

PRE-INQUIRY STATEMENT OF CASE

Section 78 Appeal on behalf of Robert Hitchins Limited

Land South of Coate Road, Devizes, Wiltshire

Date: 17th July 2026 | Pegasus Ref: P26-O444

LPA Ref: PL/2026/O1963

Proposal

Residential development for up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive





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1. INTRODUCTION

1.1. This Statement of Case has been prepared on behalf of Robert Hitchins Limited (“the Appellant”). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990 in respect of Land South of Coate Road, Devizes (“the appeal site”).

1.2. The appeal is submitted on the grounds of non-determination following the failure of the Local Planning Authority (the “LPA”) to determine an application within the statutory time limits for a proposed development comprising:-

"Residential development for up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive."

1.3. The planning application was validated by Wiltshire Council on 27th March 2026 (LPA ref: PL/2026/01963).

1.4. The LPA made a minor amendment to the description of development to make it clear that all matters were reserved. As a result, the description of development which was consulted on reads as follows:-

"Outline planning permission: All matters reserved for the residential development for up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive".

1.5. Given that no decision notice has been issued on the planning application, it is anticipated that the LPA will take a report to its Planning Committee to request that Members consider whether or not they would have granted planning permission, had the LPA still been the determining authority.

1.6. In the event that Members conclude that they would have refused the planning application, then they will be asked to confirm what the reasons for refusal would have been. These “putative reasons for refusal” can then be used to identify the main issues that need to be debated at the Public Inquiry.

1.7. In view of the above, this Statement of Case seeks to address the main issues that the Appellant anticipates could remain in dispute between the principal parties. However, the Appellant reserves the right to add to and/or amend their case once the LPA’s position has been clarified and confirmed.



- 1.8. The Appellant will seek to engage with the LPA and other interested parties to narrow down the issues that remain in dispute through Statements of Common Ground (SoCG).

2. THE APPEAL SITE LOCATION AND DESCRIPTION

- 2.1. The appeal site is located at the north eastern edge of the market town of Devizes in Wiltshire, approximately 2km to the east of the town centre.
- 2.2. Devizes is identified as a Market Town in the adopted Wiltshire Core Strategy. Market Towns are described in the Core Strategy as having the potential for significant development that will increase the number of homes to help sustain/enhance services and facilities and promote self-containment and sustainable communities. Devizes is recognised as a significant service centre within east Wiltshire.
- 2.3. The site itself extends to 11.47 hectares and comprises two irregularly shaped fields currently in agricultural use, defined by hedgerows and some hedgerow trees. The topography of the site is predominantly flat, although the southern part of the site rises gently towards the southern boundary.
- 2.4. The site adjoins Coate Road at its northern boundary. The land to the north of Coate Road between the appeal site and Kennet and Avon Canal has planning permission for residential development. Permission was granted on appeal for a development of up to 200 dwellings, together with a local centre (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (Sui Generis). The appeal was allowed on 24th May 2023.
- 2.5. To the west is Windsor Drive and beyond that is the eastern edge of Devizes. To the east there are scattered existing residential properties along with the Devizes Brownies and Guides hut. The land beyond comprises open countryside.
- 2.6. The site also adjoins open countryside in agricultural use to the south. A Public Right of Way (Ref: DEVI66) runs along the southern boundary of the Site. A Byway (Ref: DEVI65) runs through the western part of the site connecting the PRoW DEVI66 at the south with Coate Road to the north.
- 2.7. The Site itself is not within any local or national landscape designation and it is not within the Green Belt. The site is however within the setting of the North Wessex Downs National Landscape, which lies approximately 50m to the east.
- 2.8. There are no statutory designated sites for nature conservation or ecology located within the site itself. There are four nationally designated sites within 5km of the site boundary including: the Roundway Down and Covert Site of Special Scientific Interest (SSSI) located c.1.6km northwest; King's Play Hill SSSI located c.3.3km northwest; Stert Brook Exposure SSSI c.3.6km

south; Morgan's Hill SSSI c.4.8km northeast. There is no local designated site within 2km of the site boundary.

