

Town and Country Planning Act 1990, Section 78

STATEMENT OF CASE



**August
2026**

**Land at Southfield, Parsons Lane, Crockerton, Warminster,
BA12 8AR**

**Planning Appeal Statement in respect of the refusal of
Permission in Principle application for the development of up
to 2no. dwellings to the south of Southfield, Parsons Lane**

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1. INTRODUCTION AND REASON FOR REFUSAL

- 1.1. This appeal statement has been prepared by Context Planning Ltd on behalf of Mr Andrew Dakin (“the appellant”) following refusal of a Permission in Principle application (LPA reference PL/2025/09180) which sought consent for the development of up to 2no. dwellings to the south of Southfield, Parsons Lane.
- 1.2. The application was refused by Wiltshire Council on the 24th February 2026 for the following reasons:
- 1.3. *1. The proposed development would result in tandem, backland development which does not accord with the existing character and form of the settlement, which would consolidate a sporadic loose knit pattern of development as well as imposing development on a sensitive area within the Cranborne Chase National Landscape. Therefore, by reason of its location the proposal conflicts with the spatial strategy and relevant policies Core Policy 1, Core Policy 2, Core Policy 31 and Core Policy 51 of the Wiltshire Core Strategy and Paragraph 189 of the National Planning Policy Framework.*

The harm identified relates to the principle of development and could not reasonably be addressed or overcome through the submission of a subsequent application for Technical Details Consent. Permission in Principle is therefore refused.

- 1.4. *2. The site is within the hydrological catchment of the River Avon Special Area of Conservation (SAC). The proposal is a plan/project caught by the Habitats Regulations and cannot be granted unless the Local Planning Authority (competent authority) completes an Appropriate Assessment (AA) and rules out adverse effects on site integrity.*

The information provided with the application does not satisfy the requirements to successfully conclude Appropriate Assessment. Accordingly, adverse effects on the integrity of the River Avon SAC cannot be ruled out, and the proposal fails the Habitats Regulations tests.

The proposals conflict with Core Policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC) of the adopted Wiltshire Core Strategy (2015) and relevant paragraphs of the National Planning Policy Framework. The proposal therefore fails the tests of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and cannot lawfully be approved at the Permission in Principle stage.

- 1.5. *3. The proposal would result in an increased reliance on the private motor car due to its siting in an unsustainable location, where opportunities for travel by means other than the private vehicle are severely limited. In the absence of adequate public transport provision or realistic alternative sustainable travel options, the development would fail to promote sustainable patterns of movement. The proposal is therefore contrary to Core Policy 60 of the Wiltshire Core Strategy, which seeks to reduce the need to travel and promote sustainable transport choices.*
- 1.6. This Statement of Case (SoC) will demonstrate that the proposal would not contravene the terms of the relevant policies of the Development Plan and the National Planning Policy Framework (NPPF) as alleged. The development should therefore be supported and the appeal allowed.
- 1.7. This SoC should be read alongside the supporting documents that accompanied the planning application. Together they form the Appellant's full case.

2. THE APPEAL SITE AND THE PROPOSALS

- 2.1. The application site is located within the small village of Crockerton, 250m West of the A350. The site is access from Parsons Lane, which is located to the north. The land is not within the Green Belt, and is within Flood Zone 1. The site is however within the Cranborne Chase National Landscape and within the Hampshire River Avon Special Area of Conservation (SAC) Catchment area. The site also lies within the area covered by the Cranborne Chase International Dark Skies Reserve. Public Right of Way LDEV20 runs through the site.
- 2.2. The site is a 0.39 hectare plot on a site that slopes up from south to north. The north of the site forms part of the extensive garden to Southfield, with land to the south forming open paddock land. Existing mature vegetation is found on the western and southern boundaries.



Figure 1 – Site in context

3. RELEVANT PLANNING POLICIES

- 3.1. Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. In the determination of a PiP application, policies directly related to technical matters will be considered in full as part of a future Technical Approvals application.

Local Plan Policies

- 3.3. Policy CP1 (Settlement Strategy) allows for modest development in small villages to respond to local needs and to contribute to the vitality of rural communities. Crockerton is defined as a small village for the purposes of the Core Strategy.
- 3.4. Policy CP2 (Delivery Strategy) allows for residential development within the built-up area of Crockerton. Growth within the small villages should only be infilling, which is defined, for the purposes of the Core Strategy, as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. It goes on to advise that developments should i) respect the existing character and form of the settlement, ii) not elongate the village or impose development in sensitive landscape areas, and iii) not consolidate an existing sporadic loose knit areas of development related to the settlement.

