

**TOWN & COUNTRY PLANNING ACT 1990**

**PLANNING STATEMENT**

**PERMISSION IN PRINCIPLE FOR THE  
PROPOSED ERECTION OF FOUR DWELLINGS**

**AT  
LAND AT WOOD LANE  
BRINKWORTH WILTSHIRE**

**Prepared by**

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**Our Reference:     LPC.6384**

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Malmesbury Road, Kington Langley, Chippenham SN15 5PY

## 1.0 INTRODUCTION

1.1 LPC (Trull) Ltd have been instructed by Mr Steven Herzog to provide a Planning Statement in support of an application for Permission in Principle (PiP) for the erection of four detached dwellings at land at Wood Lane, Brinkworth, Wiltshire.

1.2 The application approach is defined in the National Planning Practice Guidance (PPG), as below;

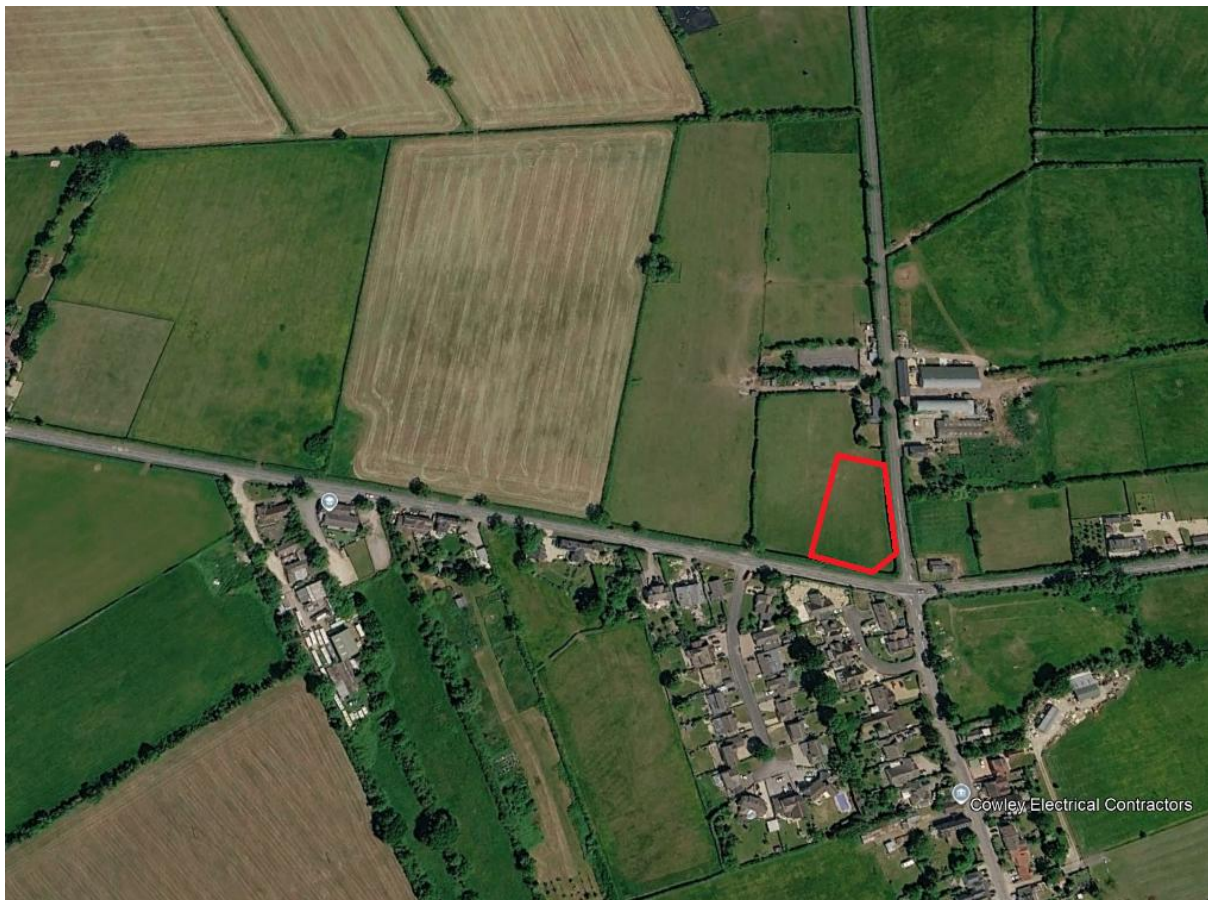
*The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.*

1.3 This establishes that the application is a two-stage process, with the first stage solely intended to establish whether the site is suitable in principle and the second stage then considering the detailed development proposals and potential impacts. The Government's guidance sets out that the scope of the first stage of permission in principle is limited to location, land use and the amount of development.

