming that windows are open, there would be 6 or 7 living rooms where desirable internal noise levels would be exceeded by up to 1dB and a further 2 living rooms where desirable levels would be exceeded by 1-2dB, dependant on the design. There would also be between 2 and 4 bedrooms which would experience a level which would be up to 1dB above the desirable internal level and between 0 and 3 bedrooms where levels would be 1-2dB above the target internal level, dependant on the design. Such a level of exceedance is generally accepted to be imperceptible to the human ear. External noise levels would be below the target noise level in all gardens.
- vii. To conclude, the application has sought to resolve the Council's and previous Inspector's concerns around the future residents' residential amenity and living conditions from the noise generated from the WWTE. As such, in line with the Council's own decision making framework, as there are no other reasons to refusal the application aside from locational policy harms, the application should be supported by the Council and approved without delay.

1 INTRODUCTION

1.1 Scope of the Statement

1.1.1 This Planning Statement has been prepared in support of an outline planning application made by Gladman Developments Ltd (Gladman) for development of land off Storridge Road, Westbury ('the site).

1.1.2 The description of development is as follows:

'Outline planning application for the demolition of numbers 5 and 6 Storridge Road and the erection of up to 165 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access'

1.1.3 The Planning Statement explains the policy context for the application, and sets out how the proposed development is appropriate having regard to the statutory development plan and other material considerations including the National Planning Policy Framework (the Framework).

1.1.4 The site has been subject to three previous online planning applications submitted by Gladman. These were in; December 2017 (ref: 17/12342/OUT), July 2019 (ref: 19/06389/OUT), and January 2023 (ref: PL/2022/09842).

1.1.5 The three applications were refused by Wiltshire Council, and a subsequent Section 78 Appeal was dismissed in August 2024 following a public inquiry (ref: APP/Y3940/W/24/3340811). The appeal was dismissed ultimately due to the Inspector not feeling satisfied that, based on the scheme proposed, future residents would have acceptable residential amenity and living conditions resulting from the mitigation measures required to meet the agreed noise criteria for the site as a whole. The Decision Notices for each of the applications are included at Appendix 1. This application seeks to

address the reasons for refusal and this is illustrated with section 2.3 of this Statement.

1.1.6 This Planning Statement also explains why development is needed and is appropriate in this location and the significant social, environmental, and economic benefits that the proposal will bring to the area. Further, this statement provides an assessment against the development plan for Wiltshire Council and explains how the proposed development is appropriate, having regard to other material considerations in accordance with planning law.

1.1.7 It is one of a suite of documents submitted to evidence the application and comprehensively demonstrate the suitability and sustainability of the site for housing development. The following plans and documents have been submitted in support of the outline planning application:

- Site Location Plan (CSA/2974/126)
- Development Framework Plan (CSA/2974/119 Rev B)
- Access Drawing (P24098-003A)
- Planning and Affordable Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Ecological Appraisal
- Shadow Habitat Regulations Assessment
- Arboricultural Impact Assessment
- Transport Assessment
- Travel Plan
- Phase 1 Geoenvironmental Assessment
- Flood Risk Assessment
- Foul Drainage Analysis
- Noise Assessment
- Air Quality Assessment
- Odour Assessment
- Archaeological and Built Heritage Assessment
- Socio Economic Sustainability Statement
- Statement of Community Involvement
- Waste Audit Report
- BNG Metric

2 THE SITE

2.1 Site Description

- 2.1.1 The site is a logical extension to the north-western edge of Westbury and represents a suitable and sustainable location for housing.
- 2.1.2 The site is located within the Wiltshire Council local authority administrative area. The proposed development will result in several key benefits which will be addressed throughout this statement.
- 2.1.3 Westbury is a market town situated at the western edge of Wiltshire. The Site is linked to Westbury town centre via Storridge Road, which continues westerly to West Wiltshire Trading Estate. The site is bound to the north west by the trading estate, and a large block of woodland adjoins the majority of the north west Site boundary, separating it from the industrial estate.
- 2.1.4 To the south west of the Site lies a row of properties along Storridge Road. There is also residential development to the south east of the Site along The Ham and the housing estate at Hawkridge Park, within which a children's play area lies adjacent to the Site's south eastern corner.
- 2.1.5 At the north-eastern edge of the Site is an approved outline planning application for up to 145 new homes (ref: PL/2021/03749), public open space and associated infrastructure, which was allowed following a Section 78 Appeal in January 2025 (ref: APP/Y3940/W/24/3345598).
- 2.1.6 In summary, the application site is surrounded by existing or permitted development to all boundaries.
- 2.1.7 Westbury railway station lies approximately 320m to the south east of the Site, with the railway line running parallel to the Site on a south west to north east alignment. The railway station provides services to Trowbridge, Newbury, Keyford and further afield to London, Bath Spa, Warminster and Salisbury. The nearest bus stop is on The Ham, which is approximately 550m

from the Site (or a circa 7 minute walk), and provides three bus services to Westbury, Boreham Fields, Trowbridge and Bath Spa Centre.

- 2.1.8** Figure 3.1 of the Design and Access Statement (DAS), which is submitted to support the application, provides visual context on how the Site relates to its surroundings.

3 THE PROPOSALS

3.1 The Proposal

3.1.1 The application is submitted in outline, with all matters reserved except for the means of access into the site. The drawings submitted as part of this outline planning application for approval are:

- Site Location Plan (Ref CSA_2974_126)
- Proposed Access Arrangement (Ref CSA_2974_119_B)

3.1.2 The application proposal includes the following:

- Up to 165 dwellings including up to 99 market and 66 (40%) much needed affordable homes to cater to the diverse housing needs of local residents, including those on lower incomes and key workers;
- The demolition of 2 residential properties on Storridge Road (numbers 5 and 6) to allow for a vehicular access onto Storridge Road;
- 5.43ha of green infrastructure;
- A new children's play area accessible to both new and existing residents;
- A network of proposed recreational routes around the site and connecting into the existing public footpaths, connecting the Site to the existing play area and Hawkrigge Park, as well as potentially to the development at land at Glenmore Farm;
- Habitat improvements, as part of the wider development package, contributing to at least a 10% increase in biodiversity;
- Significant landscaping across the site to create a buffer to neighbouring developments and open space. A significant stand off from the West Wiltshire Trading Estate has been provided and this area includes a community orchard and parkland open space;

- Sustainable Drainage features which will be designed at Reserved Matters to be vegetated and mitigate the impacts of climate change.

3.1.3 It is proposed that the vehicular access for the Site will be provided from Storridge Road via a new priority give-way T-junction. Properties 5 and 6 Storridge Road will be demolished to facilitate the site access. The carriageway width is proposed to be 5.5m wide. It has been confirmed that the required visibility splays can be achieved and that the site access junction will operate comfortably within capacity in both the morning and evening peak periods with the proposed development traffic as demonstrated within the Transport Assessment prepared by Prime Transport Planning.

3.1.4 Open space is proposed through the development with strong green buffers focused along the north- western boundaries. This provides a well-defined green edge to the site and softens its transition to the surrounding landscape. The green corridor along this edge of the Site also provides screening to the adjacent industrial estate, as well as maintaining foraging habitat along the boundary for wildlife including bats. The application proposes that built development parcels will be set back from the boundaries of the site behind green corridors to maintain foraging habitat for wildlife including bats, and a 3m high bund and 3m acoustic fence combination to provide screening from any noise generated from the West Wilts Trading Estate.

3.1.5 New recreational routes are proposed to follow the green edges of the development, forming a loop and connecting into the existing settlement. In the north-western section of the development, it is proposed there will be a local area for play, offering doorstep play with a mixture of formal and informal equipment. The development will be well related to the existing settlement and a potential pedestrian access is shown to connect the proposed development to the approved development at Glenmore Farm.

- 3.1.6** In the north of the development, a Sustainable Urban Drainage System (SuDS) will be introduced to collect surface water run-off from the site and to enhance biodiversity. The basin positioned in the north of the development will be designed as a multi-functional landscape feature, with planting around the edges to enhance biodiversity and reinforce landscape character along the existing boundary.
- 3.1.7** Approval for the housing mix is not sought as part of this application. However, a range of types and sizes of new homes will be provided, tailored to meet local needs. The precise mix will be specified at the reserved matters stage of the development, taking account of the latest evidence on housing needs. It is proposed that 40% of the units will be affordable, in accordance with adopted local planning policy requirements. The affordable housing provision will be secured by a Section 106 Agreement.
- 3.1.8** The Development Framework Plan and the Design and Access Statement demonstrate how the proposal provides a framework for a well-designed, high quality and beautiful scheme. Given the changed context in the surrounding area of the Site, the proposed development is essentially in-fill development as it is surrounded by committed or built development.

3.2 EIA Screening

- 3.2.1** As the application proposals are for urban development on a site of more than 5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Such projects only require an Environmental Impact Assessment (EIA) if the development is ‘likely to have significant effects on the environment by virtue of factors such as its nature, size or location.’
- 3.2.2** The location does not present any environmental constraints and nor is it in a ‘sensitive area’. An EIA should therefore not be required. This reflects the LPA’s conclusion in respect of previous applications on the site.

3.3 Relevant Planning History

- 3.3.1 The site has been subject to three previous outline planning applications.
- 3.3.2 The first outline planning application for 200 dwellings was submitted to Wiltshire Council in December 2017 (ref: 17/12342/OUT) and was subsequently refused in July 2018.
- 3.3.3 In July 2019 Gladman submitted a second application (ref: 19/06389/OUT) for up to 200 dwellings, that was revised down to 190 dwellings through the determination period, which sought to address the first application's reasons for refusal however, the second application was subsequently refused on 17th January 2020, with 8 reasons for refusal.
- 3.3.4 The reasons for refusal are addressed in full in the Planning Statement submitted as part of the third application for up to 200 dwellings (ref: PL/2022/09842), at section 2.2, page 7².
- 3.3.5 The reasons for refusal for the third application are addressed in full in Gladman's Statement of Case³ which was submitted as part of the appeal in May 2024, at section 4.
- 3.3.6 In the interest of succinctness, this section will focus on the reasons for refusal cited in the appeal decision letter for the subsequent dismissed appeal against the refusal of the third application, dismissed in August 2024.
- 3.3.7 The main issues of the appeal were:
- Whether or not the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance;
 - Whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to noise

² Gladman Developments, 2022, *Planning and Affordable Statement*. Available at: <https://development.wiltshire.gov.uk/pr/s/planning-application/aoi3z000019nuxrAAA/pl202209842?tabset-8903c=2>

³ Gladman Developments, 2024, *Statement of Case*. Available at: <https://development.wiltshire.gov.uk/pr/s/appeal/aoZQ3000001Q5wNMAS/ap37059?tabset-00518=2>

from the West Wiltshire Trading Estate (WWTE), and the capacity of the site to accommodate proposed noise mitigation works;

- Whether or not the proposed development would create potential future risk to the operation of the WWTE, with particular regard to the ‘agent of change’ principle and noise; and,
- the effect of the proposal on ecology, including on the integrity of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) particularly with regard to bat mitigation, and the capacity of the site to accommodate proposed ecological works.

3.3.8 The first main issue relates to whether or not the proposal was in an appropriate location for development. There were a number of material changes in the decision making process during the application and appeal process for the previous application. However, throughout Gladman accepted that there is conflict with the spatial strategy and therefore a level of policy harm arises from the development. A more in-depth analysis of the current policy position will be discussed at chapter 4 of this Planning Statement. However, as per planning law, there are other material considerations that must be considered in addition to the development plan and the weight to be attributed to any conflict with it. There are significant important material considerations that make the case for granting planning permission, namely that it is accepted now that Wiltshire Council cannot currently demonstrate a five-year housing land supply and therefore the locational policies of the Core Strategy are out-of-date and are no longer effective in meeting local needs. On this basis, the tilted balance in favour of sustainable development as per paragraph 11 of the NPPF is engaged for the purposes of decision making. It is therefore the view that significant weight should not be afforded to the conflict with the current development plan. This was also confirmed by the appeal Inspector.

- 3.3.9** The second main issue relates to living conditions. The Inspector at paragraph 51 concludes that in his view the appeal site had the capacity to accommodate the proposed noise mitigation works in the sense of the noise bunds and the other physical requirements such as the proposed layout. However, the Inspector concluded that based on the layout in front of him that the proposal resulted in an unacceptable a number of residential units which would need to have their windows closed in order to mitigate against the noise generated from the WWTE, and so concluded that this would result in unacceptable internal living conditions for future occupiers.
- 3.3.10** Since the dismissed appeal, as part of the preparation for this application, Gladman have undergone significant detailed technical studies and adjusted the design of the development proposals to ensure that there would not be an adverse impact on living conditions for future residents, in line with the conclusions of the Inspector. The revisions to the proposed development following these technical inputs have led to a reduction of proposed dwellings from up to 200 to up to 165, as well as a technically-led design with noise mitigation at the forefront. Gladman have also cooperated with Officers at Wiltshire Council through the pre application process to ensure the revised scheme is acceptable to the Council.
- 3.3.11** The third main issue was around the agent of change in relation to the noise generated by the WWTE. The Inspector found there had not been satisfactory demonstration that the appeal proposals would not create potential future risks to the operation of the WWTE with regard to noise pollution and as such the agent of change principle hadn't been addressed. As outlined above, significant technical due diligence has been undertaken in the preparation of this application, including detailed noise modelling of the WWTE, which takes in account a worst-case scenario when assessing the potential agent of change. These technical studies feed directly into the revised development proposals, ensuring there will be no future risks to the operation of the WWTE with regard to both noise pollution and the agent of change principle.

- 3.3.12** The final main issue of the previous appeal was in relation to ecology, in particular the effects of the proposal on the integrity of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). The Inspector concluded at paragraph 80 that the appeal proposals would meet the guidelines in full, and would represent a demonstrable improvement and enhancement on the existing habitat and wide swathes of suitable bat habitat would be provided. At paragraph 81, the Inspector found that there would be no harm to the integrity of the Bat SAC, either alone or in combination with other development projects. Finally, the Inspector found that the appeal site had the capacity to accommodate the proposed ecological works. The same ecological design principles that led the Inspector to these conclusions have been implemented in the revised scheme as part of this application, which will again result in there being no harm on the SAC arising from this proposed development.
- 3.3.13** As demonstrated above, the purpose of this application is to successfully addresses the technical reasons for refusal from the previous appeal, and it is considered that the changes to the scheme successfully address issues raised in respect of noise impacts and the agent of change principle. The planning policy conflicts will need to be weighed in the overall planning balance in the context of the council being unable to demonstrate a five year housing land supply.

4 THE DEVELOPMENT PLAN

4.1 Planning Policy

4.1.1 This section sets out the development plan relevant to the application site and provides an assessment of the application proposals against its requirements.

4.2 The Development Plan

4.2.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

4.2.2 The Framework is an important material planning consideration, particularly where (as is the case here) the Framework paragraph 11(d) ‘tilted’ presumption is engaged. The planning application should be considered in this context. The tilted balance is specifically designed to facilitate intervention in the plan led approach and bring forward additional land for development.

4.2.3 The development plan relevant to this application includes:

- Wiltshire Core Strategy (2015)
- Wiltshire Housing Site Allocations Plan (2020)

4.2.4 The Wiltshire Core Strategy was adopted in January 2015 and provides the strategic planning objectives across the unitary authority area of Wiltshire for the period 2006 to 2026 and replaced the previous North, East, South and West Local Plans. The Wiltshire Core Strategy allocates sites and broad locations for growth that are strategically important for the delivery of the Plan for Wiltshire. The Wiltshire Housing Site Allocation Plan itself does not

contain any policies relevant to this application and so is not considered further.

4.2.5 The table set out in Appendix 1 outlines the relevant development plan policies which relate to this submission. This section only considers the key policies which relate to the principle of development on the application site. The proposal conforms with all other up-to-date policies as will be addressed in Chapter 6 of this statement.

4.2.6 The following policies of the development plan are considered most important to the applications determination insofar as they are relevant to the supply of housing:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 32: Spatial Strategy for the Westbury Community Area

Core Policy 1: Settlement Strategy

4.2.7 Core Policy 1 (CP1) sets the hierarchy of sustainable settlements across the plan area. The Settlement Strategy splits the settlements into four tiers; Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Westbury is included in the settlement hierarchy as a Market Town, which is described as being a settlement that has the ability to support a sustainable pattern of living in Wiltshire through their current levels of facilities, services and employment opportunities. It is noted that that Market Towns have the potential for significant development that will increase and support both jobs and homes.

Core Policy 2: Delivery Strategy

4.2.8 Core Policy 2 (CP2) sets the delivery strategy for achieving the overall requirement of 42,000 new homes across the plan period 2006-2026. The policy splits this requirement between three HMAs with the North and West HMA attributed 24,750 new homes, the East HMA with 5,940 and finally the

Southern Wiltshire HMA has a requirement of 10,420. Further to this, the Core Strategy splits the housing requirement into 18 Community Areas. The site falls within the Westbury Community Area in the North and West HMA.

- 4.2.9 The policy states that the housing requirement of 42,000 will be distributed to the most sustainable settlements in conformity with the distribution set out in Core Policy 1. It also states that there is a presumption in favour of sustainable development within the defined limits of settlements, and that development outside of the settlement limits will not be permitted.

Core Policy 32: Spatial Strategy for the Westbury Community Area

- 4.2.10 Core Policy 32 (CP32) sets out the Spatial Strategy for the Westbury Community Area. Westbury is defined as the market town within the Westbury Community Area. The policy states that over the plan period, approximately 1,615 new homes will be provided, of which 1,500 should occur at Westbury, including land identified at Station Road for strategic growth of 250 dwellings.

Summary

- 4.2.11 To apply the most important policies outlined above, the application site lies outside of, albeit adjacent to, the defined settlement boundary for Westbury in the Core Strategy, and so is therefore in conflict with Core Policies 1,2 and 32.
- 4.2.12 Wiltshire Council are currently failing to deliver enough housing to meet their outlined requirement and therefore have a deficit in their housing land supply. Therefore, limited weight can be attributed to conflict with Policies CP1, CP2, and CP32 of the WCS as these relate to the supply of housing and thus are deemed to be out-of-date by virtue of Footnote 8 of the NPPF.

5 MATERIAL CONSIDERATIONS

5.1 Introduction

- 5.1.1 This section sets out the other material considerations relevant to the determination of this planning application.

