



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

STATEMENT OF CASE

Appeal Reference: 6009768

LPA Reference: PL/2026/02029

Site Address: Land to the North of Drove Lane, Market Lavington, Devizes, SN10 4NT

Appellant: Stonebury Land Ltd

Development Description: Permission in Principle for the development of up to 9 No. residential dwellings

Procedure: Written Representations

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Date: 11 June 2026

CONTENTS

- 1. Introduction**
- 2. Site Description**
- 3. Planning History**
- 4. The Proposal**
- 5. Relevant Planning Policy and Guidance**
- 6. The Council's Case**
- 7. Comments on Appellants Statement of Case**
- 8. Planning Balance**
- 9. Summary and Conclusions**

1. Introduction

- 1.1 This Statement of Case is submitted on behalf of the Local Planning Authority in response to the appeal lodged by Stonebury Land Ltd against the decision of the Council to refuse planning permission for Permission in Principle for the development of up to 9 No. residential dwellings at Land to the North of Drove Lane, Market Lavington, Devizes, SN10 4NT.
- 1.2 The purpose of this statement is to set out the Council's case and explain the reasons why planning permission was refused. The decision was issued on 30/04/2026 following consideration of all relevant material planning matters. The refusal was based on the following reasons:

The proposed development is contrary to the adopted Development Plan housing delivery strategy in that it involves a greenfield site that lies in an unsustainable location within open countryside; and is outside and some distance from the defined settlement boundary for the Local Service Centre of Market Lavington and the Small village of Easterton. It is also considered that the proposals do not represent sustainable or infill development and will only serve to uncharacteristically elongate the small hamlet of Fiddington Sands in a southeasterly direction away from its current central core, with a scale of development that is disproportionate for the hamlet, by virtue of the number of dwellings proposed (6-9) on the site, which conflicts with, and is separated from, the existing linear character of development. The principle of housing development on this site, in terms of both its location and quantum, is therefore considered to be contrary to the provisions of the National Planning Policy Framework; Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP12 (Devizes Community Area)CP57 (Ensuring High Quality Design and Place Shaping and National Planning Policy Framework (December 2024) paragraphs 7-11, 39, 84, 124-141.

- 1.3 This statement has been prepared in accordance with the Planning Inspectorate's Procedural Guide for Planning Appeals and complies with the requirements of the Town and Country Planning Act 1990 (as amended) and associated regulations. It provides a clear and robust justification for the Council's position, referencing relevant planning policy, guidance, and material considerations.

2. Site Description

- 2.1 There have been no material changes to the site since the application was determined. Accordingly, the site description set out in the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

3. Planning History

- 3.1 There have been no changes to the planning history of the site since the application was determined. Therefore, the summary contained within the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

4. The Proposal

- 4.1 There have been no amendments to the proposed development since the application was determined. Accordingly, the description of the proposal set out in the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

The Council notes that the appeal should be determined on the basis of the application as refused. Amendments at appeal stage are only acceptable in exceptional circumstances and subject to the Planning Inspectorate's agreement, in accordance with the Wheatcroft principle and PINS procedural guidance. Any changes must not prejudice interested parties or undermine the fairness of the process.

5. Relevant Planning Policy and Guidance

- 5.1 In addition to the planning history set out in the original Officer Report, which has already been provided to the Planning Inspectorate, the following updates have occurred since the application was determined and should be noted:

Draft Wiltshire Local Plan

At Full Council on 19 May, the elected members of Wiltshire Council agreed to withdraw the emerging WLP. It will now be subject to a legal process to finalise its withdrawal – which is likely to happen in July or August (2026). The said Plan has no material weight for the purposes of the appeal.

6. The Council's Case

- 6.1 The Council's case primarily relies upon the reasoning set out in the original Officer Report already provided to the Planning Inspectorate. However, additional commentary is provided below to clarify and reinforce points already made in that report with respect to the Appellant's Statement of Case. This does not introduce new reasons for refusal or expand the evidence base beyond the original decision.

7. Comments on Appellants Statement of Case

- 7.1 Below is the Council's assessment of the Appellant's Statement of Case. Commentary is provided where necessary to address points of disagreement that go beyond what has already been set out in the original Officer Report already sent.
- 7.2 The appellant states that limited communication was undertaken between them and the Local Planning Authority (LPA).
- 7.3 A site visit was undertaken on 7th April at which time the site notice was erected. It was considered that it was not necessary to revisit the site nor to undertake a virtual meeting with the agent due to the in-principle objection to the location and number of the development, the basic level of the planning application as a Permission in Principle (PIP) where detailed technical matters are not under consideration and the fast-track timescales involved.
- 7.4 Contrary to the appellants assertion that the officer relied on the AECOM assessment of the wider site, it was made clear in the communication to which the appellant refers that the concerns raised in the AECOM report formed one part of the evidence base for the officer's professional assessment of the suitability of the site, in particular the officer referenced the following section of the report:
- 7.5 *The site is outside and not connected to the existing settlement boundary of Market Lavington and as such is considered to be in the open countryside where development is not normally supported. Development on the site would erode the strategic gap between Market Lavington and Easterton, causing coalescence between the two settlements. Development on this site would alter the rural character and appearance of the site and in its immediate proximity through the introduction of suburban in-depth development in a rural location.*
- 7.6 In the appellants statement of case the point is reiterated in paragraphs 2.9, 4.9, 4.11, 4.13 and 4.30 that the case officer's reason for refusal is based solely on the AECOM findings, and as this is a high level desk based assessment, that the resultant supposed reliance of the case officer on that assessment has led to an error of judgement in refusing the application. This is demonstrably not the case. Comparison