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- 3.5. Policy CP31 (Spatial Strategy for the Warminster Community Area) relates specifically to the Warminster community area which includes Crockerton as one of its small villages. The Warminster Community Area is identified as requiring at least 2060 dwellings from 2006-2026. The majority of these will be delivered in Warminster itself, however 140 dwellings are earmarked to be provided in the wider community areas and villages.
- 3.6. Policy CP51 (Landscapes) advises that developments should protect, conserve and where possible enhance landscape character. Within National Landscapes great weight will be afforded to conserving and enhancing landscapes and scenic beauty.
- 3.7. Core Policy 57(Ensuring High Quality and Places) relates to design and advises that new development should enhance local distinctiveness relating positively to its setting. Green Infrastructure should be safeguarded and development should make an efficient use of land. Development should have regard to its impact on adjoining uses and buildings ensuring an appropriate level of amenity. Buildings should take account of diversity and adaptability, considering how buildings and space will be used in the immediate and long term future.

National Planning Policy Framework

- 3.8. The NPPF 2024 guides at paragraph 39 that 'Local Planning Authorities (LPA) should approach decision-making on proposed development in a positive and creative way...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible'.

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- 3.9. Paragraph 10 advises ‘so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development’. Paragraph 11 outlines how the presumption in favour of sustainable development is engaged. For decision taking this means ‘approving development proposals which accord with an up-to-date Development plan without delay’.
- 3.10. Paragraph 61 makes clear that ‘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’. The overall aim should be to meet an areas identified housing need.
- 3.11. Paragraph 73 emphasises that ‘small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly. Local Planning Authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirements on sites no larger than one hectare’. It explains that LPA’s should support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 3.12. Paragraph 78 explains that where LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing against their housing requirement set out in adopted policies, or against their local housing need where the strategic policies are more than 5 years old. The supply of deliverable sites should also deliver a buffer as set out in the policy.
- 3.13. In respect of transport, paragraph 115 advises that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
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- 3.14. Paragraph 129 explains that planning policies and decisions should support development that makes efficient use of land. Paragraph 130 advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 3.15. Paragraph 135 guides that planning decisions should ensure that developments will 'function well and add to the overall quality of the area'; 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'
- 3.16. Paragraph 139 states that development that is not well designed should be refused, and, conversely, proposals that help to raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings, should be given significant weight.
- 3.17. Paragraph 189 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.

4. MAIN ISSUES/REASONS FOR REFUSAL

- 4.1. The three reasons for refusal relate to harm to the character of the settlement as well as in a sensitive area within the Cranborne Chase National Landscape, impact on the River Avon SAC and sustainability. Due to these issues, the Officer Report states that the tilted balance and presumption in favour of sustainable development do not apply, and if they did, it states the benefits of the scheme do not outweigh the identified harms.

5 Year Housing Land Supply

- 4.2. The December 2024 changes to the NPPF included amendments to the deliverable housing land supply policies, the terms under which a buffer should be added to the housing requirement to be used in the housing land supply calculation, and the implications of not being able to meet a sufficient deliverable housing land supply. Revisions were also made to the Planning Practice Guidance (PPG) including the standard methodology for assessing and setting Local Housing Need.
- 4.3. The Wiltshire Housing Land Supply Statement (June 2025) provides the latest position on the Council's ability to demonstrate a five-year supply of deliverable housing land, which is a material consideration in the determination of planning applications. The resulting position shows that the Council can currently demonstrate a 2.42 years housing land supply of housing at a unitary authority level. This is a chronic and persistent housing shortfall.
- 4.4. In the absence of a 5-year supply of deliverable housing sites, the housing policies of the development plan must be considered 'out of date'. In these circumstances the presumption in favour of sustainable development applies (paragraph 11d), requiring that permission should be granted unless the adverse impacts of the scheme significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate otherwise. This is an important material consideration.

Principle of Development – Location

- 4.5. The LPA has set out that Crockerton is designated as a designated small village, which under CP2 allows for limited development providing it means the aims of that Policy:

At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

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- i) *Respects the existing character and form of the settlement*
 - ii) *Does not elongate the village or impose development in sensitive landscape areas*
 - iii) *Does not consolidate an existing sporadic loose knit areas of development related to the settlement.*

Sustainability

- 4.6. Before dealing with criteria i-iii of CP2, it is important to consider this scheme within the locational strategy. The Officer Report states the following:

“The village benefits from a few community facilities, namely a primary school, a public house, garden centre/café. However, since Crockerton was designated as a small village in the Local Plan the village has lost its bus service.