5.2 National Planning Policy Framework

- 5.2.1 The most recent iteration of the National Planning Policy Framework (the Framework) was published on 12th December 2024 (and was subject to minor amends on 7th February 2025).
- 5.2.2 At the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 8 sets out that, in order to achieve sustainable development, the planning system has three overarching objectives, an economic objective, a social objective, and an environmental objective.
- 5.2.3 Section 5 of the Framework focuses on delivering a sufficient supply of homes, with paragraph 61 stating that 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.
- 5.2.4 Section 9 of the Framework addresses the promotion of sustainable transport. Paragraph 109 proposes that new development should apply a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.
- 5.2.5 Section 11, on making effective use of land, directs at paragraph 129 that development that makes efficient use of land should be supported, taking account of the identified need for different types of housing and the availability of land suitable for accommodating it. Section 12 provides guidance on achieving well designed places, with paragraph 131 stating that good design is a key aspect of sustainable development, which can create better places in which to live and work.

- 5.2.6** When taken as a whole, proposals comply with the policies of the Framework, delivering much needed homes in a sustainable location, with high-quality design credentials.
- 5.2.7** Paragraph 11(d) of the Framework provides grounds for a ‘tilted balance’ towards approving new development by making clear that permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits, or the application of specific policies that protect areas or assets of particular importance provide a strong reason for refusal. This is a stringent test.
- 5.2.8** The Consultation Statement published by the Ministry of Housing Communities and Local Government (MHCLG) alongside the draft Framework in July 2024 provides further evidence on the interpretation of paragraph 11(d). The Statement made clear that the Government is committed to strengthening the presumption in favour of sustainable development set out at paragraph 11(d), and that its primary purpose is to encourage planning permission for residential development to be granted where plan policies are not up-to-date, and where there is an insufficient supply of housing. One way that the presumption does this, it is explained, is by bringing unallocated sites into consideration for residential development.

5.3 Written Ministerial Statements

- 5.3.1** Following the publication of the revised Framework on 12th December 2024, a WMS was made by Minister of State for Housing and Planning Matthew Pennycook, titled Building the Homes we Need.
- 5.3.2** The WMS emphasises the need for planning permissions to be secured outside of local plan allocations in the short-term in order to see the scale of delivery needed to work towards undoing the impacts of the housing crisis. It also reiterates the Government’s commitment to strengthening the presumption in favour of sustainable development, stating that:

“where it applies, the presumption in favour of sustainable development must have real teeth. The changes we make today ensure that the

presumption carries real weight, acting as a significant adjustment to the decision-making balance in favour of approving development.”

5.3.3 It is well established that WMSs represent a firm statement of Government Policy. They make clear the commitment to the biggest growth in social and affordable housebuilding in a generation. These are statements against which full weight should now be attached as a material consideration in the determination of planning applications.

5.3.4 The Government’s ambition to deliver 1.5 million homes within this parliamentary term is both a social necessity in order to address the housing crisis, and a key mechanism in facilitating economic growth. Forecasting produced by the Office for Budgetary Responsibility (the OBR) demonstrate that the recent planning reforms, including the delivery of 1.5 million homes could add £6.8 billion to GDP, and contribute £3.4 billion to UK public services⁴.

5.4 Draft National Planning Policy Framework Consultation

5.4.1 The Government consulted on further reforms to the NPPF between 16th December 2025 and 10th March 2026. The proposed reforms aim to deliver a substantial increase in the supply of homes across England. Although the document is currently only a consultation draft and therefore carries very limited weight, if implemented in its current form, the presumption in favour of sustainable development would be strengthened. Policy S5 of the consultation draft explains:

“1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework: ...

⁴ HM Treasury, March 2025. Available at: <https://www.gov.uk/government/news/obr-concludes-planning-reforms-will-bring-housebuilding-to-its-highest-level-in-40-years>

h. Development for housing and mixed-use development which would be: within reasonable walking distance of a railway station which provides a high level of connectivity to jobs and services; physically well-related to a railway station or a settlement within which the station is located; is of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and where the development would not prejudice any proposals for long-term comprehensive development in the same location;

j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

i. be well related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or

5.4.2 Critically, as currently drafted, the proposed development would meet the criteria set out in both clauses of Policy S5 set out above. Therefore, if the consultation document is adopted in its current form, the application for land off Storridge Road, Westbury should be approved, as the benefits of doing so would not be substantially outweighed by any adverse effects.

5.5 Emerging Local Plan

5.5.1 Wiltshire Council have undertaken a review of their currently adopted Core Strategy, with the Wiltshire Local Plan currently being examined by the Planning Inspectorate. Following hearing sessions which took place in November 2025, the Inspectors expressed significant concerns with fundamental areas of the plan as currently drafted. The Inspectors issued a letter on the 27th February stating two options for the Council. These are to

either withdraw the plan from examination, or request the Inspectors to issue their report on the Plan which will recommend the Plan is not adopted. The Council formally resolved on the 19th May to withdraw the emerging Local Plan from examination. In this light, it should be afforded no weight. In an Appeal decided in April 2026, Inspector H Baugh-Jones BA(Hons) DipLA MA CMLI found that based on the current context of the emerging plan, the plan ‘cannot therefore be considered as having any semblance as an emerging plan’.⁵

- 5.5.2** Notwithstanding this, relevant evidence base produced to support the emerging local plan is still capable of being afforded weight as appropriate. Notably, as part of the evidence base for the emerging plan, Wiltshire Council published a “Site Selection Report for Westbury” which contained suitability assessments of sites in Westbury which were submitted to the SHELAA as available for development. Within this report, the application site (ref: 883375 and 742) was combined with the adjacent site promoted by Westbury LVA LLP at Glenmore Farm (ref: 1014), this concluded that the site was considered as suitable for further consideration. As mentioned previously, the site at Glenmore Farm has recently been granted outline planning permission for up to 145 dwellings in January 2025. The Council’s commentary on the site states that it has good accessibility and is generally well-screened from far views, and near views could be mitigated by better management of boundary hedge and subsequent reinforcement through additional planting. The Council raise concerns regarding the groundwater risk which affects the south east corner of the site, potential for archaeological remains and air quality. Through previous applications the applicant has demonstrated that the site is very unlikely to be of any archaeological value or possess any notable archaeological remains and that air quality or groundwater pollution are not factors to prevent the development of this site, subject to the imposition of standard planning

⁵ Appeal Ref: APP/Y3940/W/3374421

conditions. The Inspector of the dismissed appeal on the site raised no issue with air quality or groundwater pollution.

5.5.3 During the Examination Hearing sessions, the Inspectors raised significant concerns with the SA and how it had been applied. A comparison of Site 2 (Glenmore Farm, which includes the application Site) and the chosen allocation at Bratton Road (Policy 62) and the Land at Mane Way (Policy 61) shows that Site 2 performed better against many of the objectives. Overall, Site 2 was ranked as 2nd overall with -5 points, whilst the Bratton Road site ranked joint 6th on -8 points and Mane Way ranked joint 3rd on -7 points. There is no justification within the SA or the emerging Local Plan itself as to why the sites which were deemed less sustainable in the SA process were allocated over sites which on the Council's own evidence are more sustainable.

5.5.4 Given the context that the emerging Local Plan will imminently be withdrawn, and the Council will be required to meet their local housing needs, sites which have been assessed by the Council to be sustainable should be approved without delay.

5.5.5 Paragraph 49 of the NPPF outlines how much weight should be afforded to an emerging Local Plan. Although paragraph 49 a) states that the more advanced a plan is in its preparation, the greater weight should be afforded, paragraph 49 b) states that where there are unresolved objections to relevant policies, less weight should be afforded where there are significant objections.

5.5.6 Overall, the emerging Plan should be afforded no weight in the planning balance for the reasons outlined above, however relevant evidence base can be afforded greater weight.

5.6 Housing Land Supply

5.6.1 The supply of available and deliverable sites for housing in Wiltshire is an important material consideration in determining the weight to relevant policies for the supply of housing, which are some of the most important

policies for the determination of the application. Paragraph 11 of the NPPF states that where there are no development plan policies or the policies most important to determining the application are out of date, the presumption in favour of sustainable development applies (unless any restrictive policies in Footnote 7 apply). Footnote 8 makes it clear that this includes when a local authority cannot demonstrate a five-year supply of deliverable housing sites.

- 5.6.2** The Council published their latest housing land supply position in the Housing Land Supply Statement in June 2025. The document sets out that there is a deliverable five-year housing land supply of 8,945 dwellings for the period 2024-2029, against a Local Housing Need requirement of 18,506 dwellings across the same period (including a 5% buffer as per the NPPF). This results in a significant shortfall of 9,561 dwellings across the five year period, or 1,912 dwellings per annum, resulting in a claimed housing land supply figure of 2.42 years.

Housing Need Summary

- 5.6.3** There is a pressing need across the country to deliver more housing to solve the housing crisis. Wiltshire Council has a responsibility to deliver the homes needed within the district and is required by national policy to maintain a five-year supply of deliverable housing.
- 5.6.4** As the Council cannot currently demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the Framework and the titled balance in favour of sustainable development apply to the determination of this application. In the context of the lack of a five-year housing supply within the district, the provision of up to 165 (40% affordable) homes that are deliverable within the five-year period, is a significant benefit that would help to address the authority's immediate housing needs.
- 5.6.5** As well as not being able to demonstrate a five-year housing land supply, the housing requirements set out at Core Policy 2 are based on out of date housing needs. The Local Housing Need figure is now considerably higher

than that at the time of the adoption of the housing requirement in the Wiltshire Core Strategy. The annual Local Housing Need in Wiltshire is 3,525 dwellings per annum, whereas the Core Strategy was adopted on the basis of a requirement of 2,100 dwellings per annum. The housing requirement is therefore considered out of date given the context in which it was adopted has changed, further limiting the weight that can be afforded to it in the planning balance.

- 5.6.6** Furthermore, in light of the imminent withdrawal of the emerging Local Plan as outlined above, it is clear that there will be no short or medium term plan-led solution to the land supply deficit in Wiltshire. As a result, the provision of housing on sustainable sites such as the application site should be afforded even greater weight.

5.7 Summary and Implications

- 5.7.1** The planning application has been assessed against the relevant elements of the adopted development plan. Overall, any conflict with the development plan is limited. Notwithstanding this, the material considerations outlined above show how the development plan should be considered out-of-date, as it does not reflect the current development needs of Wiltshire and does not provide an effective policy framework for meeting local housing needs. Whilst statutory development plans remain the starting point for decision making, material considerations including the Framework, the housing land supply position, and political statements weigh heavily in favour of the proposals and further justify the grant of outline planning permission.

6 PLANNING APPRAISAL

6.1 Introduction

6.1.1 This section of the Statement assesses the planning context of the site and the proposals in terms of location and social, economic and environmental constraints and opportunities. It summarises the background technical work which has been carried out in support of the application. The overall planning balance is considered in chapter 7.

6.2 Sustainability

6.2.1 The application site is located on the edge of Westbury, a market town in the Westbury community area. Westbury has a good range of services and local facilities as well as good sustainable transport links to Trowbridge, Bath and Bristol.

6.2.2 The site is located within close proximity to bus stops, has good pedestrian and cycle links, a primary and secondary school, a convenience shop including a post office, and employment areas. The centre of Westbury, which hosts an array of retail opportunities and services can be reached in 30 minute walk. A plan showing the services and facilities can be found at Figure 2 of the Transport Assessment.

6.2.3 The application site presents an opportunity for the sustainable growth of Westbury:

- The land to which the development proposals relate is not of high environmental value;
- The site is suitable for residential development in terms of its sustainable location and characteristics;
- There are opportunities through development to improve the environmental conditions of the area;
- There are no designated heritage assets within or immediately adjacent to the site, and the development is not considered to affect the setting of any listed buildings;

- The site has a low ecological value as evidenced in the report submitted with the application (EcIA prepared by FPCR);
- The application will achieve a biodiversity net gain improvement for both habitat and hedgerow units;
- The site is well contained within the landscape and important landscape features such as hedgerows will largely be retained and improved; and
- The local highway network has capacity to accommodate the additional traffic associated with the development, without adverse impact on the local network.

6.2.4 The Inspector for the dismissed appeal found no reasons for refusal in relation to the sustainability of the proposed development.

6.3 Provision of Affordable Housing

6.3.1 it is widely acknowledged at all levels that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being completed to keep pace with a growing population and household formation rates.

6.3.2 Core Policy 43 (CP43) of the Wiltshire Core Strategy outlines the Council's approach to achieving their target of 13,000 affordable homes over the plan period. They have adopted a two-zone approach with the site being located in the Heywood Parish falling into the 40% affordable housing zone.

6.3.3 The application site would deliver 40% affordable homes on site and is therefore in compliance with CP 43. This will contribute significantly towards the Council's affordable housing supply requirements, without subsidy, and will provide people with a local connection to the area an affordable property to call their own.

6.3.4 The provision of a policy-compliant amount of affordable housing on-site should be given significant weight when considering the application proposals, given the increasing unaffordability of housing in the county and

the unacceptably high number of households on the Council's Housing Register.

6.4 Design Strategy

6.4.1 Good quality design is a key principle of the NPPF. It states:

*"...high quality, beautiful and sustainable buildings and places is fundamental to what the planning development process should achieve."*⁶

6.4.2 This application has been submitted in outline so the design and layout is to be agreed through a subsequent Reserved Matters planning application, however key design principles have been used to create the Development Framework plan and Illustrative masterplan to show how the development could be designed. The application has been submitted in outline; design and layout are to be agreed through a reserved matters planning application. However, key design principles have been used to inform the Development Framework Plan and Illustrative Masterplan to show how the development could be designed. These design principles are explained in the DAS and establish the parameters for a well designed, high quality form of development.

6.4.3 The WCS also requires a high quality design to be achieved, this is set out within Policy Core Policy 57. This policy requires applications for new development to be accompanied by the appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

6.4.4 A Design and Access Statement has been submitted as part of the application, and sets out how the proposed development will meet the design requirements of the NPPF and the criteria set out within the Wiltshire Core Strategy. The DAS outlines the vision for the development by clearly

⁶ Paragraph 131, NPPF (2024)

stating four key design principles which have guided the evolution of the proposed development.

- 6.4.5** The DAS also demonstrates that the development will provide a choice of housing to meet the needs of the area, whilst respecting and enhancing the site's environmental and landscape character.
- 6.4.6** As mentioned in chapter 3 of this Planning Statement, this application has taken into consideration the conclusions of the Inspector in relation to the design strategy, with a key aspect of this being ensuring living conditions of future occupiers are not impacted by noise mitigation measures designed into the scheme. Within the appeal decision at paragraph 39, the Inspector states that *"a further alternative layout to that as proposed would be to restrict the proposed built form to the southern part of the site, to the east of the existing woodland buffer to WWTE. This would remove nearly all the properties affected by noise above the LOAEL threshold from the proposal"*.
- 6.4.7** As the DFP for this revised proposal shows, this is the exact approach which has been taken for this application resulting in a reduction of over 80m between the edge of the proposed built development extent and that previously proposed. This reduction, the inclusion of a bund and fence combination along the boundary with the WWTE and an iterative design process looking at specific dwelling types and internal layouts has resulted in a scheme which overcomes the Inspector's previous concerns by ensuring no windows to habitable rooms would be exposed to noise levels above the target levels with windows open.
- 6.4.8** Furthermore, in response to comments received at the pre-application stage, the noise modelling undertaken in the applicant's Noise Assessment is based on three alternative potential layouts to the proposed block of housing in the north east of the site, which would face towards the West Wiltshire Trading Estate. This modelling demonstrates that different potential arrangements could be achieved for the layout of this block to add interest from an urban design perspective, whilst still not resulting a

significant adverse impact upon living conditions of future housing occupiers.

6.5 Landscape

6.5.1 Paragraph 187 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value (in a manner commensurate with their statutory status or identified quality in the development) and by recognising the intrinsic character and beauty of the countryside.

6.5.2 Core Policy 51 of the Core Strategy requires proposals to be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s). The Landscape and Visual Impact Assessment (LVIA) prepared by CSA Environmental submitted supporting the application considers and identifies the relevant National Landscape Character Area and the District Landscape Character Assessments.

6.5.3 The character of the site will clearly undergo change as the existing agricultural field is replaced with new housing and associated open space, although the new housing will not appear out of character in this location. Furthermore, the effects on the landscape character of the area will be localised to the site and its immediate surroundings, with the retained and enhanced site boundary vegetation containing the proposals and minimising the effects on the wider landscape.

6.5.4 Overall, the assessment made by the LVIA found that the Site is capable of accommodating development without resulting in material harm to the surrounding countryside's landscape and visual character.

6.6 Transport and Access

6.6.1 Paragraph 109 of the NPPF notes that transport issues should be considered early on in development proposals. The proposals should consider any potential impacts on the transport network and how these can be addressed,

opportunities from existing and proposed transport infrastructure, opportunities to promote sustainable transport, environmental impacts of transport, patterns of movement and how transport fits into the design of schemes.

- 6.6.2** Paragraph 118 of the NPPF requires all developments that will generate significant amounts of movement to provide a travel plan and to be supported by a transport statement or assessment so that the likely impacts of the proposal can be assessed.
- 6.6.3** Core Policy 61 of the Core Strategy states that new development should promote sustainable transport methods, and be supported by a travel plan. The application is supported by a Transport Assessment and a Travel Plan, both prepared by Prime.
- 6.6.4** The application proposes the demolition of properties 5 and 6 Storridge Road in order to facilitate an access point off Storridge Road, the access proposed is comprised of a traditional priority junction. The transport assessment and travel plan were both accepted by Wiltshire County Highways in the previous applications.
- 6.6.5** The application seeks to promote the use of sustainable transport, the site has good pedestrian connectivity to existing facilities in the immediate vicinity of the site and in Westbury town centre.
- 6.6.6** As outlined in the Transport Assessment, the applicant is willing to provide appropriate contributions towards the following improvements:
- the upgrade of the Station Road railway bridge to allow buses to be rerouted back onto The Ham;
 - the upgrade of two zebra crossings to puffin crossings at the Storridge Road/The Ham/Station Road/Brook Lane junction; and
 - local footway and cycleway improvements along Storridge Road.

- 6.6.7** It is considered that walking is a realistic and viable mode for the majority of future residents to utilise in order to access the array of services and facilities in Westbury.
- 6.6.8** The bus services in proximity to the site provide convenient connections to a number of destinations including Westbury town centre which can be reached within a 15-30 minute journey time, Trowbridge and Warminster within a 30-45 minute journey and Bradford on Avon and a number of smaller settlements towards Codford within a 45-60 minute journey time.
- 6.6.9** Westbury rail station is circa 1300m from the site, equivalent to a circa 16.5-minute walk or 5-minute cycle. The station is managed by Great Western Railway and provides multiple direct services throughout the day to Bradford-on-Avon (circa 12 minutes), Bath Spa (circa 24 minutes), Swindon (circa 43 minutes), Bristol Temple Meads (circa 40 minutes), London Paddington (circa 1 hour 20 minutes), Cardiff Central (circa 1 hour 30 minutes) and with each service stopping at various other stations along each route.
- 6.6.10** This application has been informed by the comments of Wiltshire County Highways Officer on the previous applications; there were no objections on highways grounds on those applications and highways did not feature in the reasons for refusal.
- 6.6.11** The proposal fully accords with the NPPF on highways matters and policies CP60, CP61, CP62, CP64 of the WCS.