1.4 Accordingly, the purpose of this Planning Statement is focused on the principle of development at this location only. Any further details in respect of the intended new house development and its acceptable assimilation will be submitted at the technical details stage. The statement will however provide an overview of the planning policy context and an assessment of the key material planning considerations, demonstrating the proposal's acceptability within the context of the Government's presumption in favour of sustainable development.

## 2.0 SITE DESCRIPTION

2.1 The application site lies a short distance to the east of the village of Brinkworth in Wiltshire. It currently comprises a parcel of undeveloped land with the main B 4042 to the south and Wood Lane situated directly to the east. The site is generally flat and undeveloped containing no existing buildings or other structures. The land could be said to be in agricultural use but could not be said to be in an isolated location, there being housing development directly across the road.

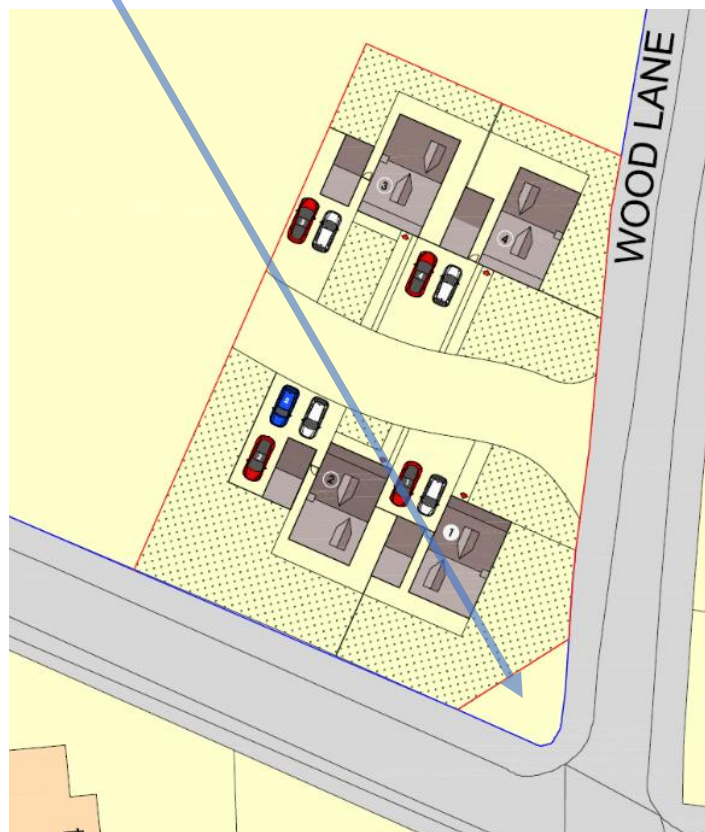
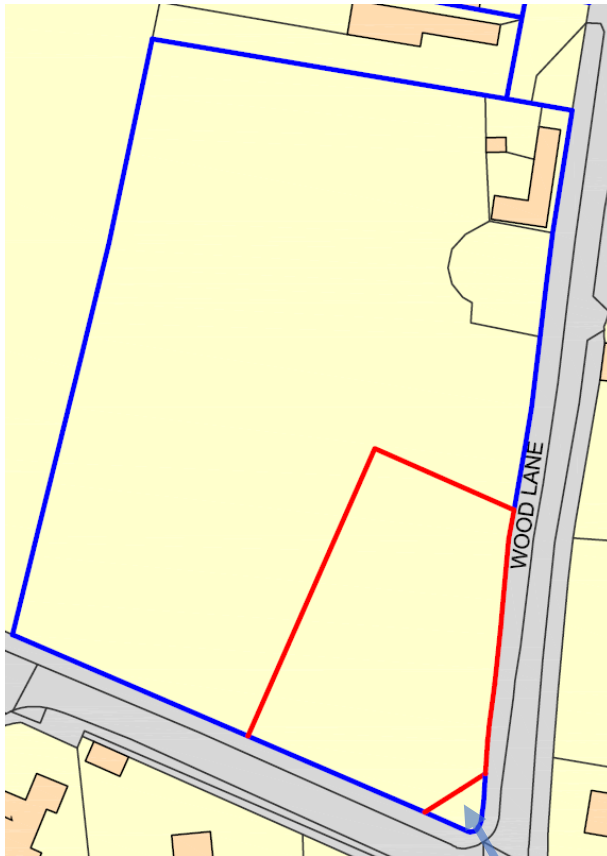


