



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

STATEMENT OF CASE

Appeal Reference: 6012410

LPA Reference: PL/2026/02084

Site Address: 554 Canal Bridge, Semington, Trowbridge, BA14 6JT

Appellant: Mr K Lockwood

Development Description: Proposed erection of 1no. high-quality, sustainable, single storey dwelling including car port, home office; new planting and biodiversity enhancement measures.

Procedure: Written Representations

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Date: 10 August 2026

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1.0 Introduction

- 1.1 This Statement of Case is submitted on behalf of the Local Planning Authority in response to the appeal lodged by Mr K Lockwood against the decision of the Council to refuse planning permission for the *Proposed erection of 1no. high-quality, sustainable, single storey dwelling including car port, home office; new planting and biodiversity enhancement measures* at 554 Canal Bridge, Semington, Trowbridge, BA14 6JT.
- 1.2 The purpose of this statement is to set out the Council's case and explain the reasons why planning permission was refused. The decision was issued on 3rd July 2026 following consideration of all relevant material planning matters. The refusal was based on the following reasons:

1 The proposed development, due to its location outside the defined settlement boundaries of Semington and Berryfield within the open countryside, represents an unsustainable form of development that is contrary to the spatial strategy set out in Core Policies 1, 2 and 15 of the Wiltshire Core Strategy.

The proposal would result in the unjustified encroachment of residential development into the countryside and would fail to support a sustainable pattern of growth. The site is poorly related to services and facilities and future occupiers would be likely to rely predominantly on the private motor vehicle, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and the aims of the National Planning Policy Framework.

Furthermore, the proposal would erode the physical and visual separation between Berryfield and Semington, contrary to Policy 19 of the Joint Melksham Neighbourhood Plan, which seeks to maintain the separation between those settlements. The proposal would also fail to conserve the openness of the countryside and maintain the transition between settlement edge and countryside, contrary to Policy 18 of the Joint Melksham Neighbourhood Plan.

When assessed against paragraph 11(d) of the National Planning Policy Framework, the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits.

2 The proposed development would introduce built form, domestic curtilage and associated paraphernalia into an undeveloped parcel of agricultural land that contributes to the open and rural character of the area. The development would result in the urbanisation of the site and would harm the character and appearance of the countryside, which is characterised by open fields and limited built form.

As such, the proposal is contrary to Core Policy 51 of the Wiltshire Core Strategy, Policy 18 of the Joint Melksham Neighbourhood Plan 2 and the aims of the National Planning Policy Framework, which seek to recognise and protect the intrinsic character and beauty of the countryside.

- 1.3 This statement has been prepared in accordance with the Planning Inspectorate's Procedural Guide for Planning Appeals and complies with the requirements of the Town and Country Planning Act 1990 (as amended) and associated regulations. It provides a clear and robust justification for the Council's position, referencing relevant planning policy, guidance, and material considerations.
- 1.4 In accordance with the requirements of the Planning Inspectorate guidance on the use of artificial intelligence in casework evidence, it is confirmed that this document was prepared with assistance from Microsoft Copilot. Copilot was used for proofreading purposes and to avoid unnecessary repetition. All suggested amendments by Copilot were reviewed and verified by the author to ensure that the content is accurate and fully reflects the Council's intended position and professional assessment.

2.0 Site Description

- 2.1 The LPA is not aware of any material changes to the site since the application was determined. Accordingly, the site description set out in the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

3.0 Planning History

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

4.0 The Proposal

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

5.0 Relevant Planning Policy and Guidance

- 5.1 There have been no changes to the relevant national or local planning policies, nor to associated guidance, since the application was determined. All applicable policies and guidance are set out in the original Officer Report, which has already been provided to the Planning Inspectorate.