6.7 Green Infrastructure and Public Open Space

- 6.7.1** The proposed development includes 5.43ha of green infrastructure, this includes informal and formal public open space, a children's play area, community orchard, structural landscape planting, additional tree planting and an attenuation basin. The adopted Wiltshire Core Strategy 2015 continues to save the open space standards from the West Wiltshire Leisure and Recreation DPD 2009, the proposals' provision of 5.43ha exceeds this standard.

- 6.7.2 Where there is a requirement for typologies that are not suitable to be provided on site, the applicant is willing to provide a suitably proportionate contribution to these facilities off-site.
- 6.7.3 In total, approximately 55% of the site will comprise new areas of landscaped public open space. These areas will retain the important wildlife connections through the site and include additional areas for ecological mitigation and enhancement, such as strengthening existing vegetation within the site, as well as a SuDS feature in the form of an attenuation basin.
- 6.7.4 Core Policy 52 (CP52) outlines the Council's requirement for development to make provision for the retention and enhancement of Wiltshire's green infrastructure network and shall ensure that suitable links to the network are provided and maintained. As outlined in the DAS supporting this application, the development proposals are in conformity with CP52.

6.8 Ecology

- 6.8.1 An Ecological Appraisal and Shadow HRA have been submitted in support of the application, which assesses the potential impact on ecology of the proposed development. The application site would not directly impact upon any ecological designations.
- 6.8.2 The Site lies within the Yellow Zone of the Trowbridge and Westbury Bat Mitigation Strategy (TBMS). There are a number of requirements for sites within the Yellow Zone, including financial contributions and compliance with TBMS standards throughout the development proposals. In order to comply with the TBMS, and mitigate against any potential effects, the ECIA produced by FPCR outlines measures taken which include buffers to the core habitat corridors for bats associated with the SAC and SSSI, including Bechstein's bats. Lighting of these corridors will be kept to a minimum, with no light spill onto core 15m wide buffer zones. Furthermore, a range of habitat enhancements will be provided, including bat boxes installed on retained trees and built into new dwellings, with universal swift bricks

provided at a 1:1 ratio site wide. The proposed development will therefore fully comply with the requirements set out by the TWBMS.

6.8.3 Policy Core Policy 50 of the WCS outlines the requirement for developments to protect ecological features and enhance biodiversity opportunities.

6.8.4 The retention of the majority of existing boundary vegetation will maintain wildlife connectivity and foraging opportunities. Enhancements to the existing habitats will be provided through new planting, orchard planting, a sustainable drainage feature and marginal and emergent vegetation to achieve a significant betterment in the ecological value of the site, thus complying with WCS CP50.

6.9 Historic Environment

6.9.1 An aim of the Framework is to conserve and enhance heritage assets. Paragraph 207 requires applicants to describe the impacts of developments on heritage assets and their setting. Core Policy 58 of the WCS outlines that development should protect, conserve and where possible enhance the historic environment.

6.9.2 An Archaeological and Built Heritage Assessment has been submitted supporting the application, this statement confirms that no prehistoric archaeological remains have been identified within the site. The trial trench evaluation that has been undertaken within the site has identified some localised evidence of Romano-British domestic and agricultural activity within the north and south of the site. These remains are not considered to be of a significance to preclude development. The site appears to have comprised agricultural land throughout the historic periods, with the southern field seeing localised quarrying in the 18th and/or 19th century and the construction of buildings associated with a prisoner of war camp in the 1940s. No significant postmedieval or modern remains have been identified within the site by the trial trench evaluation.

6.9.3 An appropriate and proportionate level of settings assessment has been carried out for designated heritage assets in the immediate and wider

locality of the site. It has been established that the site does not contribute to the significance of any of the identified assets through setting; and as such, the proposed development will result in no harm to the significance of any such asset through change to setting.

6.10 Air Quality and Odour Impact

- 6.10.1** The Framework seeks to prevent new and existing development from contributing, being put at risk from or being adversely affected by unacceptable levels of air, noise and odour pollution. At a local level, Core Policy 55 states that development proposals will have to demonstrate that measures can be taken to effectively mitigate emissions levels in order to protect public health, environmental quality and amenity.
- 6.10.2** An Air Quality Assessment produced by Wardell Armstrong has been submitted as part of this application. The Assessment demonstrates that, following an assessment of the construction phase and operational phase impacts, the proposed development is unlikely to have a significant impact on local air quality. With appropriate mitigation measures, the proposed development complies with relevant national, and local planning policies and there are no air quality constraints for the development proposal.
- 6.10.3** An Odour Assessment has been undertaken by Miller Goodall in support of this application. The assessment assessed potential odour emissions from businesses within 1km of the Site, including the potential future odour risk from the installation of the recently approved Energy-from-Waste facility. The assessment concluded that the level of odour associated with the potential odour sources in the local area would be insignificant to the proposed development. There is, therefore, no reason for this application to be refused on the grounds of odour.

6.11 Noise

- 6.11.1** Core Policy 57 requires development proposals to ensure that appropriate levels of amenity are achievable for future occupiers, which includes consideration of noise pollution.

6.11.2 As detailed in section 3.3 of this Planning Statement, noise was a key reason for refusal of the dismissed appeal in August 2024. Since the dismissal, the applicant has undergone a detailed iterative process to address the concerns raised by the Inspector, working alongside development management officers and the EHO at the Council. In short, the extent of the built development has been brought back by over 80m from the West Wiltshire Trading Estate. The proposal has considered in detail the potential site layout including the building types, orientation and internal layout, as well as incorporating acoustic bund and fence combination. Overall, it can be demonstrated that all of the Site meets the acoustic criteria which the Inspector found acceptable at the previous appeal, without resulting in a significant adverse noise impact for future residents. The noise report produced by Sharps Acoustics confirms that the layout of the proposed scheme ensures that no windows to habitable rooms would be exposed to noise levels above the target levels with windows open.

6.11.3 The noise report also considers the agent of change principle, taking into account what the potential outcomes would be on the proposed development should the noise environment within the WWTE increase by both a realistic worst case scenario and a theoretical worst case scenario. The noise report explains in detail how the inputs into each scenario have been calculated, however, in summary, on the basis of the realistic worst case scenario there would be no exceedance of desirable internal noise levels, as well as external noise levels, on any of the three design options considered through the iterative process. Furthermore, on the basis of the theoretical worst case scenario, there would be 6 or 7 living rooms where desirable internal noise levels would be exceeded by up to 1dB and a further 2 living rooms where desirable levels would be exceeded by 1-2dB, dependant on the design. There would also be between 2 and 4 bedrooms which would experience a level which would be up to 1dB above the desirable internal level and between 0 and 3 bedrooms where levels would be 1-2dB above the target internal level, dependant on the design. Such a level of exceedance

is generally accepted to be imperceptible to the human ear. External noise levels would be below the target noise level in all gardens.

6.11.4 In conclusion, the detailed iterative process undergone as part of the preparation of the application has sought to resolve the Council's and the Inspector's previous concerns around noise impact, and has shown the proposed development is achievable without having an adverse impact on the living conditions of new residents. The proposed development therefore complies with paragraph 187 e) of the NPPF and Core Policy 57.

6.12 Arboriculture

6.12.1 Paragraph 136 of the NPPF highlights the importance of trees in the way in which they make important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

6.12.2 An Arboricultural Impact Assessment Report has been submitted supporting the application which has been prepared by FPCR. The AIA confirms that following checks with the local authority there are no trees within or adjacent to the site which are protected by a Tree Preservation Order. It also confirms that no veteran or ancient trees were identified in the survey.

6.12.3 The impact assessment concludes that the proposed development should be considered an ideal opportunity in terms of arboriculture to improve, enhance and increase overall tree cover in the local area without the loss of any currently arboriculturally significant trees. The delivery of an extensive amount of new tree planting and management of existing tree population will safeguard the visual amenity in the local area for future generations.

6.13 Flood Risk and Drainage

6.13.1 The site is located within Flood Zone 1, and is not at risk from flooding from rivers and seas.

6.13.2 Core Policy 67 of the WCS relates to Flood Risk and the submitted Flood Risk Assessment (FRA) outlines that proposed development can provide a

sustainable urban drainage solution. The Drainage Strategy illustrates a suitable surface water drainage scheme, whereby all the surface water will drain to an attenuation basin located in the north western corner of the site and then be directed to an existing drainage ditch outfall in the north west of the site flowing to Biss Brook.

- 6.13.3** Through the design of the Drainage Strategy, climate change has been taken into account and the rate of discharge from the attenuation basin to the outfall is to be designed in order to achieve an agreed rate of flow.

6.14 Planning Conditions and Obligations

- 6.14.1** The applicant is committed to and willing to discuss any requested planning conditions with officers at Wiltshire Council, to ensure they satisfy the six tests set out in Paragraph 003 of the PPG7 and paragraph 57 of the Framework respectively.

- 6.14.2** They are also committed to engaging with the Council in relation to securing planning obligations that satisfy the requirements of Regulation 122 of the Community Infrastructure Levy Regulations and paragraph 58 and 59 of the NPPF.

- 6.14.3** A draft set of heads of terms for the Section 106 agreement are included at Appendix 3 of this statement.

6.15 Summary of Planning Appraisal

- 6.15.1** It has been demonstrated that the application proposals would accord with the relevant requirements of the Development Plan and material considerations including the relevant objectives of the Framework. Overall, the proposed development represents sustainable development.

7 PLANNING BALANCE AND CONCLUSIONS

- 7.1.1 This outline planning application is made in the context of the Government's aim to significantly boost the supply of homes and the presumption in favour of sustainable development. In this case, the proposals also respond positively to Wiltshire Council's five-year housing land supply shortfall.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.1.3 The approval of this application will assist in solving the persistent problem of inadequate housing supply across the country and will meet the very basic human need of real people in real need of market and affordable housing.
- 7.1.4 This proposal would be deliverable in the short term and increase the supply and choice of housing within Westbury. It would also contribute towards economic growth and have wider social benefits to the local community, meeting a range of housing requirements, including much needed affordable housing. The principles outlined within the Design and Access Statement would secure a high quality scheme.
- 7.1.5 The Framework policies on the delivery of sustainable housing development carry significant weight, and the delivery of the proposed development would support housing and economic development objectives and meet the aims and objectives of sustainable development, securing net gains across all three strands of sustainable development (economic, social and environmental).

7.2 Planning Balance

- 7.2.1 The starting point for the determination of this application is the development plan for the area which comprises of the Wiltshire Core Strategy.
- 7.2.2 The proposed development is in compliance with the majority of the relevant development plan policies. The site is located outside of the

settlement boundary of Westbury, and the site is not allocated for housing development. The proposed development therefore is in conflict with part of the development plan, however where this conflict occurs, limited weight can be afforded as the locational policies of the Wiltshire Core Strategy are out-of-date due to the lack of a five year housing land supply. In this context, the “tilted balance” applies to the application proposals.

- 7.2.3** No significant harm arises from this the proposed development, other than the limited harm caused due to conflict with out-of-date policies of the development plan, and the inevitable landscape impact of developing an undeveloped site for housing; significant benefits would be delivered as part of the scheme. Therefore the benefits of the proposal outweigh the limited harms stemming from conflict with the development plan, even on a flat balance.

7.3 Benefits and Adverse Impacts

Benefits

- 7.3.1** The table below highlights some of the key benefits arising in respect of the application proposal.

BENEFITS
The provision of up to 165 market and affordable homes , which are capable of being delivered in the short term. Wiltshire Council cannot currently demonstrate a five year housing land supply; the current housing need in the borough is not being met. The delivery of housing should be afforded very significant weight.
The provision of affordable housing (40% or up to 66 homes) in a county where there is an existing unmet need that is unlikely to be delivered through alternative means. The delivery of affordable housing should be attributed very significant weight.
The provision of 5.43 hectares of green infrastructure (approximately 55% of the total site area) , comprising publicly accessible open space, landscaping and planting, a community orchard, recreational routes, a children’s play area and an attenuation basin.
The site will achieve at least a 10% biodiversity net gain .

The build cost of the development is expected to be around £27.8 million. Calculations suggest that this construction expenditure would support around 97 direct FTE construction jobs and 132 indirect FTE jobs in associated industries per annum over the build-out period.

The development of new homes in the proposed development could help to address local unemployment in the construction industry and provide apprenticeship and training opportunities for young unemployed people. Calculations suggest that **7 apprenticeships will be generated per annum over the build-out period.**

Household expenditure from the 165 new homes would be **over £5.2m per year.** This will benefit the local area.

The new residents will **increase demand for and use of local services and businesses.** The increased spending will help to protect, maintain and enhance the services available and accessible within the town and surrounding area.

Adverse Impacts

- 7.3.2** The supporting material, assessments and reports demonstrate that there are no technical or environmental impacts, and/or constraints that would significantly and demonstrably outweigh the substantial benefits of the proposal and specific policies of the Framework and Development Plan do not indicate that development should be restricted.
- 7.3.3** As is outlined in Chapter 2 and throughout this Statement, the revisions to the proposed development address the main issues and reasons for refusal made in both the previous applications on the Site, and dismissed appeal. In particular, the previous issues regarding the living conditions for future residents from the potential noise from the WWTE and the agent of change principle have been addressed, and are core considerations to the design on the revised proposals.
- 7.3.4** As with any greenfield site, the development will introduce changes to the area resulting in some urbanising effects, and it will involve the loss of some agricultural land. This is to be expected and the LVIA demonstrates that the scheme can be delivered without unacceptable wider landscape and/or visual impacts.

7.3.5 In addition, the proposals will give rise to some limited impacts during the construction phase of the development, but these will be temporary in nature and extent and can be controlled through the use of planning conditions.

7.4 Conclusion

7.4.1 In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes ‘sustainable development’.

7.4.2 The development of the site, as proposed, would be both suitable and sustainable, and there is justification to grant planning permission in accordance with the presumption in favour of sustainable development.

7.4.3 This application has been developed through a detailed iterative process to address the previous reasons for refusal, showing how the revisions to the proposed development overcome those reasons leading to the conclusion that there are no reasons as to why this application should not be granted planning permission.

7.4.4 Accordingly, it is clear there are significant material considerations, such as the lack of a five-year housing land supply and the fact there is no short or medium term plan-led solution to that shortfall, that should be considered alongside the application’s compliance with the policies of the Wiltshire development plan that are up to date. There is a clear demonstrable need for sustainable and suitable residential development to come forward in the Wiltshire Council area, and therefore, the planning application should be approved without delay.

APPENDIX 1: DECISION NOTICES

Town & Country Planning Act 1990

NOTIFICATION OF REFUSAL of Outline Planning

Application Reference Number: 17/12342/OUT

Agent Gladman Developments Ltd Gladman House Alexandra Way Congleton CW12 1LB	Applicant Gladman Developments Ltd Gladman House Alexandra Way Congleton CW12 1LB
Particulars of Development: Outline planning application for the demolition of number 13 and 14 Storridge Road and the erection of up to 200 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and a vehicular access point from Storridge Road. All matters reserved except for means of access	
At: Land Off Storridge Road Westbury Wiltshire	

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

- 1 The proposal conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, as set out in Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or a Neighbourhood Plan.
- 2 The site is located in open countryside outside the limits of development defined for Westbury in the Wiltshire Core Strategy and the application fails to demonstrate how the social and economic dimensions of sustainable development listed in paragraph 5.166 of the supporting text to WCS CP32 - The Westbury Community Area Strategy and paragraph 7 of the NPPF would be addressed. The proposal would therefore conflict with Core Policy 1, Core Policy 2 and Core Policy 32 of the Wiltshire Core Strategy which seek to properly plan for sustainable development of housing.
- 3 Insufficient information has been submitted in order to robustly assess whether up to

200 dwellings can be satisfactorily accommodated on the site and how this would respect the local context and character of the surrounding area. This could result in an over development of the site that would not secure a high standard of design nor create a strong sense of place that would draw on the local context and being complementary to the locality. The proposal would therefore conflict with Core Policy 57 xiii) of the Wiltshire Core Strategy and would not comply with paragraphs 56 and 64 of the NPPF.

- 4 The site includes within its boundaries potential heritage assets with archaeological interest, including Romano-British pottery and the remains of several buildings which may be possible remnants of prisoner-of-war camps. The Council considers that in these circumstances, and in accordance with paragraph 128 of the NPPF, an archaeological field evaluation is required to properly inform the decision maker of the impact of the development on archaeological remains. No such evaluation has been undertaken on the site and the proposal is therefore considered to be premature as the Council is unable to assess properly the impact on any potential archaeological heritage asset on the site. The proposal would therefore conflict with Core Policy 58 i) of the Wiltshire Core Strategy and would not comply with paragraph 128 of the NPPF.
- 5 Insufficient noise assessments have been carried out in order to be able to robustly assess the likely noise impacts on the general amenity and living standards of proposed occupants of any new development. The proposal is therefore in conflict with Core Policy 57 vii) of the Wiltshire Core Strategy
- 6 The flood risk assessment is considered to be insufficient to enable the Council to robustly assess how storm/surface water can be satisfactorily discharged from the site. The proposal therefore conflicts with Core Policy CP67 of the Wiltshire Core Strategy and the Council is not satisfied that the proposal would comply with paragraph 103 of the National Planning Policy Framework.
- 7 The Council has screened the proposed development under the Habitats Regulations 2017 and concludes that the submitted ecological survey and assessment and the Shadow Habitats Regulations Assessment is not adequate to support a conclusion of "no likely significant effect" on the Bath and Bradford on Avon Bats SAC. Therefore an appropriate assessment under regulation 63 of the Habitats Regulations is required to determine whether the scheme would lead to an adverse effect on the site's integrity either alone or in-combination with other schemes. The interpretation of the survey results by the applicant is insufficiently precautionary and inconsistent with the interpretation of schemes that have come forward elsewhere in the bat consultation zones. Therefore, the mitigation provided is deemed to be inadequate and unlikely to meet the requirements of the emerging Trowbridge Bat Mitigation Strategy. In light of this, an appropriate assessment undertaken at this time would inevitably conclude there would be an adverse effect on site integrity.

Insufficient information has also been submitted to allow the Council to robustly assess the impact on great crested newts. The pond at the end of Paxman Road is within 225m rather than 280m of the application site, and as it was not possible to undertake surveys of several ponds to the west, a precautionary approach should be taken in relation to the provision of mitigation habitat. Full details should be provided of the approach to the provision of habitat for mitigation / enhancement in order to demonstrate that the provision will be adequate while at the same time achieving other layout requirements.