- 2.9. In terms of heritage designations there are no heritage assets located within or adjacent to the site itself. Within 1km of the site boundary there are twelve designated heritage assets, of which one is a Grade II* Listed Building, and the remainder are Grade II Listed Building. A very small part of the Devizes Conservation Area also just falls into the search area. Several other buildings also fall within this search radius which are included on the Wiltshire Historic Environment Record (HER) and therefore are considered to merit consideration as non-designated heritage assets.
- 2.10. There are no Scheduled Monuments or World Heritage Sites in proximity to the site. The registered battlefield site of the Battle of Roundway Down 1643 is located c.1.3km north of the site.
- 2.11. The Devizes Conservation Area is located c.800m to the southwest of the site boundary.
- 2.12. The site is located entirely within Flood Zone 1 as identified on the Environment Agency Flood Map for Planning and is, therefore, considered to be at lowest risk of flooding.
- 2.13. The majority of the site is not at risk of surface water flooding; The maps show that the northern edge of the site adjacent to Coate Road is at risk of flooding from surface water now and in the future allowing for climate change. The flood risk shown is generally associated with the existing drainage ditches running alongside the road. This flood risk can be mitigated for by the development drainage system and SuDS.
- 2.14. The site is not located within an Air Quality Management Area (AQMA), the closest AQMA is Devizes Shanes Castle AQMA located c.100m northwest, which has been declared for exceedance levels of Nitrogen Dioxide.

3. THE APPEAL PROPOSALS

3.1. The planning application which is now the subject of this appeal was validated by Wiltshire Council on 27th March 2026 (LPA Ref: PL/2026/01963).

3.2. The description of development as set out in the application form reads as follows:-

“Residential development for up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive.”

3.3. The application was submitted in outline with all matters of detail reserved for subsequent determination.

3.4. The LPA made a minor amendment to the description of development to make it clear that all matters were reserved. As a result, the description of development which was consulted on reads as follows:-

“Outline planning permission: All matters reserved for the residential development for up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive”.

3.5. The main components of the appeal proposal are described below:-

Amount and Density

3.6. The proposal would deliver up to 175 dwellings with an average net density of 39dph across the site.

The Indicative Masterplan

3.7. Whilst the application was submitted in outline, an Indicative Masterplan was provided as part of the application. It demonstrates one way in which the proposed development could be laid out taking into account the constraints and opportunities of the site and its surroundings.

Building Heights

3.8. Whilst ‘scale’ is a reserved matter, it is anticipated that the residential building heights will range from 2 storeys to 3 storeys, with taller buildings located at key junctions or to terminate a key vista.

- 3.9. It is anticipated building heights would be no more than two storeys at the southern and eastern edges of the site to help assimilate the development and create an appropriate transition with the adjoining countryside beyond.

Housing Mix

- 3.10. The proposals would make provision for a range of tenures, and this would include 30% affordable housing in line with policy 43 of the Wiltshire Core Strategy (WCS). The mix of units can be agreed at detailed design stage.

Vehicular Access

- 3.11. Whilst access is a reserved matter it is anticipated that there will be two vehicular access points into the site.
- 3.12. A simple priority junction off Windsor Drive would serve the smaller western development parcel. A separate simple priority junction off Coate Road would serve the larger residential parcel.
- 3.13. The proposed vehicular access arrangements would be compatible with the access arrangements to serve Land off Coate Road and would serve the site without increasing vehicular movements across Gypsy Patch Byway.

Landscaping and Public Open Space

- 3.14. The built elements of the proposed development would be set within a framework of green infrastructure which will help green the new residential areas and also assist in creating a transition between the new development and adjoining countryside.
- 3.15. Existing hedgerows and trees would be retained and enhanced with new planting. Small sections of hedgerow and trees that would need to be removed to facilitate site access. Existing hedgerows and trees would be retained and enhanced with new planting. New areas of woodland planting are proposed in the southern and eastern parts of the site.
- 3.16. The proposals also include areas of public open space in the form of areas of play (a LEAP and a LAP), amenity green space and areas for potential surface water attenuation.

Demolition works

- 3.17. As part of the works to facilitate the proposed development, the derelict agricultural buildings in the north western part of the site are to be demolished.

Drainage

- 3.18. The proposals will incorporate Sustainable Urban Drainage (SUDs) features which will attenuate surface water run-off and provide additional biodiversity benefits. Further details are provided in the Flood Risk Assessment that supported the planning application.
- 3.19. A more detailed description of the development and justification for the design concept that has been followed is set out in the Design and Access Statement, which was submitted as part of the original planning application.

4. PLANNING HISTORY

- 4.1. The planning history that is of most relevance to this appeal will be set out in the draft Statement of Common Ground (SoCG).