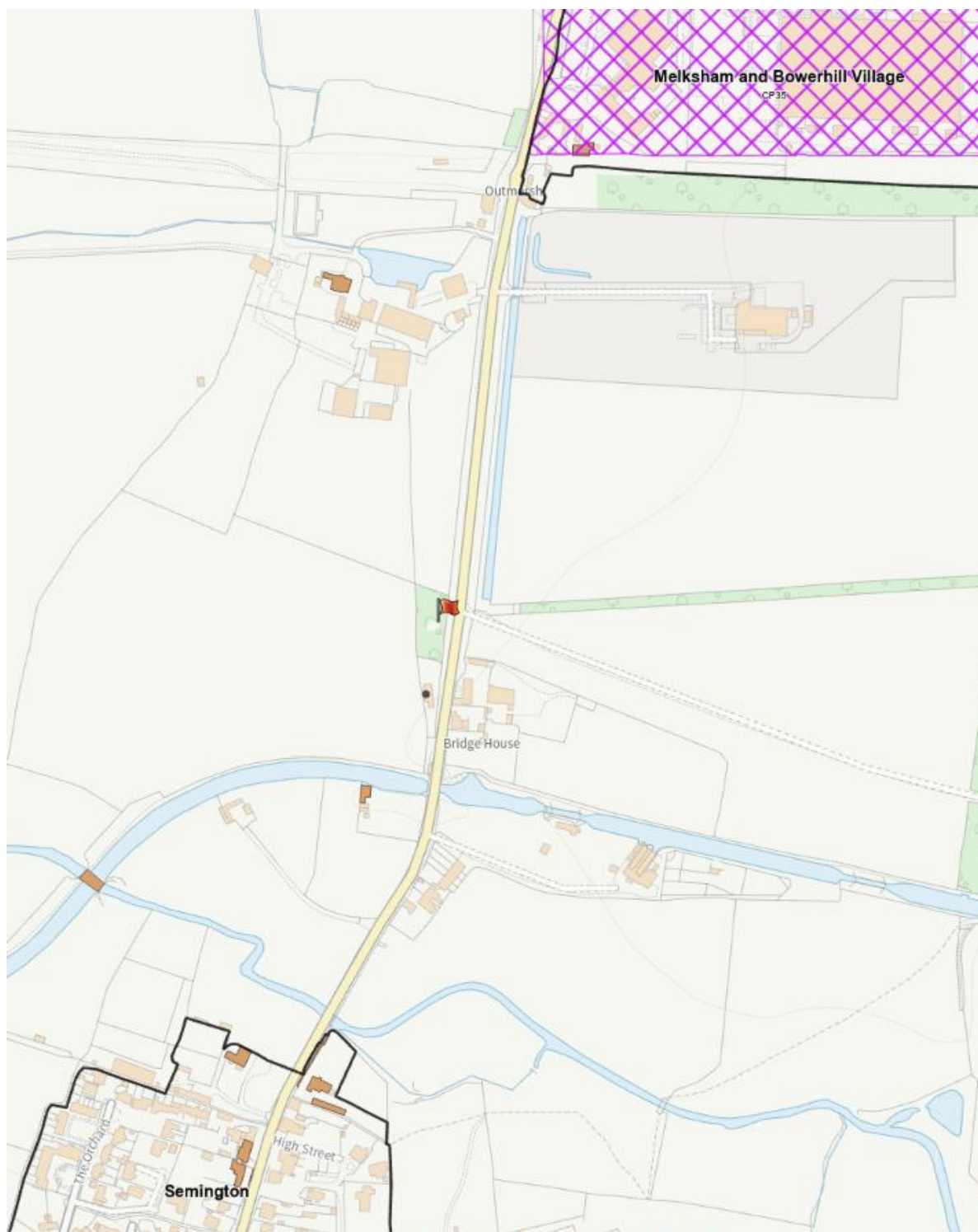
6.0 The Council's Case

- 6.1 The Council relies entirely on the evidence and assessment contained within the original Officer Report, which has already been provided to the Planning Inspectorate. No additional points or further evidence are submitted. Accordingly, the Officer Report forms the Council's full case for the purposes of this appeal.

7.0 Comments on Appellants Statement of Case

- 7.1 Below is the Council's assessment of the Appellant's Statement of Case. Commentary is provided where necessary to address points of disagreement that go beyond what has already been set out in the original Officer Report already sent.
- 7.2 The appellant confirms at point 2.2 of their statement that the tilted balance is "explicitly engaged" due to the significant shortfall in housing supply. The Council does not dispute that it is currently unable to demonstrate a five-year supply of deliverable housing land and accepts that paragraph 11(d) of the Framework is engaged. This position was fully recognised in the officer report. The issue in dispute is therefore not whether the tilted balance applies, but whether the adverse impacts identified by the Council significantly and demonstrably outweigh the benefits of the proposal.