The proposal would therefore conflict with Core Policy 50 of the Wiltshire Core Strategy and the Council is not satisfied that the proposal would comply with paragraphs 118 and 119 of the NPPF. The Council also submits that it would be unlawful to approve the application in relation to Habitats Regulations 2017.

- 8 The absence of any agreed mechanism and undertaking to satisfy all the developer contributions deemed as necessary to be enshrined within a legal agreement is a further material consideration which weighs against the proposed development and constitutes as being an additional reason for refusal.

NOTE: The above relates to the failure of the applicant to agree to the requested contributions for the site/development. The Council acknowledges that the applicant has outlined an intention to commence with preparing a s106 if the application is to be approved and to enter into discussions about the specific heads of terms, although no written undertaking has been submitted confirming that all the referenced infrastructure and developer contribution requests would be met. Should the applicant move to appeal the Council's decision, the Council would require the applicant to enter into discussions to agree the heads of terms and resolve this reason for refusal.

S52 PLANNING INFORMATIVE: The issue of the Section 52 agreement is a separate legal matter for the landowner(s) to resolve and does not prevent the Local Planning Authority from determining the current planning application on its own planning merits. An agreement has to be reached between the landowner(s) and the Council to discharge the Section 52 agreement.

INFORMATIVE TO APPLICANT: The applicant is advised that it may be possible to overcome the archaeology reason for refusal by undertaking the necessary archaeological field evaluation conducted by a professional qualified archaeologist following discussion with the Council's County Archaeologist.

INFORMATIVE TO APPLICANT: The applicant is advised that it may be possible to overcome the environmental health reason for refusal by undertaking the additional noise surveys. However, this may demonstrate that significant mitigation may be required that could necessitate materially alerting the proposed quantum of housing to avoid unsustainable and/or an inappropriate poor quality form of development.

INFORMATIVE TO APPLICANT: Should the applicant appeal this decision, the planning inspector would become the competent authority under the Habitats Regulations. The Council would work with the applicant to agree what might constitute an appropriate mitigation package or whether further survey would be required and the Council would obtain advice from Natural England on any "shadow HRA" in order to aid the inspector. Alternatively, the developer could chose to submit the Shadow HRA which was submitted to support this application to the Inspector for his/her consideration.

It is advised that the Council has published a revised HRA and Mitigation Strategy for Salisbury Plain SPA in May 2018 and this application should therefore be considered in light of this document in any future appropriate assessment.

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse

planning permission.

Signed

A handwritten signature in black ink, appearing to read 'T. Martienssen', with a stylized flourish at the end.

Tim Martienssen
Director
Economic Development and Planning

Dated: 06 July 2018

REFUSAL OF PERMISSION FOR DEVELOPMENT

If the applicant wishes to have an explanation of the reasons for this decision, it will be given on request and a meeting arranged if necessary.

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, (Telephone 0117 372 6372). Alternatively forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: <http://www.planningportal.gov.uk/planning/appeals>. Changes introduced by the Government in April 2009 mean that an appeal relating to the refusal of a stand-alone application for householder development (such as an alteration/extension to a house; or a garage or other outbuilding proposed within the garden) must be made within 12 weeks of the date of the refusal. All other appeals, including householder appeals for extensions to listed buildings that are accompanied by an appeal against a refusal of listed building consent must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.

Appeal where an enforcement notice has been issued

Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]

2. Purchase Notices

If permission to develop land is refused, whether by the Local Planning Authority or the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been, or would be, permitted, he may serve on the District Council in which the land is situated a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

3. Compensation

In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

Town & Country Planning Act 1990

NOTIFICATION OF REFUSAL of Outline Planning

Application Reference Number: 19/06389/OUT

Agent Gladman Gladman House Alexandria Way Congleton CW12 1LB	Applicant Gladman Gladman House Alexandria Way Congleton CW12 1LB
Particulars of Development: Outline planning application for the demolition of number 13 and 14 Storridge Road and the erection of up to 190 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and a vehicular access point from Storridge Road. All matters reserved except for means of access.	
At: Land to the rear of existing dwellings on Storridge Road, The Ham and Hawkeridge Park, To the east of the West Wilts Trading Estate, Westbury	

In pursuance of their powers under the above Act, the Council hereby **REFUSE TO GRANT PERMISSION** for the development referred to in the above application and plans submitted by you, for the following reason(s):

- 1 The proposal conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, as set out in Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or a Neighbourhood Plan.
- 2 The site is located in open countryside outside the limits of development defined for Westbury in the Wiltshire Core Strategy and the application fails to demonstrate how the social and economic dimensions of sustainable development listed in paragraph 5.166 of the supporting text to WCS CP32 - The Westbury Community Area Strategy and paragraph 7 of the NPPF would be addressed. The proposal would therefore conflict with Core Policy 1, Core Policy 2 and Core Policy 32 of the Wiltshire Core Strategy which seek to properly plan for sustainable development of housing.
- 3 Insufficient information has been submitted in order to robustly assess whether up to 190 dwellings can be satisfactorily accommodated on the site and how this would respect the local context and character of the surrounding area. This could result in an over development of the site that would not secure a high standard of design nor create a strong sense of place that would draw on the local context and being complementary to the locality. The proposal would therefore conflict with Core Policy 57 xiii) of the Wiltshire Core Strategy and would not comply with paragraphs 124 and 130 of the NPPF.
- 4 The site includes within its boundaries potential heritage assets with archaeological interest, including Romano-British pottery and the remains of several buildings which may be possible

remnants of prisoner-of-war camps. The Council considers that in these circumstances, and in accordance with paragraph 189 of the NPPF, an archaeological field evaluation is required to properly inform the decision maker of the impact of the development on archaeological remains. No such evaluation has been undertaken on the site and the proposal is therefore considered to be premature as the Council is unable to assess properly the impact on any potential archaeological heritage asset on the site. The proposal would therefore conflict with Core Policy 58 i) of the Wiltshire Core Strategy and would not comply with paragraph 189 of the NPPF.

- 5 Insufficient noise assessments have been carried out in order to be able to robustly assess the likely noise impacts on the general amenity and living standards of proposed occupants of any new development. The proposal is therefore in conflict with Core Policy 57 vii) of the Wiltshire Core Strategy.
- 6 The flood risk assessment (and surface water drainage strategy) are considered to be insufficient to enable the Council to robustly assess how storm/surface water can be satisfactorily discharged from the site. The proposal therefore conflicts with Core Policy CP67 of the Wiltshire Core Strategy and the Council is not satisfied that the proposal would comply with paragraph 163 of the National Planning Policy Framework.
- 7 The Council has screened the proposed development under the Habitats Regulations 2017 and concludes that the submitted ecological survey and assessment and the Shadow Habitats Regulations Assessment is not adequate to support a conclusion of "no likely significant effect" on the Bath and Bradford on Avon Bats SAC. Therefore, an appropriate assessment under regulation 63 of the Habitats Regulations has been undertaken to determine whether the scheme would lead to an adverse effect on the site's integrity either alone or in-combination with other schemes. At the present time the assessment is unable to conclude that the mitigation provided is adequate to meet the requirements of the emerging Trowbridge Bat Mitigation Strategy. In light of this, the Council concludes the development would lead to an adverse effect on site integrity.

Insufficient information has also been submitted to allow the Council to robustly assess the impact on great crested newts. The pond at the end of Paxman Road is within 225m rather than 280m of the application site, and as it was not possible to undertake surveys of several ponds to the west, a precautionary approach should be taken in relation to the provision of mitigation habitat. Full details should be provided of the approach to the provision of habitat for mitigation / enhancement in order to demonstrate that the provision will be adequate while at the same time achieving other layout requirements.

Inadequate information has been provided to demonstrate that there would be no net loss of biodiversity and that the scheme can deliver a degree of biodiversity net gain.

The proposal would therefore conflict with Core Policy 50 of the Wiltshire Core Strategy and the Council is not satisfied that the proposal would comply with paragraphs 176 and 177 of the NPPF. The Council also submits that it would be unlawful to approve the application in relation to Habitats Regulations 2017.

- 8 The absence of any agreed mechanism and undertaking to satisfy all the developer contributions deemed as necessary to be enshrined within a legal agreement is a further material consideration which weighs against the proposed development and constitutes as being an additional reason for refusal.

NOTE: The above relates to the failure of the applicant to agree to the requested contributions for the site/development. The Council acknowledges that the applicant has outlined an intention to commence with preparing a s106 if the application is to be approved and to enter into discussions about the specific heads of terms, although no written undertaking has been submitted confirming that all the referenced infrastructure and developer contribution requests would be met. Should the applicant move to appeal the Council's decision, the Council would require the applicant to enter into discussions to agree the heads of terms and resolve this reason for refusal.

S52 PLANNING INFORMATIVE: The issue of the Section 52 agreement is a separate legal matter for the landowner(s) to resolve and does not prevent the Local Planning Authority from determining the current planning application on its own planning merits. An agreement has to be reached between the landowner(s) and the Council to discharge the Section 52 agreement.

INFORMATIVE TO APPLICANT: The applicant is advised that it may be possible to overcome the archaeology reason for refusal by undertaking the necessary archaeological field evaluation conducted by a professional qualified archaeologist following discussion with the Council's County Archaeologist.

INFORMATIVE TO APPLICANT: The applicant is advised that it may be possible to overcome the environmental health reason for refusal by submitting further evidence to the satisfaction of the Council's Environmental Health Officer. However, this may demonstrate that significant mitigation may be required that could necessitate materially alerting the proposed quantum of housing to avoid unsustainable and/or an inappropriate poor quality form of development.

INFORMATICE TO APPLICANT: The applicant is advised that it may be possible to overcome the Drainage reason for refusal if further clarification is provided to the FRA and that the off-site discharge route has been agreed with the relevant landowners, following discussion with and consideration of the Council's Drainage Officer's consultation response.

INFORMATIVE TO APPLICANT: Should the applicant appeal this decision, the planning inspector would become the competent authority under the Habitats Regulations. The Council would work with the applicant to agree what might constitute an appropriate mitigation package. The Council would obtain advice from Natural England on its HRA in order to aid the inspector. Alternatively, the developer could choose to submit the Shadow HRA which was submitted to support this application to the Inspector for his/her consideration.

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

Signed

Sam Fox

Director Economic Development & Planning

Dated: 17 January 2020

REFUSAL OF PERMISSION FOR DEVELOPMENT

If the applicant wishes to have an explanation of the reasons for this decision, it will be given on request and a meeting arranged if necessary.

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, (Telephone 0117 372 6372). Alternatively forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: <http://www.planningportal.gov.uk/planning/appeals>. Changes introduced by the Government in April 2009 mean that an appeal relating to the refusal of a stand-alone application for householder development (such as an alteration/extension to a house; or a garage or other outbuilding proposed within the garden) must be made within 12 weeks of the date of the refusal. All other appeals, including householder appeals for extensions to listed buildings that are accompanied by an appeal against a refusal of listed building consent must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeal where an enforcement notice has been issued

Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]

2. Purchase Notices

If permission to develop land is refused, whether by the Local Planning Authority or the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been, or would be, permitted, he may serve on the District Council in which the land is situated a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

3. Compensation

In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

The Town and Country Planning Act 1990

Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2022/09842

Decision Date: 16 February 2024

Applicant:	Gladman Developments Ltd Gladman House, Alexandria Way, Congleton, Cheshire, CW12 1LB
Particulars of Development:	Outline application for the demolition of number 13 and 14 Storridge Road and the erection of up to 200 dwellings (including affordable housing), with public open space, structural planting, landscaping, and sustainable drainage system (SuDS) and vehicular access point. (All matters reserved except for means of access)
At:	Land Off Storridge Road, Westbury, Wilts

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby **REFUSE TO GRANT PERMISSION** for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (7)

- 1 The proposal is outside of the settlement boundary/limits of development for Westbury, so it is in the open countryside and has not been allocated for residential development within the Wiltshire Core Strategy (January 2015) or the Wiltshire Housing Sites Allocation Plan (February 2020). Proposed development which does not accord with the council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, is contrary to Core Policies CP1, CP2, and CP32 of the Wiltshire Core Strategy 2015 and the Wiltshire Housing Sites Allocation Plan and is therefore deemed unsustainable in the overarching context of the Wiltshire Core Strategy and the provisions of the National Planning Policy Framework 2023.

- 2 Insufficient information has been submitted in order to robustly assess whether up to 200 dwellings can be satisfactorily accommodated on the site, how this would respect the local context and character of the surrounding area, provide an affordable housing mix to meet identified needs or required ecological parameters. This could result in an over development of the site that would not secure a high standard of design nor create a strong sense of place that would draw on the local context and being complementary to the locality. The proposal would therefore conflict with Core Policies CP57, CP43, CP44, CP50 & CP52 of the Wiltshire Core Strategy and would not comply with paragraphs 128, 131 and 135 of the National Planning Policy Framework, or the draft Wiltshire Design Guide.

- 3 Due to the proximity of the site to West Wiltshire Trading Estate, it is considered that there is potential for a significant adverse impact from noise on future residents resulting in unsatisfactory amenity and living standards for the proposed occupants. The trading estate is of economic importance to the area and is designated as a Principal Employment Area which is protected from alternative uses and the continued use and intensification for employment purposes (use classes Class E(g) [previously B1], B2 and B8) is encouraged under Core Policies CP32 and CP35 of the Wiltshire Core Strategy. The proposal is therefore in conflict with Core Policies CP57, CP32 and CP35 of the Wiltshire Core Strategy and would not comply with paragraphs 135, 191 or 193 of the National Planning Policy Framework or the draft Wiltshire Design Guide.

- 4 The flood risk assessment (and surface water drainage strategy) proposes an attenuation basin with a controlled outfall discharge into the ditch network to the north of the site. Wessex Water (WW) have advised that these are not their assets; that the Lead Local Flood Authority (LLFA) would need to approve this point of discharge (along with the discharge rate and volume), and as WW will not accept any surface water runoff, land drainage or ground water into the public foul sewer either directly or indirectly this should be resolved prior to a favourable determination of the application. The LLFA advise that the drainage strategy does not demonstrate a satisfactory scheme for the control of surface water discharge for both peak flow and volume for all storm events and this in combination with the proposed drainage strategy involving third party assets, with the resultant potential for an intensification of run off rates from the site; means that it is not considered that the application adequately addresses that storm/surface water can be satisfactorily discharged from the site. The proposal therefore conflicts with Core Policy 67 of the Wiltshire Core Strategy and the Council is not satisfied that the proposal would comply with paragraphs 173 and 175 of the National Planning Policy Framework.

- 5 An Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the

potential significant effects on the Bath and Bradford on Avon Bat SAC and the suitability of any measures proposed to avoid or mitigate those effects. At the present time the assessment is unable to conclude that the mitigation provided is adequate to meet the requirements of the Trowbridge Bat Mitigation Strategy. Insufficient information has so far been submitted to enable the AA to be concluded favourably. In light of this, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of the European Site as a result of the development. The proposal would therefore conflict with Core Policy 50 of the Wiltshire Core Strategy; guidance within the National Planning Policy Framework (paragraphs 180, 186 and 188) and The Conservation of Habitats and Species Regulations 2017 (as amended).

- 6 A metric calculation has now been submitted and predicts acceptable gains of 14.30% Habitat Units (3.18 units) and 14.16% Hedgerow units (1.43 units). However, the project details and maps are not included therefore it is not possible to confirm what layout the calculation uses and therefore if the calculation is accurate. Inadequate information has therefore been provided to demonstrate that there would be no net loss of biodiversity and that the scheme can deliver a degree of biodiversity net gain. The proposal would therefore conflict with Core Policies CP50 and CP52 of the Wiltshire Core Strategy and guidance within the National Planning Policy Framework (paragraphs 180, 185 and 186).
- 7 The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development can be delivered. The essential and necessary infrastructure, services and amenities include:
 - Off-site highway improvement works (to upgrade two zebra crossings near to The Ham / Storridge Road junction to linked puffin crossings, with associated planing off 30mm and resurfacing of the carriageway for a total length of 110 metres and a 10-year time limited and index linked financial contribution of £380,000 towards strengthening of the weak rail underbridge on Station Road)
 - Contributions towards waste and recycling containers
 - Contributions to offset residual / in-combination losses of habitat in the Trowbridge Community Area in accordance with the Trowbridge Bat Mitigation Strategy, and the Picket and Clanger SSSI Woodland Trust Recreational Impact Mitigation Strategy
 - Public Open Space (POS) and Equipped Play to be provided on site and secured and managed in perpetuity.
 - Off-site contributions towards the development of a 3G Artificial Turf pitch in the Westbury community area and/or the upgrading or development of a Multi-Use Games Area (MUGA), playing pitch or ancillary provision within the vicinity of the land
 - On-site affordable housing provision of 40% (tenure split of 60% affordable rented homes, 15% shared ownership homes and 25% First Homes).

- Early years places contribution towards the development of Early Years provision in the area based on 200 units (174 qualifying properties).

This is contrary to Wiltshire Core Strategy policies CP3, CP43, CP45, CP50, CP52, CP57, CP61, CP62, policy WSC6 of the Waste Core Strategy 2009, and guidance in the National Planning Policy Framework (paragraphs 7, 8, 55 and 114).

Informatives: (2)

S106 obligations: Reason for refusal no. 7 may be overcome in the event of the applicant completing an appropriate planning obligation/S106 agreement. The reason for refusal is necessary in the event that there is an appeal.

S52 Agreement: The issue of the Section 52 agreement is a separate legal matter for the landowner(s) to resolve and does not prevent the Local Planning Authority from determining the current planning application on its own planning merits. An agreement has to be reached between the landowner(s) and the Council to discharge the Section 52 agreement.

Parvis Khansari - Corporate Director, Place

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - [Appeal a planning decision: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/appeal-a-planning-decision-overview)).



Appeal Decision

Inquiry held on 9 to 12 and 16 to 18 July 2024

Site visit made on 18 July 2024

by O S Woodward MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/Y3940/W/24/3340811

Land off Storridge Road, Westbury, BA13 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2022/09842.
 - The development proposed is the demolition of number 13 and 14 Storridge Road and the erection of up to 200 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system and vehicular access point.
-

DECISION

1. The appeal is dismissed.

PRELIMINARY MATTERS

Documents and Drawings

2. The appeal is for outline planning permission with all matters reserved except for access, which is applied for in full. An Indicative Development Framework Plan¹ (DFP) and an Illustrative Masterplan² were submitted with the application the subject of the appeal. I refer to these documents as appropriate throughout my Decision, whilst acknowledging their illustrative nature.
3. A number of other submissions were received prior to, during and after the Inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents and drawings.

