

23 September 2025

Our Ref: DJD.LPC567

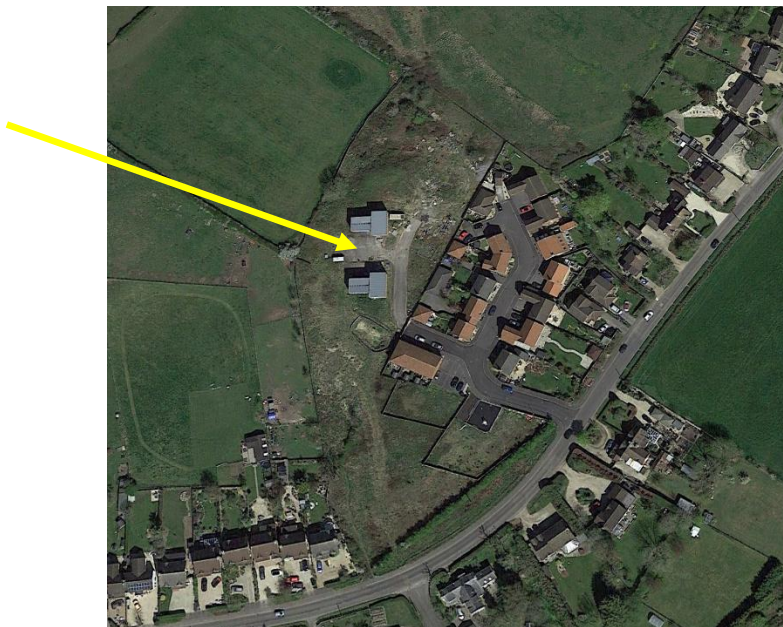
Development Services
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 0RD

Dear Sir/Madam

Town and Country Planning Act 1990
Land South West Of Middle Green Farm Middle Green Lane Dauntsey SN15
4HY – Use of vacant buildings for 8 No. One Bedroom Apartments

Please find enclosed a duly completed full planning application for the use of 2 vacant buildings 8 no. one bedroom apartments at the above address.

The extent of the land and buildings that are the subject of this application is shown in the aerial extract inserted below. It comprises the existing access and immediate land surrounding the buildings.



LPC (TRULL) LTD
TRULL, TETBURY
GLOS, GL8 8SQ
Tel: 01285 841433
www.lpctrull.com

The two existing buildings erected in 2008 form part of the wider planning permission granted at that time to include the adjacent housing estate of 19 houses. Indeed, it is understood that the permission was to include a total of 6 office buildings but in the event only the 2 which are present were constructed. They were intended to be used as offices but have never been used as such.

This statement will set out why it is considered there is no insurmountable conflict with the Development Plan, however, notwithstanding this point, there has been a recent material change in planning policy that carries great weight. The National Planning Policy Framework (NPPF) has been updated, most relevantly on the 12th December 2024. It now places a greater focus on housing delivery and, as a result of the change to the standard method used to calculate the minimum number of homes needed, the Council's annual housing need figure has almost doubled. The tilted balance is therefore engaged, and it is considered there would be no adverse impacts associated with the granting of this application that would significantly and demonstrably outweigh the benefits of the proposal.

Description

The application site lies within the village of Dauntsey which comprises a linear settlement of houses fronting The Green which is the main thoroughfare which runs through the village. Accessed off this main road is Middle Green Lane which is a spur Road comprising a cul-de-sac of 19 residential dwellings facing Middle Green Close. At the end of this spur Road are two recently constructed office buildings located to the northwest of the housing development at Middle Green Close. The application site relates to an approximate 0.23 hectares including the above two office buildings along with parking area and access road. In town planning terms due to the recent changes to the Use Class Order (1987) These buildings which were originally permitted for B1 use (offices) now fall within the new Class E.

The village of Dauntsey is identified in the Core Strategy as a small village at the time of preparing this application there is no known Neighbourhood Development Plan in place. Furthermore, the site does not lie within any designated landscape area or conservation area there are no listed buildings within the surrounding area. The existing buildings are located on the north west side of The Green to the west of the detached houses. The buildings have been completed for several years but to date have not been able to be let for their approved employment use due to the lack of interest



The office buildings have been constructed of red brick below sloping mono pitched roof. The existing office accommodation is arranged across two floors.

This application seeks full planning permission for the conversion of these two office buildings into a total of 8 No. 1 bedroom apartments. Each office building will accommodate 4 no. 1-bed flats with 2 No flats and on the ground floor and 2 No. flats on the first floor. Each flat will contain one double bedroom, bathroom, WC and an open plan kitchen/dining/living room area. All rooms will exceed minimum habitable space standards. Additionally, there will be a landscaped communal amenity space to the side and rear of each apartment building together with a hard surfaced parking courtyard between the two buildings at the front. This will provide a policy-compliant amount of car parking space with additional bicycle parking and refuse storage areas.