5. PLANNING POLICY

- 5.1. The planning policies and guidance that are of most relevance to this appeal are set out in the draft SoCG.
- 5.2. It is anticipated that the main planning policy issues will be agreed with the LPA prior to the opening of the Public Inquiry, once the putative reasons for refusal are known.

National Policy and Guidance

- 5.3. The Appellant will refer to the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 5.4. Reference will also be made to the draft NPPF (2025), where relevant.

The Development Plan

- 5.5. The Appellant will explain that the Development Plan for the area currently comprises the following:
- The Wiltshire Core Strategy (WCS), Adopted January 2015.
 - The Wiltshire Housing Site Allocations Plan (WHSAP), Adopted February 2020.
 - Devizes Area Neighbourhood Plan, made in December 2015
 - Saved policies of the Kennet Local Plan, adopted April 2004

The Emerging Local Plan

- 5.6. The emerging Wiltshire Local Plan was submitted for examination on 28th November 2024. However, the Inspectors recommended that the plan would be unlikely to be found sound and recommended its withdrawal.
- 5.7. Following a Full Council meeting on 19th May 2026, it was agreed to withdraw the plan. As such, its draft policies should no longer be attributed weight.
- 5.8. The Council have now given notice of their intention to commence Local Plan preparation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2026, albeit this is clearly at the very early stages of the plan making process.
- 5.9. The latest timetable aims to adopt a new Local Plan in April 2029.

Supplementary Planning Guidance

- 5.10. Where relevant, reference will be made to supplementary planning guidance, documents and advice.

6. APPEAL PROCEDURE AND PRESENTATION OF EVIDENCE

- 6.1. The Appellant considers that a **Public Inquiry** would be the most appropriate appeal procedure in this case.
- 6.2. It is hoped that the issues in dispute can be narrowed down in Statements of Common Ground (SoCG). However, given the nature of the development proposals, there could be a number of issues that remain in dispute.
- 6.3. The site has a complex planning history with two Secretary of State decisions in 2014 (later quashed) and (redetermined) in 2016. There is also the appeal decision relating to the land to the north in 2023. It will be necessary to understand the different planning policy contexts within which all those decisions were made.
- 6.4. The planning policy position has also become more complicated. The emerging Local Plan has recently been withdrawn and the housing policies of the adopted Core Strategy which do not plan for current needs are now time expired (as of 2026). The weight to be given to the policies in the development plan and the implications and significance of the persistent shortfall in housing land supply for Wiltshire the will require detailed scrutiny.
- 6.5. Ecology and BNG related issues remain unresolved and this will require the presentation of detailed technical evidence, examination of relevant guidance and the testing of professional judgements.
- 6.6. Officers also object on detailed design grounds despite this being an outline application and so the inquiry will need to consider whether or not these issues need to be addressed now or whether they can be dealt with at the reserved matters stage.
- 6.7. With regards to the disputed financial contributions, the Appellant has contested requests for financial contributions at other inquiries. This often becomes highly technical and requires consideration of case law. This normally requires cross examination.
- 6.8. The Appellant is also seeking a cascade mechanism as part of the planning obligations on affordable housing to assist with the delivery of the site in the event that there is no interest from Registered Providers. It remains unclear whether the LPA will agree to this.
- 6.9. Overall, it is considered that the issues can only be properly tested through formal questioning of Expert Witnesses by an Advocate, which would not be permissible under the Informal Hearing procedure. It is also anticipated that there will be a need to make legal submissions which again are best dealt with through the Inquiry procedure.

- 6.10. The scale of the development is a further reason for requesting a public inquiry.
- 6.11. As this is an appeal against non-determination, the exact putative reasons for refusal are unknown and the Appellant therefore reserves the right to add to and/ or amend their case on the LPA's position has been clarified and confirmed.
- 6.12. It is highly likely that this appeal will take more than 2 days to be heard (which exceeds normal practice for an informal Hearing).
- 6.13. The Appellant considers that up to 6 days would be required, depending upon the extent to which matters can be agreed between parties before the inquiry is heard.

7. PROOFS OF EVIDENCE

7.1. On the basis that the Planning Inspectorate agrees to the appeal being dealt with under the Public Inquiry procedure, the Appellant will prepare written evidence in advance of the inquiry.

