



Planning Statement of Case Summary

Appeal under s.78 of The Town and Country
Planning Act, 1990.

**LITTLE ORCHARD, LOWER KINGSDOWN ROAD,
KINGSDOWN, CORSHAM, WILTSHIRE, SN13 8BD**

On behalf of
Mr and Mrs de Witte

SPL0014
Appeal Statement
1.0
29 July 2026

REPORT

Quality Management

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1 INTRODUCTION

- 1.1 This document contains a summary of the Appellants Planning Appeal Statement of Case.
- 1.2 The appeal is submitted on behalf of Mr Willem De Witte, “The Appellant”, in respect of land at Little Orchard Lower Kingsdown Road Corsham Wiltshire SN13 8BD, (the “appeal site”).
- 1.3 The appeal is made against the refusal of planning permission by Wiltshire Council on 2 July 2026. A copy of the refusal notice is attached to this statement at [Appendix 1](#) (to main Statement of Case).
- 1.4 The reasons for refusal are:
1. *The proposed development, by reason of its location would be contrary to the settlement, delivery and community area strategies and residential development in the open countryside policy and is unacceptable in principle. The proposal fails to accord with Core Policy 1, 2 and 11 of the adopted Wiltshire Core Strategy (Jan 2015), and Saved Policy H4 of the North Wiltshire Local Plan 2011;*
 2. *The proposed new dwelling is inappropriate development within the Green Belt which is, by definition, harmful. The new dwelling does not comply with any of the exceptions within paragraph 154 to the National Planning Policy Framework. The application fails to demonstrate that there are any material considerations or very special circumstances that exist to outweigh this harm and overcome the presumption against such development. The proposal is contrary to Section 13, Paragraphs 142, 143, 152, 153, and 154 of the National Planning Policy Framework.*
- 1.5 This appeal is made under the provisions of Section 78 of the Town and Country Planning Act 1990 (as amended).
- 1.6 On 2 February 2026, the planning authority also served an enforcement notice. The notice was due to take effect on 2 August 2026 unless appealed beforehand and

allowed a period of 12 months from the date it took effect for compliance. The Enforcement Notice required the following steps to be undertaken:

1) Demolish the dwellinghouse in full and restore the levels of the Land to those shown in the attached plan entitled "Levels Survey Plan".

2) Remove all resulting materials arising from Step 1) from the Land.

- 1.7 In summary, the Appellant believes planning permission should be granted for the development, and that case is set out in both this Planning Statement of Case and in the Enforcement Notice appeal Statement of Case. The Appellant respectfully requests that the section 78 planning appeal and section 174 enforcement appeal be conjoined and determined by the same Inspector. Both appeals concern the same building, planning history, drawings, technical evidence and overlapping questions concerning the implementation of permission 18/10970/FUL.
- 1.8 In the event that the Secretary of State disagrees with the Appellants planning case, and dismisses the appeal, then the Appellant considers that there are alternative options to remedy the breach available to the Inspector as opposed to the punitive requirement to demolish the existing dwelling and remove the resultant materials.

2 SUMMARY

- 2.1 The Appellant accepts there are matters associated with the replacement dwelling that need to be regularised. Despite multiple attempts to resolve the unauthorised works, and the positive engagement they had with the planning authority, not only was permission refused again, but the authority now required the dwelling to be demolished, and presumably, not replaced.
- 2.2 In the Appellants experience the action by the planning authority seems unnecessarily harsh and punitive given the individual circumstances and merits of this case.
- 2.3 Weighing against the Appellant are the following unauthorised works:
1. The use of the basement foundation works for residential accommodation, designed for the needs of a disabled person;
 2. The insertion of windows and doors to this area;
 3. The absence of the re-instatement of earthworks which were originally shown to cover the basement floor up to about ground level of the main dwelling; and
 4. The small increase in width of the overall dwelling by approximately 650mm and a slight increase in depth of the porch (see Appendix 6)
- 2.4 In the Appellants opinion, matters weighing in favour of allowing the appeal are:
1. It has been demonstrated that the works below ground level were necessary in order to implement the replacement dwelling. They were accepted as implied by the planning authority and the only technical design solution appropriate for this site (see [Appendix 10](#) and [11](#) to main Statement of Case). These works therefore were not undertaken at a whim but were driven by engineering necessity; that should not count against the Appellant;
 2. In the Appellants opinion, this is not a new dwelling; it is still a replacement dwelling, and one that has been implemented. It remains extant;