- 7.3 Paragraph 2.3 of the statement suggests “the rigid application of settlement boundaries to block a high-quality, single storey, self-build dwelling misjudges the planning balance given the severe housing shortfall”. The Council acknowledges that the proposal would deliver one additional self-build dwelling and that this attracts positive weight in the context of the housing land supply shortfall. However, the contribution of one dwelling is necessarily limited in scale and was appropriately weighed as a modest benefit in the officer report.
- 7.4 The Appellant’s Statement of Case next turns to the site’s location. Whilst acknowledging it is outside of the defined settlement boundaries of Semington and Berryfield the appellant considers the site is “geographically and physically non-isolated.” The Council does not contend that the site is isolated in the strictest sense. The issue is that the site lies outside the defined settlement boundaries of both Semington and Berryfield and occupies largely open land that contributes to the separation between those settlements. The following image is an extract from the Wiltshire Core Strategy, with the limits of the settlement boundaries of Bowerhill and Semington indicated by the heavy black lines to the north and south of the site (indicated by a red flag) respectively:



- 7.5 The appellant contends that the site is an organic pocket of development and effectively rounds off the village edge. The Council does not accept the appellant's characterisation of the site as logical rounding off. The fact that a site is near existing built form does not automatically make it "rounding off", especially where the site performs a separate policy function as open land between settlements.

- 7.6 The application site is an undeveloped field parcel outside the defined settlement boundaries of both Semington and Berryfield. It forms part of the open countryside between the two settlements and contributes to their physical and visual separation. Even if the proposal is small in scale, the harm arises from the introduction of residential development, domestic curtilage and associated paraphernalia into land which currently contributes to the settlement gap. The issue is not simply one of visual prominence, but of the role and function of the site within the countryside gap. This is precisely the type of land to which Policy 19 of the Joint Melksham Neighbourhood Plan 2 is directed.
- 7.7 The appellant's statement places considerable emphasis on the limited visual impact of the dwelling. The Officer report acknowledges this. However, Policy 19 is concerned less with visual impact and more with maintaining the separation between named settlements. The Council's case is that the appeal site makes a contribution to that separation by virtue of its undeveloped, open character and location between Berryfield and Semington. The proposal would reduce that contribution by introducing a residential use and domestic character into the gap.
- 7.8 Policy 18 is also relevant because it requires development to respond sensitively to settlement edges and the transition between settlement and countryside, and to conserve or enhance the openness and character of the open countryside. The proposal would fail to do so because it would change the character of the site from undeveloped agricultural/paddock land to residential curtilage. In the context of Policy 18 it should be noted that the Council's refusal is not based on poor architectural design. The officer report expressly acknowledged that the dwelling is single-storey, that the design approach is well considered, and that the proposal would not, in isolation, justify refusal on design grounds. However, the Council's concern is the change in land use and character arising from the introduction of residential development into an undeveloped countryside parcel.
- 7.9 The appellant's reliance on screening and low-profile design does not overcome the fundamental landscape harm identified. The development would still introduce built form, domestic curtilage, access arrangements, parking, garden areas and associated residential activity into a parcel of land currently forming part of the open rural landscape.
- 7.10 The appellant lists a number of nearby facilities bus routes and cycle routes. The Council acknowledges that some facilities and cycle routes exist within the wider area. However, the site remains outside the defined settlement boundaries and is not located within the planned settlement framework for new housing. Accessibility to individual facilities does not, of itself, override conflict with the spatial strategy or the specific settlement separation policies of the made neighbourhood plan. The provision of a

home office, cycle access and electric vehicle charging are noted, but these are site-specific features and do not change the locational characteristics of the site.

8.0 Planning Balance

- 8.1 The Council relies largely on the planning balance assessment set out in the original Officer Report, which has already been provided to the Planning Inspectorate. Since determination, no material change has occurred which alters that assessment. The Council notes that the ecological concerns relating to great crested newts were addressed through submission of a District Level Licensing Impact Assessment and Conservation Payment Certificate, and that matters relating to drainage, highway safety and biodiversity enhancement are capable of being addressed through appropriately worded planning conditions. These matters do not form reasons for refusal and do not alter the Council's conclusion that the adverse impacts of the proposal significantly and demonstrably outweigh the benefit of single dwelling.

9.0 Summary and Conclusions

- 9.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for decision-making is the development plan. The Council has assessed the appeal proposal against the adopted development plan and all other material considerations.
- 9.2 The Council's case is not that the proposed dwelling is poorly designed, nor that the site is wholly inaccessible, nor that technical matters such as ecology, drainage or highway safety could not be addressed. Indeed, those matters are capable of resolution through planning conditions and do not form part of the reasons for refusal. Rather, the Council's case is that the appeal site is an undeveloped parcel of countryside outside the settlement boundaries of both Semington and Berryfield, located within land which contributes to the physical and visual separation between

those settlements. The proposal would introduce residential built form, domestic curtilage and associated activity into that land, thereby reducing its contribution to settlement separation and harming the open rural character of the area. The proposal is therefore contrary to the spatial strategy of the Wiltshire Core Strategy and to Policies 18 and 19 of the Joint Melksham Neighbourhood Plan 2. Those harms significantly and demonstrably outweigh the benefits of one additional dwelling.