7.2. The evidence will also consider any other valid reasons raised by Third Party Objectors or by statutory consultees.

7.3. At this stage it is anticipated that evidence will be presented as follows:

Housing Need and Supply – if required

- Neil Tiley

Ecology

- TBC

Disputed Financial Contributions

- Neil Tiley

Design, Planning Policy and the Planning Balance

- David Hutchison

7.4. The Appellant reserves the right to substitute witnesses or introduce additional witnesses as necessary to address any other issues that may be raised by the LPA and/ or any other Third Parties.

8. CASE FOR THE APPELLANT

- 8.1. A draft Statement of Common Ground (SoCG) has been submitted as part of the appeal to help narrow down the issues that are likely to remain in dispute.
- 8.2. It is anticipated that the final SoCG will record that the Appellant and the LPA agree on a variety of issues, but there will be issues that remain in dispute.

The Main Issues

- 8.3. The Appellant anticipates that the main issues for the inquiry will be as follows:-

Issue 1: Housing Need and Supply

Issue 2: The principle of residential development outside the settlement boundary for Devizes

Issue 3: Ecology

Issue 4: Design

Issue 5: Disputed Financial Contributions – Early Years and NHS

Issue 6: The Planning Balance

Issue 1 – Housing Need and Supply

- 8.4. The Appellant will explain that a very significant number of planning applications have been granted in Wiltshire in recent years, contrary to the adopted Development Plan, including at appeal, owing to the fact that the policies of the Development Plan have proven to be insufficient or ineffective at addressing housing needs.
- 8.5. Notwithstanding the fact that supply has been supplemented by such sites, the Appellant will demonstrate that there remains a pressing need for open market and affordable housing, and that it will be necessary to allow developments that do not comply with the policies of the adopted Development Plan in order to meet housing need by reference to the fact that:
- In their most recently published Housing Land Supply Statement (June 2026), the Council stated that they were only able to demonstrate a supply of 2.8 years (at best).

- The WCS only planned for the period up to 2026 and so it is now time expired insofar as its policies for the supply of housing are concerned.
- Following the withdrawal of the emerging Wiltshire Local Plan, there is no plan led solution in place (or forthcoming any time soon) to address the housing shortfall.
- There has and will continue to be significant under-delivery of affordable housing to meet needs.

- 8.6. The Appellant will demonstrate that if the policies of the adopted Development Plan are rigidly adhered to then not only will current housing needs continue to go unmet, but this will have significant adverse implications on the number of dwelling completions in years to come.
- 8.7. It is considered likely that many of the preceding contextual matters will be agreed between the parties, but that it may remain necessary for the Appellant to present evidence on housing need and supply to fully explain the consequences of there being a significant and persistent housing land supply shortfall for Wiltshire that shows no sign of being addressed in the immediate future in a plan led way.
- 8.8. This will inform judgements about the weight to be afforded to the benefits of additional market and affordable housing as well as the weight to be afforded to out-of-date Development Plan policies.

Issue 2 – The principle of residential development outside the settlement boundary for Devizes

- 8.9. Devizes is identified as a Market Town in the adopted WCS. Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.
- 8.10. Market Towns have the potential for significant development that will increase the number of jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.
- 8.11. It will be explained that the proposals would be in general accordance with the spatial strategy that has been set for Wiltshire and the Market Town of Devizes in Core Policies 1, 2 and 12 of the WCS. This is insofar as development would be provided in a sustainable and accessible location immediately adjacent to the town.

- 8.12. It will be recognised and accepted that the appeal site is not allocated for development and that it lies beyond the settlement boundary. As such it would not accord with the terms of WCS Core Policy 2, which restricts open market housing beyond settlement boundaries.
- 8.13. However, it will be explained that this policy is out of date (along with all of the other most important policies) due to the housing land supply position and the housing policies of the plan being time expired. If the policies of the WCS continue to be rigidly applied, it will continue to frustrate the national planning policy imperative to boost significantly the supply of housing. It is therefore a policy conflict that ought to be afforded much reduced weight.
- 8.14. Policy H1 of the made Devizes Neighbourhood Plan is a similarly restrictive policy which seeks to preclude housing beyond the Settlement Framework Boundary. It is one of the most important policies for this appeal, but it is also out of date and ought to be afforded reduced weight for the same reasons as Core Policy 2.
- 8.15. The Appellant will highlight that the Neighbourhood Plan is over ten years old and accordingly it does not benefit from the additional protections set down in NPPF paragraph 14.
- 8.16. Reference will be made to a number of appeal decisions where the Secretary of State and Inspectors have considered it necessary to afford reduced weight to the housing policies of the WCS in order to boost the supply of much needed housing in accordance with the national policy imperative.
- 8.17. It will be explained that the site itself is well related to the built-up area of Devizes. It is in a sustainable and accessible location and that there are no other policies or constraints (eg. landscape, ecology, heritage, traffic and transport or flood risk) that would suggest that the site should not come forward for development.
- 8.18. Reference will be made to the appeal decision relating to the land to the north (LPA ref: PL/2021/04774) which is currently being developed for 200 homes and a local centre. Many of the conclusions in that decision can be carried across to this site.
- 8.19. In circumstances where the LPA is still unable to meet its housing needs in a plan-led way, it will be concluded that the principle of residential development is acceptable in this location having regard to national policy and the most important Development Plan policies.
- 8.20. The proposals can be delivered without major new infrastructure and can be delivered quickly to help address the housing land supply shortfall.