2.2 The site also lies within walking distance of a bus stop at Callows Cross which provides an hourly service in either directions to Chippenham or Swindon and all the towns and villages in between these two large towns.

2.3 The site does not lie in a Conservation Area, Green Belt or National Landscape.

### 3.0 PROPOSED DEVELOPMENT

- 3.1 The proposal seeks 'permission in principle consent' for the erection of four dwellings on the application site. The PiP application has a narrow focus with only the principle of the proposed residential development being considered. The second stage which involves the 'technical details consent' will follow should the 'permission in principle consent' be granted.
- 3.2 The PPG confirms that the scope of permission in principle is limited to **location, land use and amount of development**. However, issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage (Paragraph: 012 Reference ID: 58-012-20180615).
- 3.3 What is being proposed in this case is the erection of four detached dwellings on the site with access onto Wood Lane. Although purely indicative, an illustrative site layout plan has been enclosed with this application. This layout is provided below with visibility splays achievable in both directions. Additionally, the Applicant has had numerous discussions with the Council and highways about keeping the vegetation down at the junction between the B4048 and Wood Lane, as it causes visibility and safety issues on the junction, and as part of the scheme this will then be on the splayed angle, which will help the visibility which the Council should support. This is shown on the following page.



Visibility will be kept clear at this junction

## 4.0 PLANNING POLICY CONTEXT

### National Planning Policy

4.1 The National Planning Policy Framework (NPPF) (published December 2024, updated 7 February 2025), and associated PPG, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions. The policies within the following chapters of the NPPF are relevant to the assessment of the proposed development: -

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment

### The Local Development Plan

4.2 The NPPF highlights that planning law (section 70 [2] of the Town and Country Planning Act 1990 and section 38 [6] of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.3 The associated PPG confirms that the same applies to an application seeking permission in principle; “A decision on whether to grant permission in principle to a site following a valid application ... must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise” (Paragraph: 011 Reference ID: 58-011-20180615).

- 4.4 The development plan relevant to the proposed development is the Wiltshire Core Strategy (WCS) (adopted January 2015), which includes saved policies from the former North Wiltshire Local Plan 2011, and The Malmesbury Neighbourhood Plan (made 2015). The key policies relevant to the 'in principle' matters of location, land use and amount of development are: -

**Wiltshire Core Strategy**

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 13 Spatial Strategy: Malmesbury Community Area.
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development