The village lies 1 mile from the nearest shop, a Londis at the service station at Longbridge Deverill, opposite The George public house. There is a pavement on one side of the A350 between the edge of Crockerton (c.750m from the site boundary) and Longbridge Deverill. Whilst such a shop can provide some day-to-day items judging by their website it is unlikely to provide sufficient options to support family life. The village lies some 2 miles from the nearest shops selling a good supply of day-to-day goods and essentials, at Morrisons, Weymouth Street, Warminster. Access to Warminster would be along the busy A350, which has no pedestrian footway outside of the urban area of Warminster. Pedestrians would therefore have to walk on the side of the busy A Road in order to access shops. This is considered unreasonable. There are also no pavements or streetlights along roads from the site to the A350.

*Therefore with no public transport any development within the village will foster the increase in use of motor vehicles and **it is therefore considered that the small village of Crockerton can no longer be considered a sustainable, accessible location for residential development** and the development will be in conflict with Core Policy 60 Sustainable Transport.”*

- 4.7. Although not a defined settlement boundary as such, it is clear the current Development Plan directs development (albeit limited) to Crockerton. The location of the site is also undeniably within the village limits.



Figure 2 – Bus stops

- 4.8. Approximately 490m from the site is the Crockerton Council Houses bus stops, although it is noted the 55 service to Warminster has been reduced to Thursdays only. The 82 service also operates on a Friday (**Appendix I**). Warminster is approximately a 13 minute cycle ride, and Longbridge Deverill can be reached on

bike in approximately 6 minutes. The property is also a 3 minute cycle from the National Cycle Network Route 24.