Issue 3 – Ecology

- 8.21. The LPA's Ecology Officer objected to the application.
- 8.22. Further information has been sought in respect of emergence surveys for bats, as well as survey results for badgers and nesting birds. In addition, further clarification has been sought in relation to Biodiversity Net Gain and a request was made for an Ecological Parameter Plan.
- 8.23. The Appellant has submitted additional information to the LPA on a number of matters (including an Ecological Parameter Plan) but it is not known whether that information will be accepted. On some issues the Appellant disagrees with the approach of the LPA Ecology Officer and so these points could remain in dispute and will need to be tested at appeal.
- 8.24. The Appellant will continue to engage with the LPA to reach common ground on matters as far as they are able to do so. In the event that the concerns of the Council have not been resolved, the Appellant will present evidence to address any residual concerns.
- 8.25. The evidence will show that the decision maker has sufficient information pertaining to the ecology issues and the appeal proposals will not result in any unacceptable impacts on protected species or their habitats.
- 8.26. The Appellant will also explain that the proposals are capable of achieving at least 10% biodiversity net gain despite the concerns raised by the LPA's Ecology Officer.

Issue 4 Design

- 8.27. The LPA's Urban Design Officer objected to the application. Various concerns were raised with regards to the Indicative Masterplan including matters relating to access.
- 8.28. However, it will be explained that this application has been submitted in outline with all matters reserved for future consideration. The Indicative Masterplan is submitted for illustrative purposes only, and to show one way in which the site could be laid out. The Appellant is not seeking approval for the "layout" of the scheme as part of the appeal.
- 8.29. The Appellant has responded to the Urban Design Officer objections to further explain the design approach that has been taken. This will be expanded upon in evidence to demonstrate how the site can deliver a high quality and well-designed scheme at the detailed design stage.
- 8.30. With regards to the principles relating to access, these have been discussed and agreed with the Local Highways Authority in full knowledge of the technical constraints that exist.

- 8.31. Whilst the Appellant recognises the importance design it will be shown that there is nothing at the outline stage that would prevent this being achieved. It will be explained that any residual concerns about design should be capable of being agreed through subsequent reserved matter applications.

Issue 5 – Disputed Financial Contributions – Early Years and NHS

- 8.32. During the course of the application financial contributions have been sought for (amongst other things) early years education and NHS Healthcare. The Appellant disputes these particular requests.

Early Years

- 8.33. The Appellant will explain that the Council has sought a financial contribution of £350,440 towards the development of Early Years provision in the area.
- 8.34. The Appellant has sought further justification from the LPA on the level of contributions being sought but a response is still awaited.
- 8.35. It will be explained in evidence that the original request assumed that existing providers have no capacity to accommodate any of the demand arising. However, no evidence is provided to demonstrate that existing providers cannot accommodate at least some of the demand arising.
- 8.36. The Appellant will explain that the available information suggests that at least some of the demand arising from the proposed development will be able to be accommodated in existing providers, and that as such the full contribution sought by the Council is not necessary to make the development acceptable in planning terms or fairly or reasonably related in scale.
- 8.37. The Appellant will also explain that the Council appears to be using out of date pupil yields based on a 2016 SPD. Instead, it should be using the DfE's Pupil Yield Dashboard. An adjustment should also be made, because since the Pupil Yield Dashboard was prepared, free childcare provision has been extended.
- 8.38. This means that even if there is no spare capacity to accommodate the development, the requested contribution is still more than necessary to make the development acceptable in planning terms and not fairly or reasonably related in scale.