In design terms there will be little outward change to the building. These are recent constructions (dating from 2008) and are in sound structural condition. Consequently, they can be easily adapted and converted to 8 no. one bedroom apartments to be fully equipped to modern living standards. All of the flats will be designed to meet current Building Regulations standards with regard to fire safety and energy efficiency. EV charging points will also be provided within the parking forecourt.

No changes to the current access arrangements are proposed as the apartment buildings will continue to be access from the existing spur road which leads onto The Green.

Planning Policy Context

The NPPF, and associated PPG, sets out the Government's planning policies for England and how these are expected to be applied. These documents are material

considerations 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 15 – Conserving and Enhancing the Natural Environment

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.

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. The key policies relevant to the 'in principle' matters of location, land use and amount of development, are:-

Core Policy 1 - Settlement Strategy
 Core Policy 2 - Delivery Strategy
 Core Policy 3 - Infrastructure Requirements
 Core Policy 13 - Malmesbury Community Area
 Core Policy 35 - Existing Employment Sites
 Core Policy 48 - Supporting rural life
 Core Policy 50 - Biodiversity and geodiversity
 Core Policy 51 - Landscape
 Core Policy 57 - Ensuring High Quality Design and Place Shaping
 Core Policy 60 - Sustainable Transport
 Core Policy 61 - Transport and New Development
 Core Policy 67 - Flood Risk

The WCS was adopted in 2015 and is therefore being reviewed. The review is termed the 'Local Plan Review'. The draft Wiltshire Local Plan (WLP) was submitted to the Secretary of State for Examination at the end of 2024. There are no fundamental changes proposed to the Spatial Strategy of the Local Plan, as presented within Pre-Submission Draft (2020 – 2038) (Regulation 19) Wiltshire Local Plan (September 2023), however the draft plan pre-dates the recently published NPPF (December 2014). The progression of the plan-making process does benefit from certain transitional arrangements but due to the recent update to national planning policy there are significant areas that are not up-to-date as discussed further below.

In respect of the application proposals, Dauntsey is a Small Village within the Malmesbury Community Area (Core Policy 13). The following policies are relevant to the consideration of this application:

- Core Policy 1 states Small Villages are defined as settlements with a limited range of employment, services and facilities. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.
- Core Policy 2 sets a **minimum** (my emphasis as there is no ceiling) housing requirement of 42,000 homes for Wiltshire, with 24,740 of those to be provided within the north and west area where the site is located. The application site though lies on land outside the defined settlement framework where the Core Strategy says, 'Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.'

'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,' (NPPF paragraph 61). The fact that housing growth is so important and is not capped is therefore the starting point for all such assessments.

In terms of development in rural areas, and mindful that this is not an isolated site within the meaning determined by the Braintree case, the NPPF requires at paragraph 98 that planning policies and decisions recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. Taking a logical approach where the Development Plan's housing policies are out of date these considerations can reasonably be applied to the application development as the local needs are irrefutable, as the above mentioned appeal confirms.

Windfall housing such as the application proposal make an important and budgeted contribution to the housing supply position. '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)

Paragraph 125, item c states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The following item is spatially more broad ranging as it seeks to 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained'. The Council's current substantial housing supply deficit shows supply is clearly constrained and

thus great weight should be given to the site's previously developed equestrian status, as a matter of principle, negating the loss of greenfield land.

The perilous housing position in Wiltshire triggers the application of paragraph 11 and for decision making this means; For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The latest NPPF text above highlights that the decision maker is now encouraged to 'particularly' give great weight to, inter alia, support sustainable housing, and making the effective use of land. It is the case for the applicants therefore, that this is not an isolated site, so remote from services that its impacts, should be unacceptable weighed against the benefits of providing much needed housing and reducing pressures on greenfield sites.

At the same time, the site is not allocated for employment purposes but is in commercial use more by accident than design. Consequently, paragraph 128 of the NPPF is engaged, stating that:

*123. Local planning authorities should also take a positive approach to applications for **alternative uses of land which is currently developed but not allocated for a specific purpose in plans***, where this would help to meet identified development needs. In particular, they should support proposals to:*

- a) *use retail and **employment land for homes*** in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- b) *make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.*

***My emphasis**

The appeal proposals are considered to fall squarely within the above guidance which of course was published in December 2024 and post-dates the adoption of the Wiltshire Core Strategy in January 2015.

At the same time, it should be pointed out that Core Policy 35 (existing employment sites) is only relevant to land used for employment purposes within Principal Settlements, Market Towns, Local Service Centres and Principal Employment Areas. Dauntsey is a Small Village and therefore not applicable.