Policy

4. The adopted Development Plan includes the Wiltshire Core Strategy 2015 (the CS) and the Wiltshire Housing Sites Allocation Plan 2020 (the WHSAP). The Council began work on its emerging Local Plan (the eLP) in 2017. A Regulation 19 draft of the eLP was consulted upon between September and

¹ Ref CSA/2974/116 Rev B

² Ref G.W2.PSS.01

November 2023. The current timetable is for the eLP to be submitted for examination towards the end of this year, with adoption in 2025. Because the eLP has not yet undergone its examination, it is likely that it will be the subject of modifications. It is common ground, and I agree, that it therefore carries limited weight. I refer to the eLP as appropriate throughout my Decision.

5. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Proposed Framework) and other changes to the planning system. I provided the main parties with the opportunity to comment. The Proposed Framework and other changes to the planning system are draft and therefore may be subject to change before being adopted. They therefore carry limited weight but are nonetheless material planning considerations to which I refer as appropriate throughout my Decision.

Adjacent Site Planning Application

6. On land to the north of the appeal site, known as 'Glenmore Farm', a planning application³ for up to 145 dwellings and associated works was refused permission on 11 March 2024. I refer to this application as appropriate throughout my Decision.

Flood Risk and Drainage

7. The fourth reason for refusal is in relation to flood risk and drainage. However, additional information has since been submitted and further discussions held between the main parties and the Local Lead Flood Authority. In light of this, and as set out in the Drainage Statement of Common Ground May 2024, the Council did not pursue this reason for refusal.

Affordable Housing

8. The Council agreed through the Statement of Common Ground that the level of proposed affordable housing is acceptable. Additionally, under cross-examination the Council agreed that the revised proposed affordable housing mix⁴ meets the Council's requirements as set out in its Planning Consultation Response dated 6 November 2023⁵, and that it could be satisfactorily accommodated within the proposal. This element of the second reason for refusal is not, therefore, in dispute.

Character and Appearance

9. The DFP indicates the extent of built development that could come forward. Based on an assumption of 38 dwellings per hectare (dph), the site could accommodate up to 200 dwellings within this land. The Council confirmed during cross-examination that it has no concerns with the character and appearance of the proposal so long as it is not more than 38 dph and is within the areas allocated for built development. The extent of built form and the allowable dph could both be controlled by condition. In this context,

³ Ref PL/2021/03749

⁴ See Appendix 3, Mr Lee's Proof of Evidence

⁵ CD3.24

there is no dispute regarding the character and appearance of the proposal and this element of the second reason for refusal has therefore fallen away.

10. There is, however, remaining dispute regarding whether or not the proposed areas allocated for built development would be acceptable with regard to ecological and noise concerns, which I deal with as appropriate throughout my Decision.

Local Infrastructure

11. The seventh reason for refusal is in relation to the effect on local infrastructure in the absence of a completed s106 Planning Obligation. The final s106 Planning Obligation, dated 30 July 2024 (the s106), secures:
- a contribution towards early years education;
 - a contribution towards strengthening the rail underbridge on Station Road;
 - a landscaping plan, including open space of not less than 6,986 sq m and a play area of at least 354 sq m, and the management and maintenance of the open space and play area by a management company;
 - a monitoring fee for the Council;
 - a contribution towards primary healthcare;
 - a contribution towards community sports facilities;
 - a contribution towards mitigating the recreational impact arising from the future occupants of the proposal on the Pickett and Langer Site of Special Scientific Interest (SSSI);
 - a contribution towards mitigating the loss of bat habitat in the Trowbridge Community Area as a result of the proposal;
 - a contribution towards the provision of waste and recycling containers for the proposed residential units; and,
 - the provision of at least 40% of the proposed residential units to be for affordable housing, with a split of 60% affordable rented units, 15% shared ownership units and 25% First Homes, with a mix as set out in Schedule 3 of the s106.
12. The contribution towards strengthening the rail underbridge is necessary because the bridge cannot currently bear busses. It is related to the appeal proposal with regard to the accessibility of the site. The likely costings have been estimated and the contribution is a proportionate percentage of this cost. The s106 allocates the contribution for the works to the bridge, and has provisions ensuring that the money is spent as stated or is returned if not used within 10 years. It therefore meets the tests set out in Regulation 122 of the CIL Regulations 2010 (the CIL Regs) and at Paragraph 57 of the National Planning Policy Framework 2023 (the Framework).
13. The proposal would create demand for the use of primary healthcare facilities by the future occupants of the proposed dwellings. The NHS has confirmed⁶ that there is not sufficient capacity in existing primary healthcare facilities to accommodate the increased demand. The NHS has therefore requested a contribution towards the delivery of additional primary care floorspace, proportionate to the number of expected new residents. This has been reflected in the s106. However, the responsibility of allocating and funding primary healthcare falls to the NHS, not the Council, and is outwith

⁶ CD3.30

the planning system. The NHS has not identified specific works that the funding would go towards.

14. Therefore, it has not been demonstrated that the primary healthcare contribution is necessary to make the development acceptable in planning terms and it fails to meet the tests for a planning obligation. In accordance with Paragraph 3.4 of the s106, this obligation therefore carries no weight and is not enforceable. Otherwise, the Council's CIL Compliance Statement sets out the detailed background and justification for each of the obligations, and I am satisfied that the provisions of the submitted agreement that relate to the effect of the proposal on local infrastructure would meet the tests set out in the CIL Regs and the Framework, and I have taken them into account. The seventh reason for refusal is not, therefore, a main issue for the appeal.
15. I assess the obligations in relation to ecology later in my Decision. In general, I return to matters of weight and detail of the s106 throughout my Decision as appropriate.

Biodiversity Net Gain

16. The sixth reason for refusal is in relation to Biodiversity Net Gain (BNG). However, additional details have been submitted by the appellant, as set out in detail in the Ecology Statement of Common Ground dated 18 June 2024. The Council has reviewed the information and has confirmed that it has been adequately demonstrated that there would be no net loss of biodiversity and that the proposal can deliver a degree of BNG. The Council did not, therefore, pursue this reason for refusal.

MAIN ISSUES

17. The main issues are:
 - whether or not the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance;
 - whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to noise from the West Wiltshire Trading Estate (WWTE), and the capacity of the site to accommodate proposed noise mitigation works;
 - whether or not the proposed development would create potential future risks to the operation of the WWTE, with particular regard to the 'agent of change' principle and noise; and,
 - the effect of the proposal on ecology, including on the integrity of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) particularly with regard to bat mitigation, and the capacity of the site to accommodate proposed ecological works.
18. In addition to the above, housing land supply (HLS) is a disputed issue and I will, of course, need to consider the overall planning balance.

REASONS

Principle

19. The appeal site is located adjacent to, but outside of, the defined settlement boundary (SB) for Westbury, a second-tier settlement 'market town' in Wiltshire's settlement hierarchy. It is not allocated for development in the CS

or in the WHSAP. It is common ground, and I agree, that the site is therefore in the 'countryside' in planning policy terms.

20. Core Policy 1 of the CS sets out the settlement strategy for the Council. It states that market towns have the potential for significant development to sustain and enhance their services and facilities. Core Policy 2 of the CS sets out the delivery strategy for the Council, with a distribution strategy for new homes. In particular, it states that development will not be permitted outside SBs, unless permitted by other policies within the CS as set out at Paragraph 4.25. None of the other policies are relevant to the appeal proposal.
21. Core Policy 32 of the CS relates to development in the Westbury Community Area, within which the appeal site sits. This allocates housing to the Westbury area but does not allocate the appeal site for any of this housing. In addition, approximately 115 homes are expected to be accommodated on unallocated sites in the area. However, this should be read in the context of Core Policy 2, which states that development will not be permitted outside SBs.
22. There is no cap on the provision of housing. The size of the proposal, whilst not insignificant, is not to such a degree that by itself it would materially distort the spatial distribution of housing in the Council as a whole. Nevertheless, the three policies taken together set out the spatial strategy for housing development in Wiltshire as it relates to the appeal proposal. It is clear that development on the appeal site conflicts with the spatial strategy, because it is not within the SB, nor is it allocated, and nor does it meet any of the special exemptions set out.
23. There is some conflict between the Council's spatial strategy and Paragraph 180 of the Framework, which recognises the intrinsic character and beauty of the countryside but does not set out an in-principle objection to the provision of housing in countryside locations. This was agreed by the Council under cross-examination. This reduces the weight I attach to the conflict with the spatial strategy that I have identified above.
24. However, the Council has adopted the WHSAP and the appeal site remains outside the SB and unallocated. The WHSAP was adopted in the context of the Framework. In addition, the evidence base for the eLP includes a site selection process⁷ regarding the potential site allocations in and nearby to Westbury. The site selection process is thorough and considers the potential sites against the key place shaping priorities for the eLP. The appeal site has not been allocated. I acknowledge that this is part of the emerging evidence base and that the eLP has limited weight. However, it still provides an indication of the possible spatial strategy moving forward. Therefore, whilst I reduce the weight to be applied to the conflict with the spatial strategy, this is only to a limited degree.
25. Overall, therefore, the appeal site is not an appropriate location for development of this type, having regard to local and national planning policy and guidance. Although not full weight, I place significant weight on this conflict with the spatial strategy that I have identified, including the conflict with Core Policies CP1, CP2 and CP32 of the CS and the WHSAP.

⁷ Planning for Westbury, dated July 2023

Living Conditions

Existing

26. The appeal site is located close to the WWTE, which lies to the west. There is a buffer of woodland along the western border of the site which provides some protection from noise from the WWTE to the southern part of the appeal site. However, to the northern element, and particularly where it dog-legs around the top of the existing woodland, the appeal site is subject to noise pollution from the various activities on the WWTE. The appellant's Noise Assessment by Sharps Acoustics, dated October 2023, shows that this noise is at least 43 dB across this top part of the site in daytime and at least 38 dB at nighttime.
27. There are other noise sources, including road traffic. However, the primary point of dispute is regarding noise pollution from the WWTE. This is because the noise levels from the WWTE are higher than those from road traffic and other sources and also because of the nature of the noise. The WWTE creates specific noise from the operation of the various commercial premises on the estate. This is of a different character to the anonymous, relatively consistent background noise created by road traffic.
28. Within the WWTE is the Venom nightclub. This is licensed to operate internally until 05:00 every day of the year. It can also hold up to three outside events including marquees per year, as set out in its licensing restrictions⁸. This is a further source of noise from within the WWTE that I need to consider.

Methodology

29. The aim of Wiltshire Council's Planning Consultation Guidance Note Noise and Vibration 2023 (the Guidance Note) document is to avoid likely significant adverse effects (SOAEL) and where there would likely be lowest adverse effects (LOAEL) to seek to minimise and mitigate against them. The same approach is broadly adopted through national and international policy and guidance and is set out in the Statement of Common Ground. I therefore agree this is a suitable framework for assessing the effect of noise on the living conditions of the future occupiers of the proposal.
30. The World Health Organisation Guidelines for Community Noise 1999 (the WHO Guidelines) set out⁹ that noise levels of 35 dB would generate moderate annoyance in the daytime, and 30 dB would create sleep disturbance in bedrooms at nighttime. This is reflected in the guidance at Table 4 of BS8233:2014. As these are the levels where beyond which annoyance would be more than moderate or where sleep disturbance would occur, they can be sensibly used as guidance for being the threshold above which noise levels move from LOAEL to SOAEL.
31. With regard to the WWTE, there are clear impulsive and tonal elements to the noise. BS4142:2014+A1:2019 (BS4142) sets the penalty at up to 6 dB for tonality and up to 9 dB for impulsivity. BS4142 additionally states that these penalties can be additional to one another but only if the characteristics are both present without one being dominant. As

⁸ CD7.34

⁹ See Table 4.1, CD7.02

acknowledged by BS4142, attributing the correct penalty is a subjective exercise, albeit based on careful consideration of the nature of the noise source. It is not clear if one or the other is dominant from the WWTE. A penalty for each element should therefore be applied additional to one another.

32. The appellant has adopted this approach, albeit whilst disputing its necessity, and used a penalty of 4 dB for tonality and a further 3 dB for impulsivity. This is a reasonable approach based on the nature of the noise from the WWTE, eg vehicle turning alarms or the operation of plant and machinery, and that neither characteristic is dominant. I therefore adopt the 7 dB penalty applied by the appellant. In addition, it is common ground, and I agree, that the typical noise reduction from even a partially open window is 13 db.
33. Based on this, ie the addition of 7 dB and the subtraction of 13 dB from the WHO/BS8233 baselines, the appropriate LOAEL thresholds are 28 dB during the daytime and 23 dB at nighttime for internal noise for the proposed dwellings, and 43 dB within the gardens at anytime. The external noise at the elevation is 41 dB daytime and 36 dB nighttime.

Assessment

34. The appellant has used the DFP layout to provide an assessment of the noise levels that would be experienced by the future residents of the proposal. The proposal is in outline. However, the proposed DFP provides a reasonable expectation of the likely final layout based on the density being applied for and the developable areas as set out on the drawings. I therefore view this assessment as robust and use it, along with all other relevant evidence, as the basis for my assessment.
35. The Guidance Note sets out a hierarchy of approaches to seeking to mitigate noise effects, as follows: 1. Control noise at source; 2. Site layout and design; 3. Dwelling layout and orientation; 4. Planning restrictions; 5. Building envelope for mitigation. Planning Practice Guidance¹⁰ (PPG) sets out mitigation types, including avoiding noisy locations in the first place, design of the development, mitigation through noise barriers and other measures, and then optimising sound insulation within the building envelope. PPG does not specifically use a hierarchy. However, the list of measures is provided in order. The Council's Guidance Note adopts the same factors and broadly reflects PPG. I therefore assess the proposals using this framework as a guide, and broadly considering it as a hierarchy but whilst considering all the factors, and other relevant material considerations, in the round.

Noise source

36. The WWTE operates with very few restrictions on noise. The over-arching planning permissions for the WWTE¹¹ include no restrictions on noise emissions or hours or nature of operations on the estate. The Copart unit has controls on operating hours and the location and direction of a hydraulic crusher, Welton Bibby Baron has a requirement for an acoustic bund and noise restrictions, and SPC has noise restrictions. The other units on the estate have no restrictions. It is, by its nature, a largely unrestricted

¹⁰ Paragraph 010 Reference ID: 30-010-20190722, dated 22 July 2019

¹¹ Refs W/89/01395/OUT, W/94/01067/OUT and 4/01431/OUT

industrial estate. This is one of the defining features of the WWTE and is integral to its operation and character. It is not, therefore, possible or desirable to meaningfully restrict the WWTE with regard to noise pollution.

Site layout and design

37. It is proposed to construct residential homes throughout the appeal site, within the defined developable areas. This includes areas within the dog-leg of the site that is most affected by noise from the WWTE. An acoustic bund is proposed along the two boundaries with the WWTE. The appellant has stated that all private gardens could be surrounded by a 1.8m high fence or other screen. These features could be secured by condition. Subject to this, it is common ground, and I agree, that acceptable noise levels would be achieved within gardens.
38. It has been demonstrated that the appeal site has the capacity to accommodate the proposed acoustic mitigation measures, for example the noise bund. However, the proposal includes homes across the majority of the appeal site, including the areas most affected by noise from the WWTE. Alternative layout options include moving the proposed build area further eastwards but still within the northern section of the appeal site. However, this would likely have limited effect on reducing noise at the facades of the proposed residential buildings because the noise levels only fall by approximately 2 dB across the appeal site. There will always need to be a barrier block, ie the first one that receives the noise from the WWTE.
39. A further alternative layout to that as proposed would be to restrict the proposed built form to the southern part of the site, to the east of the existing woodland buffer to WWTE. This would remove nearly all the properties affected by noise above the LOAEL threshold from the proposal. However, this is not before me.

Dwelling layout and orientation

40. There could be further refinement of the layout of the homes within the proposed buildings to ensure that as many as possible retained at least one façade not materially affected by noise from the WWTE. However, this has already been considered by the appellant and it is unlikely that any significant improvement could be made on the illustrative layout whilst maintain the density as proposed.

Building envelope for mitigation

41. It is common ground, and I agree, that acceptable, ie below LOAEL, internal noise levels could be achieved within all proposed residential properties with windows closed, subject to control of the specification of the windows by condition. However, an area in dispute between the main parties is whether or not expecting the residents of some of the proposed properties to need to close their windows in order to achieve this suitable noise environment, ie to minimise and mitigate the noise above the LOAEL thresholds in accordance with policy and guidance, is an acceptable approach.
42. The Guidance Note is inconsistent in that it sometimes states that a strategy relying on closed windows is unacceptable and in other places it states that closed windows could be considered depending on how often it is necessary to close them, or that applications relying on closed windows will only

normally, but not always, be refused. The Wiltshire Design Guide 2024 (the WDG) states, at Paragraph 9.1.3, that noise levels within habitable rooms should always be assessed on the assumption that windows are open. PPG acknowledges¹² that any strategy that requires closing windows is an important consideration, but it does not explicitly seek to prevent such a strategy. Core Policy 57 of the CS requires proposals to achieve appropriate levels of amenity for future occupiers but does not have specific guidance regarding closed windows.

43. It is therefore clear that policy and guidance, whilst not always supportive, does not explicitly prevent the use of closed windows as part of the mitigation strategy relating to noise pollution. However, the effect such a strategy might have on the living conditions of future occupants must be carefully considered. For example, the number of closed windows and affected rooms and dwellings, how long and the frequency that they need to be closed, and the general feeling of airlessness that it could create.
44. In this regard, the appellant's assessment finds that, with windows open, all the facades along the properties closest to the north west boundary of the site, and some of those facing northwards, would not be able to achieve 41 dB at the elevation during the daytime. At nighttime, all those facades and several further ones on properties further to the east would not be able to achieve 36 dB at the elevation at nighttime. It is not possible at this stage to have precise figures for the numbers of affected properties, but the appellant's own evidence finds 91 bedroom windows and 12 living room windows would be affected. 21 of those bedroom windows would be at least 43 dB (nighttime). Overall, it is common ground that approximately 70 units, ie 35%, would need to have at least one window closed for at least some of the time to achieve an acceptable internal environment.
45. This is a relatively high proportion. I acknowledge that in all cases there would be at least one façade that would not require closed windows but it is likely that several individual rooms, including bedrooms at nighttime and living rooms in the daytime, would require closed windows. Because of the largely unrestricted nature of the operation of the WWTE, including at night, this is likely to require closed windows for significant periods of time.
46. This would have a significant effect on the living conditions of a relatively large proportion of the future occupiers for a relatively large proportion of the time that they occupy the homes. Although mechanical ventilation would be provided there would still be a perception of airlessness. It would create a feeling of not being able to fully enjoy their own property without restrictions on how they use it. It is an acknowledgment that a sub-optimal solution to the creation of acceptable internal living conditions within the propose homes needs to be adopted to mitigate a factor that could have been designed out entirely by adopting a more restricted are of built development for the site layout, as set out above. The approach adopted by the appellant has designed-in the requirement for a mitigation measure that causes a meaningful reduction in the quality of accommodation that can be provided.

