



Appeal Decision

Site visit made on 12 May 2026

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal Ref: 6003438

Land South of 214B Corsham Road, Whitley, Melksham, Wiltshire SN12 8QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Tom Nicholas against the decision of Wiltshire Council.
 - The application Ref is PL/2025/08613.
 - The development proposed is the erection of up to 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted.
4. I have taken the description of development from the application form. However, any grant of permission in principle must be expressed as a minimum and maximum of dwellings. In this case, the application form goes onto clarify that a minimum of 2 dwellings and maximum of 5 dwellings are sought.

Main Issue

5. The main issue is whether the site is suitable for the residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. Policies CP1 and CP15 of the Wiltshire Core Strategy, January 2015 (WCS) outline the hierarchical spatial strategy for accommodating new housing in Wiltshire, with development focused on principal settlements, then market towns, then local service centres, then large villages, such as Whitley, and small villages.

7. Policy CP2 of the WCS sets out the Council's housing delivery strategy and states that, unless permitted by other policies within the WCS as set out at paragraph 4.25, development will not be permitted outside the limits of development.
8. Likewise, Policy 6 of the Joint Melksham Neighbourhood Plan 2, 2020 – 2038¹ (JMNP2) supports housing development within existing settlement boundaries.
9. The appeal site is not allocated for housing development and is classified as a location outside the defined limits of development under both Policy 6 of the JMNP2 and Policy CP2 of the WCS. None of the paragraph 4.25 exceptions of Policy CP2 apply in this case.
10. The appeal site is part of an undeveloped field with a mature hedgerow boundary adjacent to Corsham Road. As an undeveloped area of land, the site's natural, verdant qualities make a positive contribution to the setting of Whitley. It also forms part of a wider area which is identified as a green wedge or green gap under Policy 19 of the JMNP2. Accordingly, I observed it acts as a clear visual buffer of open countryside between Whitley and Shaw which helps to preserve the separate identity of the two villages.
11. Whilst details of the design are not before me at this stage, the appeal site is of a size which is capable of accommodating up to five dwellings in a spacious low density manner, corresponding with the low density of the village. The extent of the proposed development would match the southern limit of existing built development on the opposite side of Corsham Road. Also, I acknowledge that further structural landscaping is proposed, and that this would help to redefine the southern edge of the settlement. However, despite this, the introduction of built form to the site and associated hard surfacing, lighting, and residential activity, would significantly alter the appearance of the appeal site, harmfully extending the settlement edge of Whitley into the open countryside and eroding the gap that distinguishes the separate identities of Whitley and Shaw.
12. Accordingly, for the reasons explained above, I find that the location, land use and amount of the proposed development would be contrary to locational Policies CP1, CP2 and CP15 of the WCS. Furthermore, as the appeal site is located within land identified as a green wedge, it would also conflict with Policy 6 and Policy 19 of the JMNP2 and Policy CP51 of the WCS which seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. My findings are reinforced by the judgment of the Inspector in the appeal brought to my attention² who also found conflict with the aforementioned WCS policies.
13. The Council's decision notice also refers to loss of the best and most versatile agricultural land, but does not cite conflict with a development plan policy. Paragraph 187 of the National Planning Policy Framework (the Framework) requires decision-makers to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, preference should be given to using areas of poorer quality over higher quality land. The Framework defines the best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification. Whilst there is no detailed and compelling evidence to establish whether the appeal site is grade 3a or 3b, since the

¹ Made August 2025

² Appeal Reference APP/Y3940/W/17/3185863

development would lead to a small loss of 0.3 ha, I am satisfied that it would not amount to significant development. Therefore, the preferential requirement to utilise poorer quality land does not apply. Accordingly, I do not consider that the proposal would result in a harmful loss of the best and most versatile agricultural land.

Other considerations

14. My attention has been drawn to two appeal decisions where either limited weight was attributed to the conflict with the spatial strategy of the WCS or the benefits of providing additional dwellings outweighed the WCS policy conflict. However, the circumstances and locational context of the appeals are not directly the same as this appeal. The Glenmore Farm appeal³ concerned a much larger development of 145 homes to the north west of Westbury, a town which benefits from more services. Whilst the West Street appeal⁴ is also located on the edge of a large village, unlike the appeal proposal it does not affect land identified as a green gap. Consequently, I disagree that the appeals are directly comparable. Therefore, I am not bound by the weightings applied by the Inspectors in those cases, although I have taken account of them. I have reached my own conclusions on the merits of the appeal proposal on the basis of the evidence before me.
15. I have been made aware that the Wiltshire Local Plan Review 2020-2038 is in the process of examination, but that process has paused. Nevertheless, it has limited weight and as such it does not materially change the circumstances surrounding the proposal and the primacy of its determination against the adopted development plan.
16. Whilst the Council does not raise any objections to the proposal from a sustainability or accessibility perspective, compliance with the development plan in these respects is a neutral factor. I have also taken account of the representation received in support of the planning application. However, I have addressed the matters raised within it, in my reasoning on the main issue.

Planning balance

17. There is no dispute that there is a substantial shortfall in housing land supply, both parties refer to it as comprising 2.42-years. Paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies.
18. Paragraph 14 of the Framework advises that in situations where the presumption at paragraph 11(d) applies, the adverse impact of allowing development that conflicts with the Neighbourhood Plan (NP) is likely to significantly and demonstrably outweigh the benefits. This is provided that the NP became part of the development plan five years or less before the date on which the decision is made, and that it contains policies and allocations to meet its identified housing requirement.

³ Appeal Decision APP/Y3940/W/24/3345598

⁴ Appeal Decision APP/Y3940/W/24/3345527

19. The JMNP2 is less than a year old and the parties agree it meets the requirements of paragraph 14(a). However, they do not agree in relation to paragraph 14(b). The appellant contends there is a shortfall in allocation for Shaw and Whitley and that there has been a significant uplift in the level of housing need. Nevertheless, paragraph 14(b) refers to the identified housing requirement of the neighbourhood plan overall, which covers Melksham and Melksham Without. It allocates land for new housing through policies 7.1 to 7.5. The Examiner's report for the JMNP2, amongst other things, found overall that it addresses housing delivery in the plan period. Therefore, based on the evidence before me, I find that the requirements of paragraph 14(b) are also met and so it applies in this case.
20. The proposal would add to the housing stock and so it would help boost the supply of dwellings. Paragraph 73 of the Framework recognises that small and medium sized sites, like the proposal site can make an important contribution to meeting the housing requirement of an area.
21. In economic terms, the proposed development would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy, including Council Tax payments to the Council. Although a matter for the TDC stage, associated landscaping and the requirements to deliver 10% biodiversity net gain would provide biodiversity enhancements.
22. I have attributed these combined social, economic and environmental benefits moderate weight in the planning balance.
23. However, in light of paragraph 14 of the Framework, the adverse impacts of allowing the development that conflicts with policies of the JMNP2 would significantly and demonstrably outweigh the benefits of the proposed development. Therefore, I find the presumption in favour of sustainable development as detailed in paragraph 11 of the Framework does not apply.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

SE Hughes

INSPECTOR