Planning Assessment

The NPPF recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas (paragraph 110). Occupants of the application scheme would have access to services and facilities both within the village and elsewhere by bus. They would not be wholly reliant on the private car to do so and in this rural location, involving previously developed land, this would be appropriate. Furthermore, development here may help to support existing services and facilities within the village and wider rural area, being a recognised sustainable benefit of housing per se.

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" (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.

The Council's most up to date Housing Land Supply Statement (HLSS) (Base date: April 2023-Published June 2024) details that it has 4.2 years of deliverable housing land supply. 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.

The Council has therefore published a Briefing Note (No.24-20) which set 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%. This is clearly a material change in circumstances.

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". When the revised Local Housing Need figure is considered against the Council's Housing Land Supply figures which can be delivered within five years, it results in a 2.03 years supply.

Your 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”**. This changes the weight to be given to applications for positive additions to the housing supply generally. 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.

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.

The Director of Planning clearly advises within the above 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”. This is obviously not an encouragement to support those that satisfy the Development Plan but to take a more positive approach to growth involving previously developed land and closely related to existing settlements for instance.

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 32) 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

It is considered that there would be no adverse impacts associated with the approval of the application that would significantly and demonstrably outweigh the benefits. In terms of the benefits, the proposed development would result in the provision of new dwellings that would contribute towards the substantial deficit in the Council’s five-year housing land supply, which is a significant benefit. The development would also produce short term economic 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 benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development reflecting the support for rural housing at paragraph 83 to the NPPF. 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. As a largely brownfield site the development reduces pressures on greenfield land and will also increase planting generally.

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.

In terms of the harms, the development is considered to comply with the spirit of WCS as it is accessible and not isolated, and prioritises a largely previously developed site, and is therefore in accordance with the NPPF. However, should the Council disagree and identify conflict with the plan-led approach only very limited weight should be attributed to this factor within the overall planning balance because Core Policies 1, 2 and 13 are not only out of date but the scale of the housing deficit is very substantial. 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.

The updated NPPF now advises when considering the presumption in favour of sustainable development particular regard should be had to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (paragraph 11.d.ii).

This current application is not for a ‘major’ development and the site is not ‘isolated’. In terms of the paragraphs that are relevant, in addition to those already noted, paragraph 110 outlines that the planning system should actively manage patterns of growth to ensure developments are acceptable. This paragraph is relevant but as noted above, it goes on to state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The development would result in the effective and efficient use of land in accordance with the objectives of paragraph 129 and can be designed to ensure it will function well and add to the overall quality of the area in accordance with paragraph 135.

The proposed development would contribute towards the Government’s aim of significantly boosting the supply of homes in an accessible previously developed location and it is believed that when considering the overall tilted balance, which includes having 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 the NPPF.

The contribution made by the approval of minor developments 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

There are a number of very recent decisions on applications where the Council's on-going housing land supply shortfall has been considered and the tilted balance applied, in addition to the one in Dilton Marsh itself, mentioned earlier. For instance, Permission in Principle, reference PL/2024/08878, for a single dwelling on land at No 1, Lamberts Marsh, Southwick, was granted following an earlier refusal at appeal due to the location of the site outside the defined Limits of Development for the Large Village. The Case Officer noted that "in the absence of adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole, officers in acting reasonably and mindful of the difficulties a refusal of this PIP would present, the application is recommended for approval". The need to bring the planning assessment up to date regarding the enclosed application is therefore self-evident and directly comparable to this case.

These examples (which are clearly not an exhaustive selection) demonstrate that any conflict with the Spatial Strategy of the Local Plan should be given limited weight within the overall planning/tilted balance, which certainly does not demonstrably outweigh the benefits of housing delivery, especially when considering the current national planning policy position which seeks to boost the supply of housing and the reuse of previously developed land and the substantial local shortfall in housing delivery to meet the minimum need.

Conclusions

Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 8 of paragraph 11 confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Footnote 9 sets out the key policies of the Framework which should be given particular regard.

In this case the conflict with the Development Plan must be given limited weight as the substantial need for houses and the previously developed nature of the accessible application site carries great weight in the planning balance. The Framework is also clear that local authorities should take a positive approach to alternative uses of employment land such for housing in areas of high demand.

The following documents and drawings have been enclosed with this application: -

- Application Form
- CIL Form
- Arboricultural Impact Assessment
- BNG Report
- F1738 / 001 - Existing plans, elevations and location plan - Block A.
- F1738 / 002 - Existing plans, elevations, photographs and location plan - Block B.
- F1738 / 100 - Proposed plans and elevations - Block A.
- F1738 / 101 - Proposed plans and elevations - Block B.
- F1738 / 102 - Proposed site plan, and bicycle shelter plan and elevations.

I trust the above comments address the key points arising, however if there are any questions to ensure your prompt and favourable assessment, please do not hesitate to contact me.

Yours faithfully

Daniel Drayton
Associate

Enc.