¹² Paragraph 006 Ref ID 30-006-20190722

Venom nightclub

47. Indoor events at the nightclub do not result in harmful levels of noise above background noise levels on the appeal site. The outdoor events could cause some level of harmful noise pollution, particularly because loud music can be particularly harmful to well being through, for example, bass music and its particular location in the octave range. However, this is strictly controlled to up to three events per year. In addition, the nightclub's licensing restrictions control the noise from the nightclub and, in effect, provide the Council with the ability to prevent the nightclub creating any more noise than it does from its current operations. Therefore, whilst there could be some harm to the living conditions of the future occupiers, this would be extremely limited due to the infrequency of the events.

Existing residents

48. The nearest existing residents are those on Hawkeridge Park, to the east of the appeal site. This is located up the hill from the appeal site and is further away from the WWTE. It is common ground, and I agree, that the current noise levels experienced by the residents on Hawkeridge Park with properties facing the WWTE are typically 41 dB in the daytime within their gardens and 38 dB at nighttime on bedroom windows. This is similar to or worse than the expected noise conditions for many of the proposed properties. However, this does not mitigate the poor quality of living conditions that would be created for the future residents of the appeal proposal, which I must consider on its own merits.

Glenmore Farm

49. At Glenmore Farm, the nearest dwellings were pulled back away from the industrial estate and are more than 100m further from the boundary with the WWTE than the proposed dwellings at the appeal site. The sound environment is also different at the Glenmore Farm site, which is at a different angle to the WWTE. In addition to this, traffic noise has a greater impact on the background at Glenmore Farm because of the proximity to the B3097. In any event, I must consider the appeal proposal on its own merits.

Context

50. The appeal site is a green field but it is sandwiched between the existing residential areas of Westbury and the WWTE. Future residents would have some expectation of noise from surrounding sources and would not be expecting to move into a rural location. Nevertheless, there would be a reasonable expectation from residents that they would be able to open their windows without experiencing unacceptably high noise pollution for significant periods of time.

Overall

51. It has been demonstrated that the appeal site has the capacity to accommodate the proposed noise mitigation works in the sense of the noise bunds and other physical requirements within the layout. However, as set out above, the proposed development proposes residential units on parts of the appeal site where noise from the WWTE would require closed windows to create an acceptable internal environment. This would create unacceptable internal living conditions for future occupiers.

52. The proposal therefore conflicts with Core Policy 57 of the CS which requires proposals to achieve appropriate levels of amenity. It also fails to comply with Paragraph 135 of the Framework which requires developments to provide a high standard of amenity for future users. Core Policy 32 of the CS is referenced on the decision notice. However, the policy relates to the spatial strategy for the Westbury Community Area and does not relate to living conditions. It is not, therefore, relevant to this main issue.

Agent of Change

53. As set out above, the proposal would create a significant proportion of dwellings where the residents would be required to close some of their windows for significant periods of time to achieve a satisfactory internal noise environment and by extension satisfactory living conditions. There would therefore be a very real risk that the proposal would give rise to complaints by the future residents regarding operations on the WWTE.
54. In addition, the assessment of noise from the WWTE provided by the appellant includes assumed expansion of the WWTE, based on interviews with the existing businesses on their operational plans, and on assumptions on the increases in activities and noise that might occur. The appellant therefore contends that its modelling is in relation to the maximum feasible levels of noise pollution from the WWTE. However, the future use of the WWTE could include new businesses locating on the estate. On many of the plots, they would be completely unrestricted. Also, although the appellant has interviewed the current occupiers regarding likely future expansion plans, it is feasible and realistic that the plans of the companies might change over time. None of these factors have been captured by the noise assessment.
55. There would be some restrictions on the noise that could be generated by the WWTE in the future because the Council has duties and powers through Part III of the Environmental Protection Act 1990 to investigate and act to prevent statutory nuisances due to noise. Therefore, a significant adverse noise impact would be stopped, if it was to occur. However, a statutory nuisance is a greater effect on living conditions than that relating to the LOAEL and SOAEL thresholds.
56. In addition, there are existing residents at Hawkeridge Park that also act as a constraint on excessive noise from the WWTE. However, the noise experienced by residents at Hawkeridge Park is not the same as that as would be experienced by some of the future residents on the appeal site, which would be much nearer the WWTE, and therefore potentially more affected, if not by absolute dB levels then by tonality or other factors.
57. It has not therefore been satisfactorily demonstrated that the proposal would not create potential future risks to the operation of the WWTE with regard to noise pollution and the agent of change principle. The proposal therefore conflicts with Core Policy 57 of the CS which expects proposals to be compatible with adjoining buildings and uses, and Core Policy 35 of the CS which safeguards the contribution of Principal Employment Areas¹³ to the Wiltshire economy. It also fails to comply with Paragraph 191 of the Framework which requires new development to be appropriate with regard

¹³ Which Core Policy 32 confirms applies to the WWTE

to the wider area and the impacts that could arise, and Paragraph 193 which requires that new development integrate effectively with existing businesses and that they should not have unreasonable restrictions placed on them as a result of the development permitted.

Ecology

Appropriate Assessment - Bath and Bradford on Avon Bat SAC

Responsibilities

58. The appeal site is within the consultation area for the Bath & Bradford on Avon Bats Special Area of Conservation (the Bat SAC), located 10.25 km to the north. Therefore, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regs) indicates the requirement for an Appropriate Assessment (AA). As the Competent Authority, I have therefore undertaken an AA.

The species and habitats

59. The conservation objectives for the SAC, as set out by Natural England (NE), are to maintain or restore the habitat for qualifying species and the populations and the distribution of qualifying species within the SAC. The qualifying species are the lesser horseshoe bat, greater horseshoe bat, and the Bechstein's bat. Bechstein's bats, in particular, are of exceptional importance and their rarity contributes towards their importance, as agreed by the appellant in cross-examination.
60. The SAC itself comprises extensive networks of caves, mines and man-made tunnels which are used by bats for hibernation, mating and as a staging post prior to dispersal. It also includes areas of calcareous grassland, scrub and woodland which are used as feeding and commuting habitat by the bats.
61. The Westbury Leigh Core Roost for greater horseshoe bats has a 4 km buffer that washes over the appeal site, as set out in the Bat Special Areas of Conservation Planning Guidance for Wiltshire 2015 (the Guidance). The appellant's ecological surveys found regular recordings of greater horseshoe bats on the appeal site.
62. There is also a core roost for Bechstein's in the Picket and Clanger Wood SSSI, also within the SAC. The Guidance identifies a 1.5 km wide core area for this roost, which are the areas regularly used for foraging and commuting. This covers the northern part of the appeal site. The mist trapping and other survey work did not definitively find presence of Bechstein's on the appeal site. However, Bechstein's can sometimes commute beyond core sustenance zones and it is very difficult to distinguish Bechstein's bats from general myotis bats, which were regularly recorded in the surveys. Given their rarity and importance it is therefore appropriate to assume that Bechstein's bats use the appeal site for foraging and commuting.
63. The appeal site includes hedgerows with semi-mature trees along its boundaries to the western and northern boundaries. H1 and H2¹⁴ are relatively mature and deep. H3 is relatively thick and includes lots of trees.

¹⁴ References taken from the Ecological Parameters Plan – Core Bat Habitat Buffers & Enhancements Ref 7289-E-03

H4 is slightly gappy and quite thin even where not a gap. H5 less so and relatively thick. Overall, although with some areas of limited habitat, the hedgerows provide navigational and foraging habitat for the bats, as demonstrated by the fact that bats were recorded along the hedgerows in the surveys.

64. The hedgerows and trees provide connectivity to suitable nearby habitat, in particular the woodland to the west and the semi-mature woodland by the north east. The habitat then links onwards via an integrated network of commuting routes and foraging areas to the core roosts for the bats for which the Bat SAC has been designated, as set out in the Ecology Statement of Common Ground. The appeal site therefore provides functionally linked habitat for bats.
65. Outside of the hedgerows, the majority of the appeal site, ie the agricultural field, provides limited suitable habitat. However, there is an area of grassland to the northeastern part of the site. This provides opportunities for bat foraging.

Would there be a likely significant effect (LSE), either alone or in-combination

66. It is proposed to introduce built form to much of the appeal site, primarily through residential development and associated access roads and works. The appeal site is over 10km away from the SAC. However, the proposal has the potential to affect the integrity of the SAC either by recreation pressures on the SAC itself generated by the future residents or with regard to how the proposed works on the site would affect foraging areas and commuting corridors within the functionally linked habitat, which both NE and the main parties have confirmed are vital in supporting the bats associated with the SAC, and therefore to protecting its integrity.
67. In addition, the northernmost part of the appeal site is within the Trowbridge Bat Mitigation Strategy SPD 2020 (the TBMS) and 'Yellow Zone', where there is a medium risk of negative impact on bat populations based both on impact of habitat and due to increased recreational pressure associated with the Bechstein's core roost.
68. There is, therefore, a likely significant effect on the integrity of the SAC from the proposal, both from the proposed works to the appeal site and in-combination with other developments with regard to recreational pressure on the SAC.

Mitigation

Directly on the SAC

69. The s106 secures a contribution towards mitigating the loss of bat habitat in the Trowbridge Community Area as a result of the proposal. The contributions from this would be adequate to purchase, plant up and maintain an amount of habitat in proportion to the effect of the proposed development on this habitat. The future residents of the proposal would likely result in an increase in dog walking in the Picket & Clanger Wood SSSI within the SAC, which could cause harm to the habitat within the SAC. The s106 secures a contribution towards mitigating this recreational impact. It is

therefore common ground, and I agree, that these contributions adequately mitigate the effect of the proposal in these regards.

The appeal site

70. Although the proposal is in outline, save for access, an Ecological Parameters Plan¹⁵ (EPP) and TBMS Compliance Plan¹⁶ have been submitted which provide details regarding the proposed approach to matters affecting the bats and therefore the integrity of the SAC.
71. The habitat of most value to bats, ie the hedgerows, would be retained and enhanced through more tree and other planting to add structure, diversity and depth to the hedgerows. Buffer zones with no or very low lighting would also be provided. These areas would comprise retained and enhanced hedgerows, greenspace buffers and general landscaping including trees and grassland within the appeal scheme.
72. It is common ground, and I agree, that all the proposed works would be an enhancement on the existing situation, where there is an arable field directly abutting the relatively narrow hedgerows. It is also common ground, and I agree, that all the works would also meet the requirements of The Guidance, as set out in Chapter 5 of that document. These include that foraging areas and commuting corridors be created with associated dark corridors, to maintain and extend the quality of habitats for foraging and commuting, and that such land should be within public areas and to be maintained and managed in the future as is secured in the s106.
73. In addition, within the wide buffer to the north western boundary, ie H2 and beyond, the proposed drainage features would sometimes flood but this would attract insects that would provide a source of nourishment for the bats. The allotments would provide some activity from the users of them, but this would be relatively limited. These are also both outside the primary hedgerow buffer zone of 15m. The grassland area would also be within this area. The specific detail of the grassland could be controlled by condition to ensure that the habitat provided enhanced that by the existing grassland in this area.
74. However, whilst The Guidance does not specify specific widths for the foraging and commuting corridors and associated dark corridors, within the Yellow Area to the northern part of the appeal site, the TBMS provides specific guidance. This is that a commuting and foraging area of a minimum width of 15m is provided and, adjacent to this, a further 15m minimum width dark corridor is provided, with a maximum light level of 1 Lux.
75. Although a 15m wide commuting and foraging area is proposed, the adjacent dark corridor area is not consistently achieved by the proposal. There are pinch points where there would be Lux levels in excess of 1, in places significantly in excess of 1. As set out above, there are also areas within the wide swathe of land to the north west boundary where there would be some interventions, such as allotments, that would slightly compromise the buffer zone.

¹⁵ Ref 7289-E-03, dated 6 June 2024

¹⁶ Ref 7289-E-05, dated 6 June 2024

76. However, the TBMS states that the most important principle is that wide swathes of land be provided for bat commuting and foraging. These are provided along the northern and western boundaries as is agreed by the main parties, even if in places the swathes do not quite meet the specific widths set out in the document. The TBMS also states that development is expected to result in no net loss of habitat, which is proposed, and that core bat habitat must remain connected to the wider habitat network and be adequately buffered, which is also proposed. The relatively minor pinch points would not prevent the proposal meeting the over-arching principles of the TBMS.
77. There are other boundary areas where the swathe would not meet TBMS standards but these are outside the Yellow Zone and therefore the TBMS standards are not applicable. Whilst I recognise that bats don't fly to lines drawn on a plan, the Yellow Zone has been drawn for a reason. Outside, it is reasonable to expect a relaxation in standards as long as suitable habitat is provided ensuring there would be no likely significant effects on the integrity of the SAC.
78. The proposed noise bund would result in a physical barrier. However, it could be controlled by condition to provide suitable planting that would aid commuting and foraging for bats, and provide suitable habitat for the insects that the bats feed upon. It might require bats to expend energy to fly over or around the bund, but the overall effect of the bund would be positive with regard to bats.
79. I acknowledge that allocated sites in the Development Plan are required to meet, in full, the standards set out in the TBMS. However, I must assess the proposal before me, which I have found to be acceptable in this regard.

Conclusion

80. The proposal would meet the Guidelines in full. It would represent a demonstrable improvement and enhancement on the existing habitat and wide swathes of suitable bat habitat would be provided. The improvements to bat habitat would enhance the functional linkages of bats to the core roosts within the Bat SAC. The proposal would fail to comply with the TBMS with regard to the specific widths of the dark corridors but would comply with the over-arching principles of the document. As set out above, the s106 secures adequate mitigation for the effect of the proposal with regard to recreational pressure on the SAC itself and wider bat habitat within the Trowbridge Community Area.
81. Overall, therefore, the proposal would not harm the integrity of the Bat SAC, either alone or in-combination with other projects. It is therefore also demonstrated that the appeal site has the capacity to accommodate the proposed ecological works. The proposal therefore complies with Core Policy 50 of the CS, which seeks to maintain ecological value and to secure the integrity of local ecological networks. It also complies with Paragraph 180 of the Framework which seeks to protect and enhance sites of biodiversity value, and Paragraph 185 which states that development on land outside of a SSSI that is likely to have an adverse effect on it should not normally be permitted.

OTHER MATTERS

S52 Agreement

82. There is an historic agreement under s52 of the Town and Country Planning Act 1971 which affects part of the appeal site and prevents development on much of it. If the appeal is allowed, then prior to implementation of the proposal, the s52 would need to be revoked. This would be a parallel process. The legal test to be considered is whether or not the s52 continues to serve a useful planning purpose. The granting of a planning permission for development over all the s52 land would, in itself, prove that the land is appropriate for development and would therefore demonstrate that the s52 no longer serves a useful planning purpose. I therefore agree with the main parties that the s52, whilst a material planning consideration, has limited weight because it no longer serves a useful planning purpose.

Housing Land Supply

Need

83. It is common ground, and I agree, that, in accordance with Paragraph 226 of the Framework, the Council only needs to demonstrate a four year supply of housing land because its eLP has reached Regulation 19 stage including a policies map and proposed allocations towards meeting housing need.
84. It is also common ground, and I agree, that because the Council's strategic policies are more than five years old the supply should be measured against the local housing need as calculated using the Standard Method (SM). No buffer is required because there has not been a significant under delivery of housing over the previous three years. This is as set out at Paragraph 77 and Footnotes 42 and 43 of the Framework. The SM calculated local housing need is 1,952 dwellings per annum (dpa), ie total dwellings over five years of 9,760.

Supply

Windfall

85. The Council's windfall allowance is 1,369 dwellings, comprising 710 on small brownfield sites, 408 on small greenfield sites, and 251 on large brownfield sites. As required by Paragraph 72 of the Framework, where windfall sites are to be relied upon, there must be compelling evidence that they will provide a reliable source of supply. In this regard it is common ground, and I agree, that the 251 dwellings on large brownfield sites have been justified through compelling evidence.
86. For the small sites, the historic delivery rates in the Council area from 2006 to 2023 have been 250 dpa on small brownfield sites and 110 dpa on small greenfield sites, ie 360 dpa in total for small sites. Various factors can influence windfall trends, including but not limited to macro-economic conditions, both local and national politics, and both local and national planning policy. Predicting where this might go in the future is extremely difficult. I have seen no compelling evidence that the future delivery of small windfall sites would be materially different to the aggregate delivery of small sites in the period 2006 to 2023. In addition, the Council has stated that sites in its Strategic Housing and Economic Land Availability Assessment

have historically made a very low contribution towards windfall development¹⁷.

87. The calculation should relate to the delivery of homes, not planning permissions which do not necessarily translate into homes on the ground. It is also possible that more than one planning permission is granted on the same site, only one of which would be built out, therefore leading to over-counting if basing the windfall allowance at least partially on planning permissions.
88. Occasionally, large unallocated greenfield sites will come forward. However, they will almost certainly be in conflict with the spatial strategy of the Development Plan and will have been granted permission because material considerations indicate otherwise, most likely because of a lack of a suitable supply of housing land and the application of the 'tilted balance'. That does not mean the houses are not built, of course. However, including an allowance for such sites would, in effect, elevate the calculation of housing land supply to helping dictate the spatial strategy of the Council. Therefore, the greenfield allowance should not be raised to include delivery on large unallocated greenfield sites. I note that this is consistent with the position adopted by the Inspector for a recent appeal¹⁸.
89. The Council's small sites windfall contribution should therefore be 1,800 dwellings, ie 360 x 5, to reflect the long term historic trend. 1,159 of these are already accounted for from deliverable small sites with planning permission. 641 dwellings are therefore to come from a small site windfall allowance. This is in addition to the 251 dwellings from large brownfield sites, leading to an overall windfall dwelling contribution of 892. This is a reduction of 477 dwellings compared to the Council's position.

Disputed sites

90. The Glossary to the Framework defines deliverable sites as those with a realistic prospect that housing will be delivered within five years. The realistic prospect needs to be considered in the context of the further parts to the definition. Part a) states that all sites with extant detailed planning permission should be considered deliverable unless there is clear evidence otherwise. Part b) states that where a site has outline planning permission, is allocated in a Development Plan, has a Permission in Principle, or is in a brownfield register, it should only be considered deliverable where there is clear evidence that completions will begin within five years.
91. I set out below my assessment of the disputed sites, under these two broad categorisations. The site references are taken from the submitted Scott Schedule¹⁹.