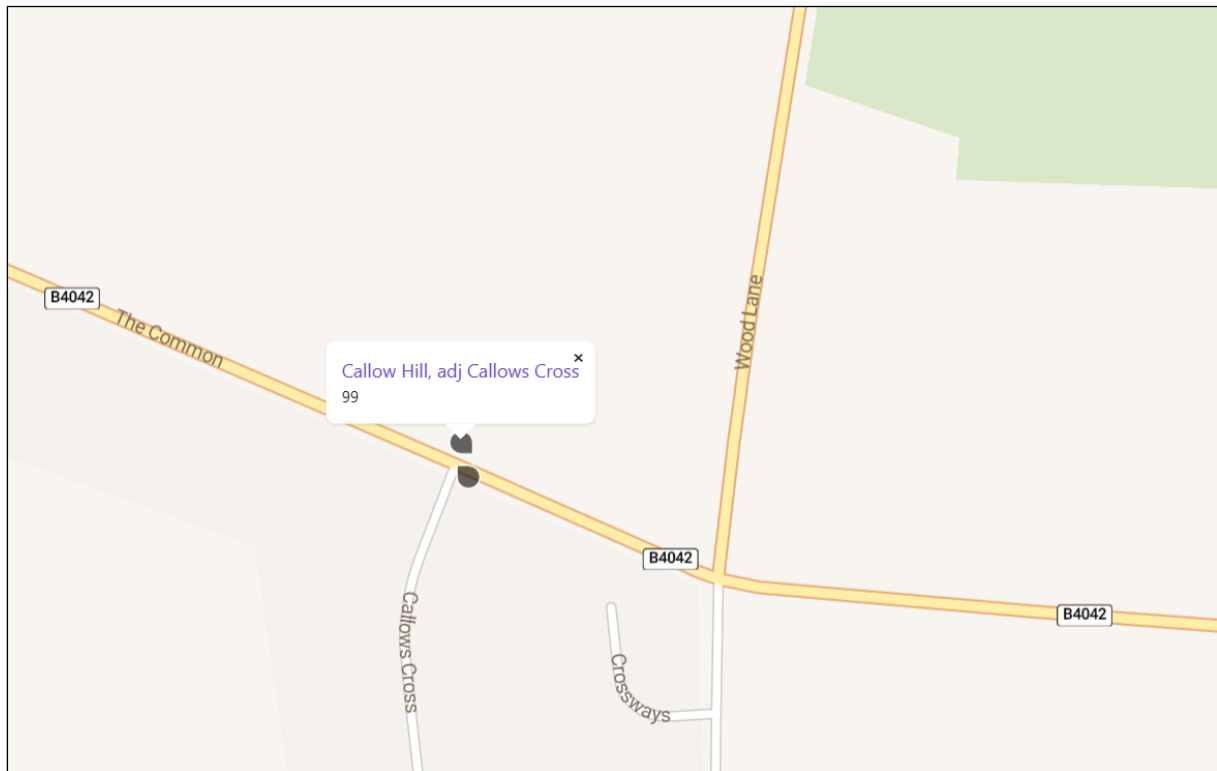
## 5.0 PLANNING ASSESSMENT

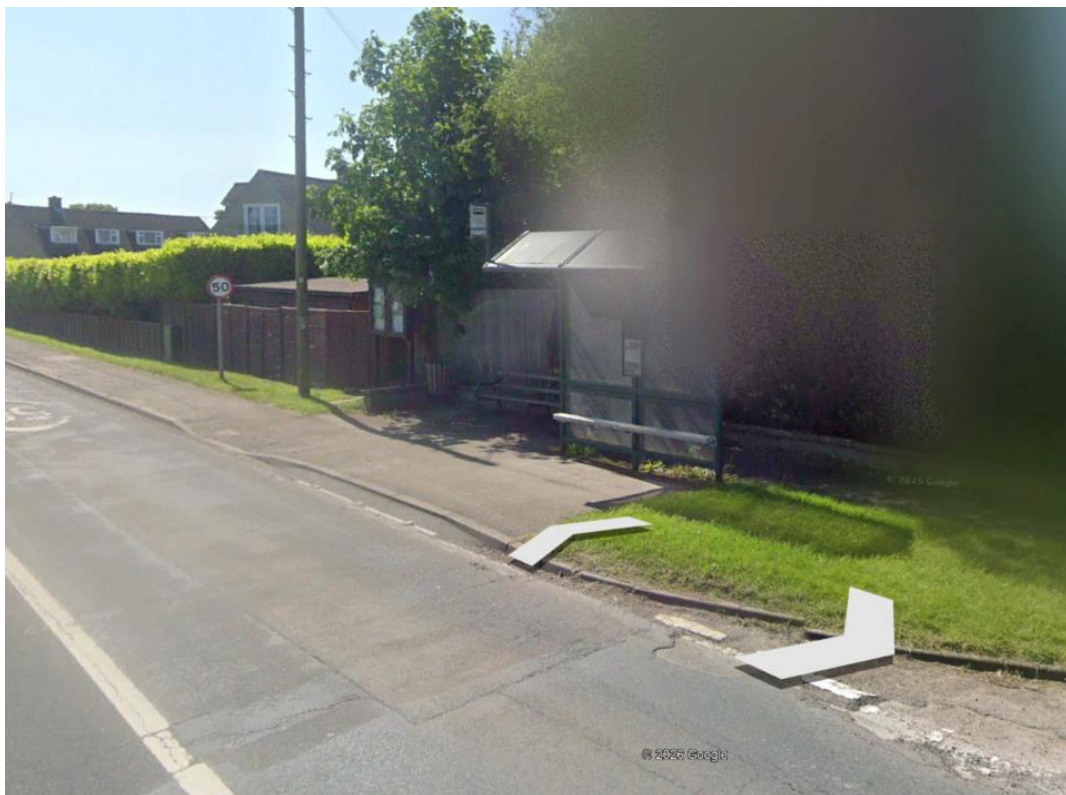
- 5.1 The planning considerations associated with this permission in principle application are limited to **location, land use and amount of development**. These matters associated within the principle of development will be addressed below in order to demonstrate that the site can comfortably accommodate up to two dwellings without any adverse local or environmental impacts.