NHS Healthcare

- 8.39. A financial contribution of £92,783 has been sought by the NHS Foundation Trust. The Appellant has disputed the requested contribution but awaits a response from the LPA/NHS.

- 8.40. If the issue remains unresolved, the Appellant will present evidence to show that no contribution towards secondary healthcare infrastructure can be lawfully secured. Reference will be made to the Harborough Judgment and the findings of the s78 appeal decision at Leek Wootton.
- 8.41. If there is a demonstrable funding gap the Appellant will continue to question why this cannot be addressed by other funding streams given the statutory duty for the NHS to provide such funding.
- 8.42. Even in the event that there is a demonstrable funding gap, the Appellant will explain that the contribution has been mis calculated in any event and it should be reduced to £32,065.29.
- 8.43. A further request has been sought from NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board for £441,779, just before the appeal submission and the Appellant intends to dispute this contribution as well.

Summary

- 8.44. Given that no response has yet been provided in relation to either the early years or NHS contributions, it will be necessary for the Appellant to present detailed evidence on these matters and for this to be tested as part of the Inquiry process.
- 8.45. During the course of the application financial contributions have been sought for (amongst other things) early years education and NHS Healthcare. The Appellant disputes these particular requests.

Issue 6 – The Planning Balance

- 8.46. The Appellant will acknowledge and accept that planning law and guidance requires that planning applications and appeals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.47. It is accepted that the site is located outside of the settlement boundary for Devizes and that it is not allocated for housing. It would therefore conflict with WCS Core Policy 2 and DNP Policy H1 in that regard.
- 8.48. However, the LPA cannot demonstrate a 5YRHLS and the most important policies are therefore out of date for the purposes of NPPF Paragraph 11. Any conflict with these policies ought to be afforded reduced weight to avoid frustrating the policy imperative to significantly boost the supply of housing.

- 8.49. Furthermore, it will be explained that following the withdrawal of the Wiltshire Local Plan, there is no imminent plan led mechanism in place to restore a 5YHLS and so it is left to the Development Management process to intervene.
- 8.50. It will be explained that the presumption in favour of sustainable development is engaged and there are no footnote 7 policies that provide a strong reason for refusal, or which indicate that the “tilted balance” should be dis-applied.
- 8.51. The Appellant will demonstrate that the proposals would be in general accordance with the spatial strategy which seeks to direct housing to the most sustainable locations. The Appellant will also identify the benefits of the proposed development and will attribute weight to each of these for the purposes of the overall planning balance.
- 8.52. The Appellant will then show that any adverse impacts of granting permission would not 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.
- 8.53. Having considered each of the main issues in turn, the Appellant will conclude that the proposals represent sustainable development, and that outline planning permission should be granted subject to the imposition of any necessary conditions and planning obligations.

9. DOCUMENTATION

- 9.1. A set of Core Documents will be agreed with the LPA in advance of the Public Inquiry.
- 9.2. In addition to the application documents, planning history and consultation responses, it is anticipated that the following will be referred to:

National Documents

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Local Documents

- The Wiltshire Core Strategy (WCS), Adopted January 2015.
- The Wiltshire Housing Site Allocations Plan (WHSAP), Adopted February 2020.
- Devizes Area Neighbourhood Plan, July 2015
- Wiltshire Local Development Scheme.
- WCS Evidence Base.
- Wiltshire Housing Land Supply Statements.
- WHSAP Evidence Base.
- Evidence Base from the now withdrawn Wiltshire Local Plan

Relevant Appeal Decisions and Legal Cases

- Various Appeal Decisions including Land off Coate Road, Devizes (APP/Y3940/W/22/3312268), Land at Warwickshire Police Headquarters, Leek Wootton (APP/T3725/W/23/3319752) and Land off Coate Road and Windsor Drive, Devizes, Wiltshire (ref. APP/Y3940/A/13/2206963).
- Various Legal Judgements including *R (on the application of the University Hospitals of Leicester NHS Trust & Harborough District Council [2023] EWHC 263 (Admin)*.



- 9.3. The Appellant reserves the right to refer to additional documents to those outlined above in preparation of this case and in support of the proposals.

10. PLANNING CONDITIONS AND OBLIGATIONS

Planning Conditions

- 10.1. An agreed set of conditions will be provided to the Inspector before the start of the Public Inquiry.

Planning Obligations

- 10.2. The Appellant will also present deeds pursuant to Section 106 of the Town and Country Planning Act which will secure any planning obligations that are deemed necessary to make the development proposals acceptable.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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