Part a) sites

92. Site 1 - Sales data and Council Tax data do not directly relate to completions. The email from the developer dated 5 December 2022 regarding a pending slowdown is fairly old and has no meaningful evidence, justification, or assessment of a slowdown. I place limited weight on this.

¹⁷ See A28, Housing Land Supply Statement June 2024

¹⁸ Ref APP/Y3940/W/23/3315432, dated 21 July 2023

¹⁹ ID06

The build out rate of 65 dpa adopted by the Council is based on a pro rata calculation from the first year's delivery. This is a reasonable basis for the calculation and no clear evidence has been provided otherwise. The dwellings should therefore remain in the supply.

93. Site 2 – The build out rate based on comparators in Devizes should be 38 dpa. But, based on a comparator of the developer of this site, Linden Homes, it could be up to 72 dpa. Both are relevant considerations. The build out rate adopted by the Council of 55 dpa falls between them and is, therefore, a reasonable position to adopt. The dwellings should therefore remain in the supply.
94. Site 4 – This is an office to residential conversion that has been granted prior approval, although it has since been confirmed that prior approval is not required²⁰. The expiry of the most recent prior approval in July 2024 is not therefore an impediment to delivery of the dwellings. I acknowledge that two previous prior approvals were not implemented. However, photographic evidence has been provided that works have begun on site. The dwellings should therefore remain in the supply.
95. Site 5 – It is common ground that this has been completed. Whether or not this was prior to 1 April 2023, ie the base date, is ambiguous. I have evidence from March 2022 that it was not complete and from July 2024 that it was complete. However, in the context that this is a site where I require clear evidence otherwise on deliverability, the dwellings should remain in the supply.
96. Site 6 – It has been shown through Land Registry records that 10 dwellings were completed prior to the base date. However, this has not been accounted for in the Council's completions data. They therefore need to remain in the housing land supply otherwise they would be lost from both delivery and supply calculations. The dwellings should therefore remain in the supply.
97. Sites 9 and 10 – The dispute for these sites goes to the same point as Site 6 regarding the completions data. For the same reasons, the dwellings should therefore remain in the supply.
98. Site 17 – It was agreed at the Inquiry, and I concur, that this is a permission for 11 net dwellings. The Council's supply allocated 12 dwellings to the site and therefore one dwelling should be removed from the supply.
99. Site 18 – It is common ground, and I agree, that the proposed seven dwellings, as pro-rata'd to take account of their C2 use class, will not be delivered within five years. The seven dwellings should therefore be removed from the supply. The existing care home is now vacant but the bedrooms nevertheless remain in the existing supply, in much the same way that an existing but vacant house would not be subtracted from the supply. Therefore, the 13 dwellings, as pro rata'd from the 24 use class C2 bedrooms, should remain in the supply.
100. Site 19 – It is common ground, and I agree, that this site was included in the Council's supply twice and that there was a mis-calculation with regard

²⁰ Ref PL/2021/07628, dated 23 November 2021

to the net increase in dwellings. Therefore, 12 of the 16 dwellings in the Council's original calculations should be removed from the supply.

Part b) sites

101. Site 3 – A full planning application was approved subject to completion of a s106 Agreement in March 2024. The s106 has not yet been signed. In April 2024, the only remaining disputed elements of the s106 were a relatively small discrepancy in the Nitrogen Mitigation Contribution and other minor technical matters. Nevertheless, it has not yet been signed and no evidence has been provided regarding this delay. I also am conscious that the original outline planning permission for this site was granted in December 2017 and progress towards gaining a full permission has been very slow. There is not, therefore, clear evidence that the full application will be granted and subsequently delivery will commence within five years. The 24 dwellings should therefore be removed from the supply.
102. Site 7 – The developer has confirmed there are issues which are currently preventing implementation of the outline planning permission, although not what these issues are. There is clear intent to progress, including the submission of a reserved matters application. I acknowledge that a national housebuilder is progressing the site, which indicates a willingness to deliver. However, that the site sits adjacent to and nearby to sites from rival national housebuilders does not indicate either a speedy or a slow build out rate. There are various competing commercial pressures which might lead the housebuilder to either try to compete or to try and stagger sales in this context. In addition, I cannot have confidence regarding deliverability without understanding the issues delaying progress on the site. I also am conscious that the reserved matters application is the subject of objections from the landscape, urban design and tree officers at the Council. These might be resolvable, but I have no clear evidence at this stage if this will be achieved and/or how long it might take. There is not, therefore, clear evidence that delivery will commence within five years. The 70 dwellings should therefore be removed from the supply.
103. Site 8 – Phases 1 and 2 have full permission for 145 and 168 dwellings respectively. Phase 3, for 193 dwellings, is the subject of a reserved matters application that has not yet been approved. However, it was only submitted in May 2024 and there is no reason to believe, given the progress on Phases 1 and 2, that approval will not be forthcoming. The developer set out in December 2023 an anticipated build out rate across all the phases of 90 dpa. I see no reason to deviate from the developers predicted build out rates, given that it made them recently. As a sense check, the same developer has achieved 91 dpa on a large multi-phased site in Trowbridge, which is a reasonable comparator. The dwellings should therefore remain in the supply.
104. Site 11 – Outline planning permission was granted at appeal, subject to shorter than usual timescales for the submission of reserved matters applications at one year from the permission and commencement of development at one year from approval of the last reserved matters. The subsequent reserved matters application was submitted on time but is not yet determined. It is currently subject to objections with regard to urban design and highways. However, there is no indication that there are fundamental concerns with the proposal that cannot be overcome. The speed

of the submission of the reserved matters application and the special conditions requiring quick delivery point to a proposal that will likely come forward quickly. This is clear evidence of deliverability within five years and the dwellings should therefore remain in the supply.

105. Site 12 – This is in a very similar position to Site 11. In addition, the housebuilder has provided forecast build out rates and the Council's adopted position is slightly less than this, on a precautionary basis. Therefore, there is clear evidence of deliverability within five years and the dwellings should therefore remain in the supply.
106. Site 13 – This is in a similar position to Site 12. However, this site is being promoted by a strategic land company, rather than a housebuilder. The submitted but not determined reserved matters application was likely submitted to keep the outline permission alive and is the subject of holding objections pending the submission of further material. There is therefore doubt regarding the timing, or even the principle, of approval of the reserved matters submission. In addition, even if granted, then the timing of delivery of housing is in doubt because the site would need to be sold to a housebuilder. There is not, therefore, clear evidence that delivery will commence within five years. The 71 dwellings should therefore be removed from the supply.
107. Site 14 – This is a large multi-phased site, some of which has full planning permission and some of which is in outline only. The delivery adopted by the Council is based on recent, January 2024, forecasts by the housebuilders. In the context of such a complex site, I view the use of the developers' recent data as clear evidence of delivery. The dwellings should therefore remain in the supply.
108. Site 15 – The site has had a full planning application with a resolution to grant permission since April 2022. The delay has been due to agreeing nutrient neutrality mitigation. This is now agreed. The final s106 Agreement is imminent. The developer, a housebuilder, provided likely build out rates in November 2023. This has been adopted by the Council. The build out rates were based on the s106 being signed in January 2024. However, there is sufficient float in the predicted delivery that, even with this delay and any likely further delay in signing the s106, all the 86 dwellings can be delivered within five years. This is clear evidence of delivery and the dwellings should therefore remain in the supply.
109. Site 16 – The development gained full permission in August 2023, after the agreed base date of 1 April 2023. It should, therefore, be included in the list of Part b) sites. However, I am entitled to consider evidence from after the base date. In this regard, the site has full permission and the development was commenced in April 2024. This constitutes clear evidence that the dwellings will come forward within the five years and should therefore remain in the supply.
110. Site 20 – It is common ground, and I agree, that the two dwellings at this site should be removed from the supply because the permission lapsed before the base date. Therefore, the two dwellings should be removed from the supply.

111. Site 21 – This site has a resolution to grant full planning permission, dating from August 2022. The delay in securing permission is related to nutrient neutrality. Because of the delays, further information and amendments to the proposal are required. Material in this regard has been submitted. There remain unresolved objections but the principles of the proposal have been agreed. Full permission is therefore likely to be forthcoming in a relatively timely manner. The housebuilder is the same as for the adjacent Phase 1 of the same scheme. This constitutes clear evidence that the dwellings will come forward within the five years and should therefore remain in the supply.

Calculation and conclusion

112. The Council's position is that it can demonstrate a 4.2 year supply of housing land, through 8,193 homes versus the target of 9,760. As set out above, based on the evidence before me, I deduct 477 dwellings from the windfall allowance and a further 187 homes from the disputed supply sites. This results in a supply of 7,529 homes, which equates to 3.85 years.

PLANNING BALANCE

Positive

Market housing

113. The proposals are for up to 200 homes, of which 60% would be for market housing. The Council can only demonstrate a 3.85 year supply of housing land, below its target of four years. I would not expect the homes to be delivered within five years, because even if allowed this appeal is in outline and the site is being promoted by a strategic land company not a developer. However, there is no reason to believe they would not be forthcoming in a reasonable timescale if permission were granted. The provision of housing is a key part of national and local planning policy, as has recently been re-enforced by a Written Ministerial Statement²¹.
114. It is also common ground, and I agree, that the appeal site is in an accessible location, within walking distance of the large employment centre of WWTE and the services and facilities of Westbury, as well as its particularly well served train station.
115. Overall, therefore, I place substantial positive weight on the proposed market housing.

Affordable housing

116. The proposal would deliver 40% affordable housing, therefore up to 80 dwellings. This is above the adopted policy requirement of 30% for Westbury, as set out in Core Policy 43 of the CS. The Council currently has a shortfall of 936 affordable homes against its target in the CS. This is a significant shortfall, as agreed by the Council under cross-examination. There are 4,270 households on the housing register, a 76% increase since 2017. I therefore place substantial positive weight on the proposed affordable housing.

²¹ Made by Angela Raynor, Deputy Prime Minister and Secretary of State for Housing Communities and Local Government, on 30 July 2024, titled "Building the Homes We Need".

Economic

117. The proposal would generate short term economic benefits during construction. It would also generate long term economic benefits from the expenditure on local goods and services by the future occupants of the proposal. The proposal is relatively large and the benefits would therefore be relatively large as well. I place significant positive weight on these benefits.

Biodiversity

118. As set out in the Ecology Statement of Common Ground, the proposal could achieve a BNG of 14% both for habitat and hedgerow units. This could be secured by condition. The level of BNG goes beyond the requirement for a biodiversity net gain, but without specific targets, as set out at Paragraph 180 of the Framework. I therefore place moderate positive weight on the proposed BNG.

Open space

119. The proposal includes significant areas of formal and informal open space, including an equipped play area and allotments. These facilities would be useable both by future residents of the proposal and by existing residents and visitors to the area. I therefore place moderate positive weight on these elements of the proposal.

Highways

120. The proposal includes improvements to the footway in the vicinity of the site along Storridge Road, a contribution towards strengthening a rail underbridge so that it could accommodate busses, and upgrading existing zebra crossings to puffin crossings on The Ham and Station Road as they run into the roundabout to the east of the appeal site. All these works would enhance highway safety and accessibility both for the future occupants of the proposal and for existing residents and users of the highway. I place limited positive weight on these elements.

Ecology

121. The proposal would represent a demonstrable improvement and enhancement on the existing habitat and wide swathes of suitable bat habitat would be provided. However, the enhancements would be relatively limited and there would be areas where lightspill, in particular, moderate the benefits of the proposed wide swathes of land. I therefore place limited positive weight on this factor.

Neutral

Local infrastructure

122. The contributions and other obligations in the s106 that would mitigate the effect of the proposal on local infrastructure, other than those otherwise assessed in this section of my Decision, would not give rise to any benefit beyond mitigation. These therefore weigh neutrally in the planning balance.

Ecology

123. The site falls within the Zone of Influence for the Salisbury Plain Special Protection Area and Special Area of Conservation (the Salisbury SPA and SAC). It is common ground, and I agree, that the effect of the proposal on these sites, in-combination with other developments, would be appropriately mitigated by the provision of on-site open space that would help deflect recreational pressure away from the sites. The appeal site also falls within the Zone of Influence for the River Avon Special Area of Conservation (the River Avon SAC). However, there would be no likely significant effects on this site because of the intervening distance between the appeal site and the SAC and the lack of a hydrological linkage.
124. The s106 secures a contribution towards mitigating the recreational impact arising from the future occupants of the proposal on the Pickett and Langer SSSI and a further contribution to mitigate the loss of bat habitat in the Trowbridge Community Area as a result of the proposal.
125. The above ecological factors weigh neutrally in the planning balance.

Negative

Principle

126. The proposal does not comply with Core Policies 1, 2 and 32 and the WHSAP, which are the key policies dealing with the principle of development in this location and setting out the spatial strategy of the Council. Whilst I reduce the weight I apply to this conflict, for the reasons set out above, it still carries significant negative weight.

Noise

127. The proposal would create unacceptable living conditions for the future occupiers of some of the proposed homes, through requiring that many of the windows be kept closed to avoid unacceptably harmful levels of noise pollution. This would apply to approximately 35% of the proposed properties for significant periods of time, including at nighttime and to bedrooms and living rooms. The quality of the proposed accommodation would not, therefore, be acceptable. This is a fundamental issue with the proposed development. I place significant negative weight on this factor.

Agent of change

128. It has not been satisfactorily demonstrated that the proposal would not create potential future risks to the operation of the WWTE with regard to noise pollution and the agent of change principle. This is particularly important because of the size and economic importance of the WWTE. I place moderate negative weight on this factor.

Character and appearance

129. Although character and appearance is not a disputed issue, it is common ground, and I agree, that the development of a field into a housing development would cause some intrinsic harm to the character and appearance of the appeal site. Because of the amount of open space proposed the harm would be limited. In addition, because of the surrounding

built form and other screening the harm to the wider landscape would be very limited. Overall, I place limited negative weight on this harm.

Construction

130. There would be some harm to the living conditions of nearby occupiers and to the free-flow of traffic and highway safety during the construction period for the proposal. However, this could be controlled by condition to limit the disruption. I place limited negative weight on this factor.

The Balance

131. The proposal fails to comply with the spatial strategy for the Council, and there are also significant adverse effects regarding the living conditions of the future occupiers of the development with regard to noise. In addition, it has not been satisfactorily demonstrated that the proposal would not create potential future risks to the operation of the WWTE, there would be limited harm to the character and appearance of the area, and limited short term harm to living conditions of nearby occupiers during construction. The proposal therefore fails to comply with the Development Plan, when considered as a whole.
132. The Framework is an important material consideration. There is only limited inconsistency between the spatial strategy and the Framework. The Proposed Framework has not been adopted and might be the subject of modification. It also does not fundamentally alter the approach with regard to the spatial strategy as it relates to the appeal proposal. Therefore, in accordance with Paragraph 225 of the Framework, I do not consider the policies to be out-of-date with regard to consistency with the Framework.
133. I have been directed to the Haygate Road appeal decision²², where the Inspector concluded that the inconformity between the Framework's approach to development in the countryside and the greater restrictions in the spatial strategy policies was in itself reason to consider the policies out-of-date. However, the precise wording of the policies are not before me and I am unable to consider how similar the policies are to those under consideration for this appeal. In addition, the decision was over eight years ago, was in a different local authority with a much older Development Plan adopted prior to the Framework and had a spatial strategy based on out-of-date housing figure, all of which are different to the situation for Wiltshire Council.
134. However, the Council can only demonstrate a 3.85 year supply of housing land. None of the provisions of Paragraph 11di apply. Therefore, in accordance with Paragraph 11dii and Footnote 8 of the Framework, the 'tilted balance' is engaged.
135. I acknowledge that the Council stated under cross-examination that if I found no harm against ecology and a tilted balance, then the appeal should be allowed. However, I do not agree. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is primarily because of the conflict with the spatial strategy of the Council and the poor quality of accommodation that would be provided because of the design

²² Ref APP/C3240/W/15/3025042, dated 15 April 2016

approach that has ensured that a significant proportion of the proposed dwellings would require closed windows for significant periods of time to create adequate living conditions.

APPROPRIATE ASSESSMENTS

136. The site falls within the Zone of Influence for the Salisbury Plain SAC and SPA and the River Avon SAC. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an AA relating to each site as the competent authority. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken the AAs.

FUTURE RESIDENTS

137. Clause 7.4 of the s106 was discussed at the Inquiry, relating to whether or not future occupants of the proposal should be bound to the agreement. This is not a material planning consideration and is instead a legal matter. Because I am not minded to grant planning permission, I do not need to consider this matter further.

REVISED DRAWING

138. During the Inquiry the appellant submitted a revised Development Framework Plan²³. The revised plan reduced the area of proposed built development from 5.04 hectares (ha) to 4.74 ha, by bringing the proposed built up areas back from the north west and north east boundaries of the site. This change reduced the proposed residential development to up to 180 dwellings. However, although I accepted the document during the Inquiry and it was discussed throughout, it was only submitted as a potential alternative approach with regard to ecology and it was confirmed by the appellant that it would not make a material difference to the main issue regarding noise and living conditions. As set out above, I have found the original proposal to be acceptable in this regard. I do not, therefore, refer to the revised Plan in my Decision.