### Site Sustainability & Accessibility

- 5.2 The WCS includes a Spatial Strategy which sets the foundations for how 'sustainable development' is defined and applied within Wiltshire. It has three key elements; a Settlement Strategy, Delivery Strategy and Infrastructure Requirements. The settlement and delivery strategies define where development will be the most sustainable across Wiltshire's settlements.
- 5.3 Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the WCS outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the Limits of Development other than in exceptional circumstances as set out within the relevant core policies contained within the plan, i.e. the 'exception policies'.
- 5.4 In this case, the site lies in a highly sustainable location within close proximity to the village of Brinkworth and the town of Royal Wootton Bassett. Furthermore, the site lies within easy walking distance of a main bus route. A short walk away is the Callows Cross bus stop. These bus stops provide access to Coachstyle service 99 - Cowbridge - Bus Station - Fleming Way. Provided at **Appendix 1** of this statement is the bus timetables from the Callows Cross bus stop westbound and eastbound. This shows that throughout the week buses arrive and depart hourly with connections to Royal Wootton Bassett, Swindon, Brinkworth, Hullavington, Malmesbury, and Chippenham.

5.5 The map below shows the location of the Callows Cross bus stop which is within very close proximity to the application site at Wood Lane. The subsequent photographs show the bus shelters on either side of the B4042.





- 5.6 The NPPF advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making, however the current site is well served by a bus service which offers a genuine convenient alternative choice of means of travel for future occupiers. This site is therefore considered to be an accessible location, and the development would accord with Core Policies 60 and 61 of the WCS which together support development in locations which reduce the need to travel and support sustainable transport alternatives to the use of the private car.
- 5.7 In summary, the application site occupies a sustainable and accessible location that is well connected to nearby settlements, services and employment opportunities by a range of transport modes. Its proximity to regular bus services, together with convenient access to Brinkworth, Royal Wootton Bassett and the wider area, provides future occupiers with realistic opportunities to travel by means other than the private car. The site therefore aligns with the spatial strategy of the Wiltshire Core Strategy and accords with the objectives of sustainable development set out within the NPPF. Consequently, the proposal is considered to represent an appropriate form of development in accessibility and sustainability terms, consistent with the requirements of Core Policies 1, 2, 60 and 61 of the Wiltshire Core Strategy.

#### *Status of the Local Plan*

- 5.8 The Spatial Strategy of the WCS is now out of date. The Council's Housing Land Supply Position is now 2.42 years, as detailed within the Wiltshire Housing Land Supply Statement (base date April 2024 / published June 2025). A copy of the statement can be seen in **Appendix 2**.
- 5.9 The Council's Housing Land Supply Position and the weight to be attributed to the Spatial Strategy of the WCS has been the focus on numerous appeals recently. An initial key appeal decision earlier this year was for a residential development scheme on Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury (appeal reference 3345598). The

Council did not defend the appeal due to its Housing Land Supply Position (which was 2.03 years supply), and the Inspector stated the following within the decision notice dated 21 January 2025:-

*“41. Aside from the emerging Local Plan, which has only just been submitted for Examination, there is no other obvious remedy to the shortfall in the short or medium term. This overall position indicates that **the development plan is failing to meet its strategic challenges**. Thus, **its settlement strategy and limits of development are not working effectively**. These policies are therefore of **limited weight**, as is the conflict with them.” (emphasis added)*

- 5.10 In light of the above, due to the age of the WCS and the substantial shortfall in housing land supply, it is considered that limited weight should be attributed to the conflict with the Spatial Strategy of the WCS, which as noted above is not working effectively and is failing to deliver housing in a strategic plan-led way. This conclusion is important and is considered further below within the Planning Balance section.