of the AECOM report on the site and the reason for refusal will show that, as set out in the correspondence highlighted by the appellant, the AECOM report addresses some, but not all of the issues identified within the officer report and defined in the reason for refusal.

- 7.7 The appellant does not dispute that the site lies outside the defined settlement boundary in open countryside but seeks to diminish the weight of this conflict. This position is not accepted. The development plan (CP1, CP2, CP12) remains the statutory starting point and directs housing to defined settlements to ensure sustainable patterns of growth. The appeal site is physically and functionally separate from the built core of Market Lavington, the small village of Easterton and the hamlet of Fiddington Sands, and therefore would extend development into the countryside.
- 7.8 The Council does not dispute that it cannot currently demonstrate a 5 year Housing Land Supply and that unallocated sustainable development in appropriate locations should be considered acceptable, as per the tenets of the NPPF Paragraph 11d.
- 7.9 The appellant's characterisation of the site as "part of a residential area" is not supported by the established settlement pattern, which the officer's report identifies as sporadic linear development rather than deeper estate form.
- 7.10 The appellant argues that the site could be considered a sustainable location with active travel options for future occupants due to its proximity to open countryside (4.20). This should be read as 'position in the open countryside' as the development stands outside the existing built form of the hamlet of Fiddington Sands and as such does not represent infill development, but an elongation of the hamlet in a sporadic in-depth form that is alien to the current pattern of development and therefore the prevailing character of the area.
- 7.11 The Council's development delivery strategy (CP1, CP2 & CP12) is based on an assessment of locations that are considered sustainable in the context of development. For good reasons these accord with the larger settlements that create a critical mass of travel infrastructure, facilities and services that together create a sustainable location for development.
- 7.12 There are clearly instances where development outside these locations has been considered to be sustainable for one reason or another, likely due to particular outlying infrastructure, facilities or services.

- 7.13 It is accepted that the LPA cannot demonstrate an up-to-date Housing Land Supply. This failure and with it the reduction in weight given to its spatial policies does not however automatically accord all locations with equal levels of sustainability. The presumption in favour of sustainable development should therefore take location into account.
- 7.14 In this case the LPA argues that the current location does not constitute sustainable development as it stands at a distance from any defined settlement and will result in the use of the private vehicle for day-to-day matters such as work and shopping.
- 7.15 The appellant repeatedly refers to the provision of affordable housing as a benefit of the scheme, which is not something that can be addressed at this stage and will be dealt with at any subsequent Technical Details Consent. The Planning Practice Guidance confirms that the scope of permission in principle is limited to matters of location, land use and amount of development. Matters of detail, including those typically controlled through planning conditions or obligations, fall outside this stage and must instead be considered at the technical details consent stage. Accordingly, conditions or planning obligations cannot be imposed at the permission in principle stage.
- Therefore, the provision of affordable housing should not be a consideration in the planning balance of a PIP. It is the principle of development that is in question and not any details of development.
- 7.16 The appellant's Statement of Case offers little rebuttal of the inappropriate pattern of development proposed.
- 7.17 The proposal would result in harm to the character and appearance of the area. Chapter 12 of the Framework sets out that good design is a key aspect of sustainable development. The Council gives significant weight to the conflict with the development plan policies in this area.
- 7.18 Thus, whilst the Framework seeks to significantly boost the supply of housing, the Council considers that the adverse impacts would significantly and demonstrably outweigh the benefits of the delivery of modest development, when assessed against the policies in the Framework taken as a whole. Thus, the proposal would not constitute a sustainable form of development in terms of the Framework and does not benefit from the presumption in favour of sustainable development.
- 7.19 It is the Local Planning Authority's opinion that the Appellant's Statement of Case does not overcome the reason for refusal and therefore the appeal should be dismissed.

8. Planning Balance

- 8.1 The Council relies on the planning balance assessment set out in the original Officer Report, which has already been provided to the Planning Inspectorate. No further commentary is offered, and the Officer Report forms the Council's position on this matter for the purposes of the appeal.

9. Summary and Conclusions

- 9.1 The Council relies on the summary and conclusion set out in the original Officer Report, which has already been provided to the Planning Inspectorate. No additional points are raised, and the Officer Report represents the Council's full position for the purposes of this appeal.