3. There are very special circumstances in the form of the need of the Appellant to provide suitable accommodation to support and care for their disabled daughter. That need is supported by the Appellants daughter's GP ([Appendix 13](#) to main Statement of Case);

2.5 In addition, even if the Inspector is not persuaded by the Appellants assertion that the permission for the replacement dwelling has been implemented (but with some matters that still need to be regularised), the Appellant still considers that there is sufficient planning justification to approve a dwelling in this location, and as a new dwelling. If allowed, it will not create an undesirable precedent that would undermine the policies on which the authority would normally rely to control the location of development. The circumstances of this case are sufficiently unique, highly unlikely to be repeated elsewhere, and as such will avoid any undesirable precedent being set. A new dwelling in this location should be approved on its merits and based on other material considerations in its favour including:

1. It is not inappropriate development in the Green Belt, and constitutes acceptable infilling;
2. Will not give rise to harm to the National Landscape as, in all material ways, it remains within the footprint approved for the replacement dwelling, which was accepted by the planning authority. It is also remote from surrounding public vantage points reducing its impact within the wider landscape;
3. There is a severe housing supply shortage in Wiltshire Council which the retention of the replacement dwelling will avoid making that position worse – there remains an unmet housing need;
4. It can be classified as previously developed land and grey belt, where development can be accepted.

2.6 The appellant sees no substantive conflict with the local plan policies listed in reason for refusal 1.

2.7 The policies of the Core Strategy are not applicable as they relate to new development, which the Appellant say the current house is not. It is a replacement dwelling. The policies referred to are strategic in nature and relate to spatial,

settlement and delivery strategies. The appellant considers they are substantially in accordance with saved policy H4, and to the extent there is any conflict in terms of the additional purpose designed disabled accommodation, and other changes, these are outweighed by the special circumstances surrounding the need to provide disabled accommodation for the Appellants disabled daughter.

2.8 The Appellant sees no conflict with the NPPF and, in particular, no conflict with Green Belt. Reason for refusal 2 is therefore not justified either.

2.9 There are also other considerations why development should be allowed as shown on the submitted plans and these include:

- a. The appeal site has a lawful residential use and has had a permanent residential building on the site for more than 50 years. At no point has this site been without a residential dwelling – the buildings and use persist and have not been abandoned. The Appellant has implemented its permission for a replacement dwelling;
- b. The site and building forms part of a well-established linear form of development, surrounded by other residential properties – retention of the replacement dwelling would not conflict with this settlement pattern;
- c. The current dwelling is no more or less sustainable in terms of its location, then the former dwelling it replaced;
- d. The below ground structure is necessary in engineering terms and almost by chance was available to be converted to provide the purpose-built disabled accommodation necessary for the Appellants daughter, which amounts to very special circumstances;
- e. It is not sustainable to demolish an existing dwelling, when there is no strong reason to reject the application. Demolishing and not replacing the dwelling is unnecessarily punitive and a waste of a valuable resource. It causes no harm to interests of acknowledged importance and supports to the health and well-being of the Appellants and their disabled daughter.

2.10 Therefore, the development should be granted planning permission 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". (Para 11, d) ii), Framework) No other policies work against the Appellants development.

- 2.11 Notwithstanding, in the event that the Inspector is not persuaded by the planning case in support of the dwelling, then it is the Appellant's view that a satisfactory remedy to the unauthorised development is capable of being achieved by means of an alternative approach, one which would still address the key concerns of the planning authority. This alternative approach is only offered on the basis that its' planning appeal, running concurrently alongside the enforcement appeal, fails, so triggering the need to adopt a more extreme solution to remedy the unauthorised works. These alternatives are contained in [Appendix 2](#) and [3](#) (to main Statement of Case) and in essence re-instate the replacement dwelling as approved.
- 2.12 For all of the reasons set out in this statement, the Appellant respectfully requests that the Inspector allows their appeal which will enable him and his family to retain their family home.