#### Principle of Development Conclusion

- 5.17 In summary, the **location, land use and amount of development** is considered to be acceptable in principle. The site can be accessed via sustainable modes of transport and the development can be designed to ensure it does not appear out of place with the established pattern of the built-environment, and the scheme can be designed to ensure no unacceptable harms to landscape character, visual amenity, the amenity of the occupiers of neighbouring properties, the historic environment, or highway safety.

#### Housing Need and Planning Balance

- 5.18 The NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed to support the Government’s objective of **significantly boosting the supply of homes**” (emphasis added) (paragraph 61). The level of need identified within the development plan should not be seen as an upper limit, and new development that is

otherwise sustainable should not automatically be refused, in particular in the context of the Council's housing land supply position.

- 5.19 The Council's most up to date Housing Land Supply Statement (HLSS) details that it has 2.42 years of deliverable housing land supply as mentioned above. The Wiltshire Local Plan (WLP) will identify future levels of need for new homes and employment land over the period 2020-2038, and it has reached the Examination 19 stage. However, the evidence that underpins the draft WLP was prepared in accordance with the now superseded December 2023 version of the NPPF.
- 5.20 The Council therefore published a Briefing Note (No.24-20) (available to view in **Appendix 3**) which sets out the implications of the new NPPF and revisions to the standard methodology on its housing land supply position. It explains that due to the change to the standard methodology, which is used to calculate local housing need, the number of homes the Council must plan for on an annual basis has increased from 1,917 to 3,525 (the annual Local Housing Need figure), an increase of 84%.
- 5.21 The Briefing Note explains that "the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately". The Council therefore confirms that the tilted balance should be applied to housing application and highlights that **"the magnitude of the shortfall in supply is now substantial** and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply" (emphasis added). The Council also advises within the Briefing Note that the application of the presumption in favour of sustainable development should be considered within the national aim of radically boosting the supply of housing.
- 5.22 In terms of the implications for plan-making, the Council confirms that because the housing requirement in the emerging Local Plan will meet less than 80% of the revised Local Housing Need, the Council will be expected to begin work on a new Local Plan promptly (when the revised

plan-making system comes into force in 2025). However, when the new Local Plan is adopted, the five-year Housing Land Supply position will be determined based on the previous Local Housing Need calculation, albeit the updated NPPF requires a 20% buffer to be added, which in essence will require a six-year Housing Land Supply position to be demonstrated.

- 5.23 The Director of Planning clearly advises within the Briefing Note that “To meet this increased buffer, the council will need to continue to approve planning applications to ensure a sufficient housing land supply can continue to be met at, and beyond, this date”.
- 5.24 In these circumstances, NPPF paragraph 11d advises that policies which are most important for determining the application (which in this case would include Core Policies 1, 2 and 13) should not be considered up to date. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged, so permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.25 There are no policies within the NPPF, which aim to protect areas or assets of particular importance, which provide a strong reason for refusing the proposed development. The proposed residential development scheme can be designed to ensure there will be no unacceptable impacts. The tilted balance is therefore engaged and is considered below.
- 5.26 It is considered that there would be no adverse impacts associated with the approval of the PiP application that would significantly and demonstrably outweigh the benefits. In terms of the benefits, the proposed development would result in the provision of a new dwelling that would contribute towards the substantial deficit in the Council’s five-year housing land supply, which is a significant benefit that should be given substantial weight.
- 5.27 The NPPF recognises that “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are

essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly.” (paragraph 73). The proposal is deliverable within a short timeframe which will ensure it contributes to the substantial shortfall in the Council’s housing land supply.

- 5.28 The development would also produce short term benefits to the construction industry, and the development would also generate ongoing revenue for the Council from Council Tax etc. There will also be further modest benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development. These benefits should also be given moderate weight in favour of the proposed development. The development would also deliver ecological benefits associated with the requirement to deliver 10% Biodiversity Net Gain that will be considered during the technical details stage.
- 5.29 In terms of the harms, it is recognised the proposed development does not strictly align with the Spatial Strategy of the WCS due to the location of the site, however only limited weight should be attributed to this factor within the overall planning balance because Core Policies 1, 2 and 13 are now out of date and are not working effectively, as concluded by the Planning Inspectorate. It is also important to recognise that the site is within a settlement which is identified as being suitable for small scale growth by the Local Plan, and it has good access to local facilities and is an accessible location benefiting from a good bus service to wider services and facilities in surrounding higher tier settlements. The site is well contained, and it will be demonstrated during the technical details stage that the development would not result in any site-specific harms, or to the wider environment that cannot be adequately mitigated.
- 5.30 The proposed development would contribute towards the Government’s aim of significantly boosting the supply of homes in a sustainable location and it is contended that when considering the overall tilted balance, which includes regard to the key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places, there would be no adverse impacts that stem from the development that

would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The moderate to substantial benefits that weigh in favour of the proposed development outweigh the limited harm associated with the lack of a planned approach.