- 9.3 For these reasons, the Council concludes that the appeal scheme does not accord with the development plan and does not benefit from the presumption in favour of sustainable development set out in the NPPF. Accordingly, the Council respectfully requests that the appeal be dismissed.

10.0 Appendix 1: Suggested planning conditions

- 10.1 Without prejudice, should the Inspector be minded to allow the appeal, the Council requests that the following conditions be imposed to ensure the development is acceptable in planning terms and in accordance with paragraph 57 of the NPPF and relevant PPG advice on the use of planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site plan 4515 - al-1-02C received 13 May 2026
- 4515 - Design and Access Statement - 2026-05-08 received 8 May 2026
- Existing and Proposed Site Block Plan - Showing SuDs 4515 - al-1-02 received 22 Apr 2026
- Surface Water Drainage Strategy received 22 Apr 2026
- SuDs validation checklist received 22 April 2026
- Flood Risk Map 10 Apr 2026
- Location Plan received 27 Mar 2026

- Proposed Elevations and Floor Plans - House and Office / Car Port 4515 - al-1- 03A received 27 Mar 2026
- Preliminary Ecology Appraisal received 27 Mar 2026
- Application Form received 27 Mar 2026
- DLL-ENQ-WILT-00152 - 554 Canal Bridge, Semington - Countersigned IACPC with Annex 3 map received 2 July 2026

REASON: For the avoidance of doubt and in the interests of proper planning

3. No development shall take place until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on sustainable drainage principles and shall demonstrate compliance with the National Planning Policy Framework, Planning Practice Guidance, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Wiltshire Council's drainage requirements. The strategy shall include:

- a) A drainage layout plan showing the proposed surface water drainage network and discharge arrangement to the receiving ditch;
- b) Details of pre-development and post-development exceedance flow routes demonstrating that exceedance flows will be managed without increasing flood risk to people, property or infrastructure;
- c) Confirmation that the discharge rate from the site will be restricted to 1 litre per second (1 l/s), together with supporting calculations.

The approved drainage scheme shall be implemented in full prior to the first occupation of the development and thereafter retained and maintained in accordance with the approved details.

REASON: To ensure that surface water is managed appropriately, to prevent an increased risk of flooding on or off the site, and to secure the provision of a sustainable drainage system, in accordance with Core Policy 67 of the Wiltshire Core Strategy, the National Planning Policy Framework and the Planning Practice Guidance.

Additional Explanation: This condition is imposed at the request of the Lead Local Flood Authority (LLFA). Whilst the submitted drainage strategy is acceptable in principle, further technical information is required to demonstrate that surface water can be discharged safely

to the receiving ditch, that exceedance flows will not increase flood risk on or off the site, and that the discharge rate can be restricted to 1 litre per second in accordance with the LLFA's recommendations.

4. No external lighting shall be installed within the site unless details of the proposed lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (GN01:2021) and GN08/23 Bats and Artificial Lighting at Night. The lighting shall thereafter be installed and retained in accordance with the approved details.

REASON: To avoid illumination of wildlife-sensitive habitats and to protect foraging and commuting habitat used by bats in accordance with Core Policy 50 of the Wiltshire Core Strategy.

Additional Explanation: The Council's Ecologist identified the site and surrounding area as suitable for use by foraging and commuting bats and advised that any external lighting should be carefully controlled to avoid impacts on wildlife-sensitive habitats

5. Prior to first occupation of the dwelling, details of biodiversity enhancement measures, including the number, specification and locations of bat boxes, bird boxes, bee bricks and herpetofauna refugia/hibernacula, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to first occupation and thereafter retained.

REASON: To secure biodiversity enhancements and ecological gains in accordance with Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework.

Additional Explanation: The submitted ecology information proposed biodiversity enhancements, including bat and bird boxes, bee bricks and hibernacula. The Council's Ecologist supported these measures and recommended that they be secured by condition.

6. No part of the development hereby permitted shall be occupied until the access works, turning area & parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter

REASON: In the interests of highway safety.

7. The development hereby permitted shall not be first occupied until the first 10m of the access, measured from the edge of the carriageway, has been consolidated and surfaced in a bound material (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

8. The dwelling hereby approved shall not be occupied until measures have been implemented to prevent surface water discharging from the site onto the public highway. Those measures shall thereafter be retained and maintained.

REASON: To ensure that the highway is not inundated with private water.

9. No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided. The visibility splays shall thereafter be maintained free of obstruction above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.