CONCLUSION

139. For the reasons above, the appeal is dismissed.

O S Woodward
INSPECTOR

²³ Ref CSA/2974/119

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Mr Richard Kimblin KC – No.5 Chambers

Dr Suzanne Mansfield PhD MCIEEM CMLI – Senior Ecology Director, FPCR
Environment & Design Ltd

Mr Clive Bentley CIEH MEnvSc MIOA CEnv CSci – Acoustic Consultant and Partner,
Sharps Acoustics

Mr Barry Redman – Consultant, Silcock Dawson and Partners Ltd

Mr Ben Pycroft MRTPI – Director, Emery Planning

Mr Christien Lee MRTPI – Planning Director, Gladman Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gary A Grant, of Counsel – Kings Chambers

Mrs Elizabeth Burrows CIEEM – Senior Ecology Officer, Wiltshire Council

Mrs Vicky Brown CIEH – Senior Environmental Health Officer, Wiltshire Council

Mr Chris Roe MRTPI – Strategic Planning Manager, Wiltshire Council

Mr Andrew Burgess MRTPI FRSA – Managing Director, Andrew Burgess Planning Ltd

Christopher Mead - Highways Officer, Wiltshire Council

INTERESTED PARTIES:

Mr Francis Morland – Local resident

Mr David Jenkins – Local resident

ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY

DOCUMENTS

ID1: Housing Land Supply – Rebuttal Statement, by Wiltshire Council (inc appendices)
ID2: Appellant’s Appearances
ID3: Draft Conditions Schedule
ID4: Appellant’s Opening Statement, by Richard Kimblin KC, dated 9 July 2024
ID5: Opening on behalf of the LPA, by G.A.Grant, dated 9 July 2024
ID6: Scott Schedule of Disputed Sites
ID7: Site Notice Locations and Photographs
ID8: List of Appearances for LPA
ID9: Draft Conditions Schedule (inspector comments)
ID10: s106 Draft (inspector comments)
ID12.1: s106 Agreement Version A
ID12.2: s106 Agreement Version B
ID12.3: Note on S106 Agreement Version A and Version B
ID12.4: S. 106 Note on Non-Enforcement Clause
ID14.1: Email from Mr Jenkins, dated 16 July 2024
ID14.2: Letter from Environment Agency to Mr Jenkins, dated 19 June 2024
ID15.1: Email from appellant, dated 16 July 2024, regarding off-site highways works
ID15.2: Note on Proposed Highways Improvements
ID16: Email from Mr Morland regarding the s52 agreement, dated 16 July 2024
ID17.1: Draft Conditions Schedule Appellant Comments
ID17.2: GDL proposed condition amends
ID18: Procedure for the assessment of low frequency noise complaints, Revision 1 December 2011 Contract to NANR45
ID19: s106 Agreement, dated 17 July 2024
ID20.1: s106 Agreement, dated 29 February 2024, relating to Land at Mount Royal, 46 Lymington Bottom, Four Marks, Alton, Hampshire, GU34 5AH
ID20.2: s106 Agreement, dated 15 June 2023, relating to Land off Melksham Road, Holt
ID20.3: s106 Agreement, dated 17 June 2024, relating to Land on the south side of Elm Close, Wells, Somerset
ID20.4: s106 Agreement, dated 3 August 2023, relating to Land south of London Road, Newington, Kent
ID20.5: s106 Agreement, dated 14 May 2021, relating to Land at Green Farm, Chippenham Road, Lyneham, Chippenham SN15 4PA
ID21.1: Appeal Decision Ref APP/Y3950/W/23/3315432, dated 21 July 2023
ID21.2: Appeal Decision Ref APP/Y3940/W/22/3290305, dated 31 October 2022
ID21.3: Appeal Decision Ref APP/Y3940/W/22/3309170, dated 5 May 2023
ID21.4: Appeal Decision Ref APP/Y3940/W/20/3253204, dated 22 November 2021
ID22: Closing on behalf of the LPA, by G.A.Grant, dated 18 July 2024
ID23: Closing submissions on behalf of the appellant, by Richard Kimblin KC, dated 18 July 2024
ID24: Appellant response to the WMS and Consultation Draft of the NPPF
ID25: Council response to the WMS and Consultation Draft of the NPPF, in email dated 1 August 2024
ID26: Signed and engrossed s106 Agreement, dated 30 July 2024

PLANS

ID11.1: Development Framework Plan Ref CSA/2974/119, dated July 2024

ID11.2: Trowbridge Bat Mitigation Strategy (TBMS) Compliance Plan Figure 5 Ref 7289-E-05, dated 15 July 2024

ID11.3: Ecological Parameters Plan 2. – Habitat Creation & Enhancement Figure 4a Ref 7289-E-18, dated 15 July 2024

ID11.4: Ecological Parameters Plan – Core Bat Habitat Buffers and Enhancements Figure 4 Ref 7289-E-04, dated 15 July 2024

ID13: Proposed Waling Route & Points of Interest Ref 2019-048 301

ID15.3: Proposed Upgrade of Zebra Crossings to Puffin Crossings Ref P22036-002

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES

Wiltshire Core Strategy	Compliance
Core Policy 1 – Settlement Strategy	Conflict
Core Policy 2 – Delivery Strategy	Conflict
Core Policy 3 – Infrastructure Requirements	Comply
Core Policy 32 – Westbury Community Strategy	Conflict
Core Policy 41 – Sustainable Construction and Low Carbon Energy	Comply
Core Policy 43 – Providing Affordable Homes	Comply
Core Policy 45 – Meeting Wiltshire Council Housing Needs	Comply
Core Policy 50 – Biodiversity and Geodiversity	Comply
Core Policy 51 – Landscape	Comply
Core Policy 52 – Green Infrastructure	Comply
Core Policy 55 – Air Quality	Comply
Core Policy 57 – Ensuring Quality Design and Place Shaping	Comply
Core Policy 58 – Ensuring the conservation of the historic environment	Comply
Core Policy 60 – Sustainable Transport	Comply
Core Policy 61 – Transport and New Development	Comply
Core Policy 62 – Development Impacts on the Transport Network	Comply
Core Policy 64 – Demand Management	Comply
CP67 – Flood Risk	Comply

Saved Policies from the West Wiltshire District Plan	Compliance
C40: Tree Planting	Comply
LP4: Providing recreation facilities in new developments	Comply
CR1: Footpaths and rights of way	Comply
CR3: Greenspace Network	Comply
YP1: Children's Play Areas	Comply
U1a – Foul Water Disposal	Comply

APPENDIX 3: DRAFT SECTION 106 HEADS OF TERMS

Gladman will seek to enter into constructive dialogue with Wiltshire Council to agree obligations which, are necessary, directly related to the development and fairly related in scale and kind to the development.

The following Heads of Terms are suggested:

AFFORDABLE HOUSING

- i. The Agreement will provide for 40% affordable housing with a tenure split to be agreed with the Local Planning Authority.

OPEN SPACE

- i. The Agreement will require the Developer to provide on-site informal open space, equipped children's play areas.
- ii. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas, including any off-site commuted sums as applicable.
- iii. The Agreement will require the Developer to provide, as necessary, an offsite sports provision.

HIGHWAYS AND PUBLIC TRANSPORT

- i. The Agreement will require the Developer to provide, as necessary, the improvements identified to improve the public highway, sustainable and public transport provision within the vicinity of the site.

OTHER

- i. Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.

May 2026



AFFORDABLE HOUSING STATEMENT

Land off Storridge Road, Westbury



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1 INTRODUCTION

1.1 Scope of the Statement

- 1.1.1 This Affordable Housing Statement has been prepared by Gladman in support of an outline planning application, with the description of development as follows:

'Outline planning application for the demolition of numbers 5 and 6 Storridge Road and the erection of up to 165 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access'

- 1.1.2 This statement summarises the relevant planning policy context as well as trends in affordable housing delivery at national, regional and local levels. This paints a clear picture of the severity of the affordable housing shortfall in Wiltshire.

- 1.1.3 The delivery of up to 66 affordable homes is therefore a very significant benefit which should be weighted accordingly in the planning balance.

2 THE NATIONAL HOUSING CRISIS

2.1 Affordable Housing Need in England

- 2.1.1** It is widely acknowledged at all levels that England is facing a housing crisis, which has arisen as a direct consequence of too few houses being completed to keep pace with a growing population, increasing life expectancy, and household formation rates.
- 2.1.2** Recent research published by Centre for Cities estimated that Britain today has a backlog of 4.3 million homes that are missing from the national housing market¹.
- 2.1.3** The human consequences of the persistent under delivery of homes are severe and far reaching. Research by the University of Essex estimates that the housing crisis affects 8.4 million people in England². This extends far beyond the 400,000 people who are homeless or at risk of homelessness (including people sleeping rough, living in homeless shelters, temporary accommodation, and/or sofa surfing), to include those currently living in accommodation which harms their life opportunities (including 3.6 million people living in an overcrowded home and 2.5 million who are in hidden households).
- 2.1.4** Across England, there are more than 1.3 million households on Local Authority housing registers³. As of March 2024, 118,000 households are living in temporary accommodation, and in the year from April 2023 to March 2024, Local Authorities spent £2.3 billion on temporary accommodation costs⁴.
- 2.1.5** Figures from the NHS-funded National Child Mortality Database show that being housed in temporary accommodation has contributed to the deaths of 74 children in the last five years, and it is estimated that poor housing costs the NHS £1.4 billion per year⁵.

¹ Centre for Cities, The housebuilding crisis. February 2023.

² BBC News, Housing crisis affects estimated 8.4 million in England - research. September 2019.

³ DLUHC Live Table 600, Local Authority Waiting Lists. June 2025 update.

⁴ Ministry of Housing, Communities and Local Government, Local authority revenue expenditure and financing England: 2023 to 2024 individual local authority data, August 2024.

⁵ Crisis media centre, Fewer than three in every 100 privately rented properties listed in England are affordable for people on housing benefit, April 2025. Available at <https://www.crisis.org.uk/about-us/crisis-media-centre/>

3 PLANNING POLICY CONTEXT

3.1 National Planning Policy

- 3.1.1 The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the National Planning Policy Framework (the Framework).
- 3.1.2 The current iteration of the Framework, published in December 2024, makes clear that the purpose of the planning system is to contribute to achieving sustainable development. Paragraph 8 of the Framework sets out the three overarching objectives which support the creation of sustainable communities, namely an economic objective, a social objective, and an environmental objective.
- 3.1.3 Paragraph 8(b) of the Framework clarifies that *"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations"* is a central objective to the achievement of sustainable development.
- 3.1.4 Reflecting the above, paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale, and design quality of places, which includes making sufficient provision for housing (including affordable housing).
- 3.1.5 In support of this, paragraph 61 explains *"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."*

3.2 Written Ministerial Statements

- 3.2.1 A Written Ministerial Statement ('WMS') was made, on 30 July 2024, by Angela Rayner, then Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government titled 'Building the Homes We Need'. The WMS stresses the severity of the of the housing crisis facing the country which is remarked as being *"the most acute housing crisis in living memory"*.

3.2.2 Within the WMS, it is specified that in 2023 there were just 3.8 million social rent homes in the country, 200,000 fewer than in 2013. Correspondingly, the WMS states:

“Although increasing supply will be an essential part of improving affordability, we must also go further in building a greater share of genuinely affordable homes. That is why the Government is committed to the biggest growth in social and affordable housebuilding in a generation.”

3.2.3 A further WMS was published by Matthew Pennycook, Minister of State for Housing and Planning, on 12 December 2024, again titled ‘Building the Homes We Need’. The WMS reiterates the severity of the housing crisis facing the country and seeks to emphasise the impact it has had on people’s lives, and their living accommodation, and states that:

“It is also vital that, alongside the appropriate infrastructure, these reforms also deliver substantial affordable housing. It is vital that local communities can see the benefits of development terms of enhancements to public services and more affordable housing for local people.”⁶

3.2.4 The WMSs represent a firm statement of the Government’s policy and make clear its commitment to increasing social and affordable housing construction. It is well established that a WMS is a statement against which full weight can be attached as a material consideration in the determination of a planning application, and particularly in this case one which will see the delivery of up to 66 affordable homes.

3.3 Relevant Appeal Decisions

3.3.1 The severity of the national housing crisis has been reflected within many planning judgements where the delivery of affordable homes has been afforded ‘very substantial’ and ‘very significant’ weight by appeal Inspectors and the Secretary of State.

⁶ Minister of State for Housing and Planning Matthew Pennycook, Building the Homes We Need. Statement UIN HCWS308 made on 12 December 2024.

Land to the rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath, St Albans Appeal Reference APP/B1930/W/23/3323099 (January 2024)

“It is common ground that the provision of 60 units of affordable housing on the appeal site, amounting to 40% of the total, would represent a social benefit to which very substantial weight should be given. I concur with this, given the scale of the need for affordable housing in the District and the evidence that this will worsen in the next 5 years without further permissions on non-allocated sites.”
(Paragraph 95)

Land South of London Road, Newington, Swale Appeal Reference APP/V2255/W/23/3318448 (August 2023)

“The proposal would deliver up to 135 dwellings, of which 40% would be affordable housing. This would accord with Policy DM 8. Moreover, having regard to the housing land supply position in Swale, the pressing need for affordable housing in Swale and the general imperative to boost the supply of housing set out in the Framework, I attach substantial weight to the delivery of housing, including affordable housing.” (Paragraph 94)

Land at Fryatts Way, Bexhill, East Sussex Appeal Reference APP/U1430/W/22/3304805 (January 2023)

“The appeal scheme would deliver 30% affordable housing (up to 63 homes). This is a policy requirement but is a benefit nonetheless. This matter needs to be considered in the context that delivery is failing to keep up with need, meaning the backlog is getting worse[...] The provision of up to 63 affordable homes would therefore be a very significant benefit.” (Paragraph 84)

- 3.3.2** This demonstrates clear direction from the Planning Inspectorate for affordable housing to be considered a very significant material consideration.

3.4 The Development Plan

- 3.4.1** Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers

to exercise their functions with the objective of contributing to the achievement of sustainable development.

- 3.4.2 Core Policy 43 of the Wiltshire Core Strategy (2015) sets the local requirements relevant to this application in terms of delivering affordable housing. The policy states for sites of five or more dwellings, affordable housing provision of at least 30% will be provided within the 30% affordable housing zone and at least 40% will be provided within the 40% affordable housing zone. Land off Storridge Road, Westbury is within the 40% affordable housing zone and so will deliver 40% affordable housing onsite, equating to up to 66 dwellings.
- 3.4.3 Core Policy 45 relates to the type, mix and size of both market and affordable housing. The policy states that the type, mix and size of new housing should reflect the demonstrable need for the community within which the site is located. The applicant is committed to engaging with planning officers and affordable housing officers at Wiltshire Council as part of the application process to determine to local housing needs of the community of Westbury.
- 3.4.4 The application therefore complies with the relevant affordable housing policies of the development plan.

4 AFFORDABLE HOUSING NEED, DELIVERY AND SUPPLY

4.1 The National Picture

- 4.1.1 The fact that so many are being priced out of the housing market means waiting lists for those in need of an affordable home are increasing. According to statistics

published by the Ministry of Housing, Communities and Local Government ('MHCLG')⁷, there are 1.33 million households on local authority social housing waiting lists across the country, which roughly equates to 3.19 million people in need of an affordable home. Further data published by MHCLG in November 2024 also demonstrated that in the monitoring period 2023/24 only 63,743 gross affordable homes were built and just 44,027 starts on site were recorded⁸. At this level of delivery, it will take roughly 21 years to address the current waiting list. This is before factoring in future housing need, or loss of affordable homes through demolition, or the Right to Buy programme.

- 4.1.2 At a national level the direction of travel to address housing need, including affordable housing need, is abundantly clear. Additionally, with 45% of affordable homes in 2023/24 funded entirely through S106 Agreements (i.e. funded by developers with nil grant from the public sector), it is clear that meeting affordable housing needs is dependent on delivery by the planning system⁹.

4.2 Affordable Housing Delivery in Wiltshire

- 4.2.1 The Swindon & Wiltshire Strategic Housing Market Assessment (2017)¹⁰, produced as part of the evidence base for the emerging Wiltshire Local Plan Review, found that there is an overall need for 22,756 affordable dwellings during the period 2016-2036, or an annual need for 1,138 affordable dwellings.
- 4.2.2 According to the Government's Live Table 1011c, Wiltshire Council have delivered 3,668 affordable dwellings since 2020/2021, which is an average of approximately 740 dwellings per annum. Based on the assessed affordable housing need for the emerging plan, the current rate of delivery would result in an annual deficit of 398 dwellings, or 1,990 dwellings over a five-year period. This is a stark under delivery of affordable housing, and so significant weight should be afforded to the delivery of up to 66 affordable dwellings on land at Storridge Road, Westbury.

⁷ MHCLG Live Table 600, Local Authority Waiting Lists. June 2025 update.

⁸ MHCLG, Live Table 1011C, Affordable housing supply statistics 2023-24. July 2025 update.

⁹ MHCLG Live Table 1000C, Additional affordable homes provided by type of scheme, Completions, England, 2023-2024. June 2025 update.

¹⁰ Opinion Research Services, Swindon & Wiltshire Strategic Housing Market Assessment Report of Findings. 2017

4.3 Affordable Housing Waiting Lists

4.3.1 Based on the Government's Live Table 600, which lists the number of households on local authority housing registers, the figure for 2025 was 3,999. Wiltshire Council's website¹¹ states that there are about 4,125 households currently in housing need on the Housing Register, a figure which has risen by 227% over the last 5 years. This significant number of households currently on the register are in demand of only around 350 council homes available to let annually, and so the council relies heavily on affordable housing partners to meet the demand. Based on the Council's estimations, there are approximately three times the amount of households on the register as there are homes advertised as available. Furthermore, the Homes4Wiltshire website¹² states that many of the advertised homes are currently attracting over 100 bids each, expressing the demand and the consequential lengthy wait times for those on the housing register.

¹¹ Wiltshire Council, Looking for a home. Available at: <https://www.wiltshire.gov.uk/housing/looking-for-somewhere-to-live> Accessed on 13/03/26

¹² Homes4Wiltshire, How to apply for housing. Available at: <https://www.homes4wiltshire.co.uk/content/AboutHomes4Wiltshire/Howtoapplyforhousing> Accessed on 13/03/26

5 SUMMARY AND CONCLUSIONS

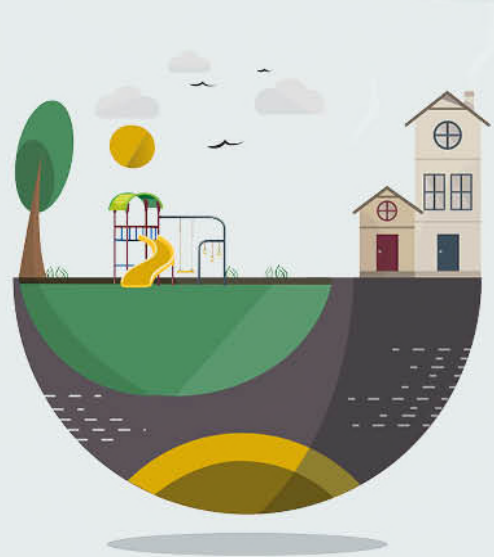
5.1 Summary

5.1.1 Paragraph 61 of the Framework states it is essential that sufficient housing is delivered to ensure that the *“needs of groups with specific housing requirements are addressed”*.

5.1.2 This statement has highlighted the significant shortfall of affordable housing in Wiltshire, particularly in comparison to the significant demand currently shown by the stark number of households currently on the housing register. The Council have underdelivered affordable housing, and will continue to be in a shortfall unless proposed residential developments which will deliver affordable housing are approved.

5.2 Conclusion

5.2.1 The delivery of a policy compliant scheme of up to 66 affordable homes at land off Storridge Road, Westbury, is therefore a very significant benefit that will make an important contribution towards addressing the critical shortfall in affordable housing in the area.



APPENDIX 4: AFFORDABLE HOUSING STATEMENT