- 5.31 The contribution made by the approval of minor developments and single dwellings throughout the Wiltshire Council area towards addressing housing need should not be underestimated and now has greater importance considering the Council's substantial housing land supply deficit and the Government's objective to radically boost the supply of housing, as identified by the Council within the aforementioned Briefing Note

**Wiltshire Council 'Tilted Balance' Example (Appendix 4)**

- 5.37 Whilst it is recognised that all cases should be considered on their own merits there are a number of very recent decisions on applications where the Council's current housing land supply shortfall has been considered and the tilted balance applied.
- 5.38 In the case of Appeal Ref: APP/Y3940/W/25/3367502 Kington Langley Garage, Malmesbury Road, Kington Langley the Planning Inspector allowed the appeal by KLD Property Investments Ltd and granted Permission in Principle (PiP) for between 4 and 8 dwellings on the former Kington Langley Garage site. The appeal overturned Wiltshire Council's refusal of the application (Ref. PL/2025/00998). The decision related only to the principle of residential development on the site; detailed design, layout, landscaping, access arrangements and other technical matters will be considered later through a Technical Details Consent application.
- 5.39 The Inspector agreed with the Council that the site is located outside the village development boundary and does not qualify as infill development under Wiltshire Core Strategy policies. The site is physically separated from Kington Langley by the A350 dual carriageway, and the Inspector accepted that it is not a particularly sustainable location when assessed

against local housing and transport policies. Although bus services are available nearby, future residents would still be likely to rely on private cars for many day-to-day journeys. As a result, the proposal was found to conflict with several policies within the Wiltshire Core Strategy.

- 5.40 Despite these policy conflicts, the Inspector placed significant weight on Wiltshire Council's severe housing land supply shortfall, which stood at only 2.42 years, well below the required five-year supply. The Inspector concluded that the development would provide up to eight new homes on a previously developed (brownfield) site, making a valuable contribution to local housing delivery. Additional benefits included construction employment, local economic spending, potential reductions in noise and activity from the existing commercial use, and future biodiversity enhancements.
- 5.41 In the overall planning balance, the Inspector found that the harms arising from the site's location and policy conflicts carried only moderate weight, whereas the housing benefits, particularly given the acute housing shortage, carried substantial weight. Applying the National Planning Policy Framework's presumption in favour of sustainable development, the Inspector concluded that the benefits outweighed the harms and that the adverse impacts did not "significantly and demonstrably" outweigh the benefits. The appeal was therefore allowed and Permission in Principle granted for 4–8 dwellings.
- 5.42 Therefore, although the Inspector agreed that the site is technically outside the settlement boundary and not ideally located from a sustainability perspective, Wiltshire's substantial housing shortage and the site's brownfield status were considered sufficiently important to justify granting permission in principle for residential development.

## 6.0 CONCLUSION

- 6.1 The application seeks Permission in Principle for the construction of four detached dwellings. The proposal would contribute towards the Government's objective of significantly boosting the supply of homes and would contribute towards the Council's own strategy to address its housing land supply shortfall.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal benefits from the presumption of sustainable development (Paragraph 11.d.ii of the NPPF), due to the Council's current 2.42 years housing land supply position, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.3 The proposed development would deliver both social and economic benefits and there would be no planning harms, apart from the speculative nature of the application thus not aligning with the plan-led approach as outlined within the Wiltshire Core Strategy. However, due to the age of the Local Plan and the Council's substantial housing land supply shortfall the weight to be given to the harm is limited. It is considered that significant weight should be placed on the benefits of the proposed development and therefore any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
- 6.4 In light of the above, having considered the individual planning merits of the proposal, it is considered that the material considerations indicate that permission should be granted. It is therefore respectfully requested that permission in principle be granted.