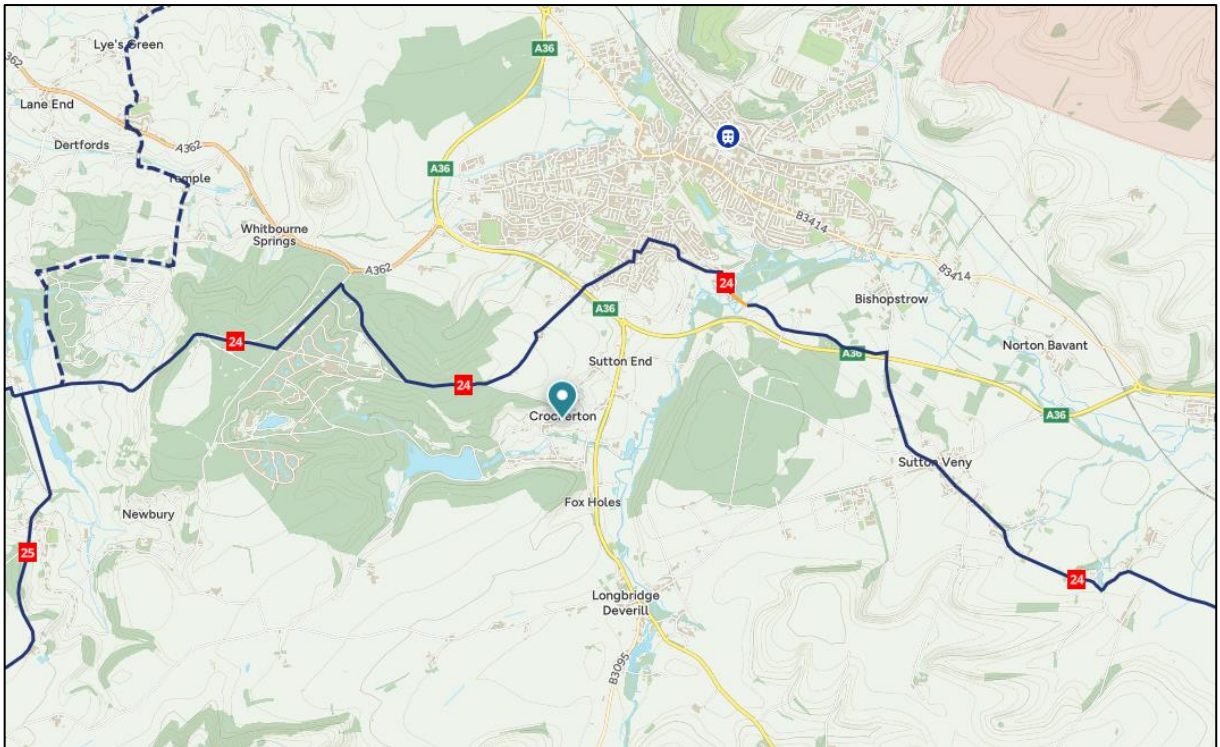


Figure 3 – National Cycle Network Route 24

- 4.9. Warminster is designated as a Market Town within the Core Strategy, which are considered to be able to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Longbridge Deverill, like Crockerton, is a designated small village.
- 4.10. Within the village of Crockerton itself there is a Primary School, a Public House and a Café. Longbridge Deverill contains further services, with a Public House and a Convenience Store.

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- 4.11. Future occupiers would be likely to rely to a significant degree upon private vehicles for many day-to-day journeys and would need to travel to access a range of employment opportunities, health care etc.
- 4.12. The NPPF recognises that opportunities to maximise sustainable transport solutions vary between urban and rural areas and that significant uplifts in active travel or public transport use may not always be achievable in rural locations. In this context, the absence of continuous footways, lighting and a full bus service does not in itself render the site unsuitable for limited residential development.
- 4.13. The scale of the proposal should also be considered. The scheme is for no more than two dwellings and as such any increase in travel demand would be very limited. Whilst future occupiers would invariably make use of the private car, the proposal would not generate significant additional pressure on the transport network.
- 4.14. Whilst the proposal may not fully comply with CP60, which seeks to reduce reliance upon private vehicles and encourage sustainable transport choices, it does still comply with the overall spatial strategy by being located within a village identified as being suitable for limited development.
- 4.15. The site cannot be said to be highly sustainable, however there is a limited bus service, excellent connectivity to the National Cycle Network, and other settlements can be reached easily by bike. Any harm identified relating to conflict with the overall Development Plan is limited.

i) Respects the existing character and form of the settlement

- 4.16. The Officer Report repeats that development within the village has been predominantly linear, single depth plots along highways, whilst also stating that other types of development such as cul-de-sac developments are out of keeping and were likely approved prior to the adoption of current policies, and that the development will not accord with the existing character and form of the settlement:
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“The proposal is for development of land to the rear of Southfields, a large 2-storey dwelling that stands to the south of Parsons Lane. Proposed development will occupy the current extended rear garden of Southfields and a paddock that adjoins the garden and runs down the valley to the south toward a terrace of 3 dwellings (152-154 Paradise Lane). The proposed development will therefore form tandem development three-dwellings deep that will not accord with the prevailing character of development along Parsons Lane or elsewhere within Crockerton and which will constitute backland development. The proposal therefore, by virtue of tandem, backland development, does not respect the existing character and form of the settlement.

Further, the proposal will dissect the existing large open countryside characteristic of the centre of the village of Crockerton, introducing built form where there are currently wide-ranging views from one side of the village to the other and beyond. In this manner the proposal does not respect the existing character and form of the settlement.”

- 4.17. Development within the village is however, not strictly linear. Located to the west of the site is a cluster of dwellings sited around Little Hill, and feature a selection of dwellings of tandem development. Likewise, Orchard Way (regardless of when it gained consent) is sited within the context of this development and shows development that is not strictly linear (Figure 5).
- 4.18. The development would utilise the existing access road that travels through the east of the site, albeit extending this slightly to reach the full extent of the development. This would ultimately reduce the appearance of ‘backland development’ and have a similar character to the existing dwellings found on Paradise Lane, Little Hill and Wyllye Hall.



Figure 5 – Existing tandem/backland development in Crockerton in context with the Appeal Site

4.19. In terms of dissecting the large, open countryside characteristic within the centre of Crockerton, this is considered to be a simplistic view of the current situation. The open fields to the west and the south of the site certainly hold this characteristic. However, the site in question is bordered to the north, south and to some degree the east by residential properties. The curtilage of the property is large, and already a significant input of residential characteristics compared to its neighbours.

4.20. In appeal decision APP/Y3940/W/17/3176525 at 74 Clay Street, the Inspector considered that:

“Given the domestic appearance of the appeal site as a private garden, it has a residential character which I associate with the built-up part of the village, very different from the predominantly woodland character of the countryside beyond. I have as a consequence concluded that the appeal site falls within the built up-area of the village and that the development would not elongate it towards the open countryside.”

- 4.21. There is no reason that a different approach should be taken here. The southern portion of the site is a paddock area for equestrian use, bordered to the east with an access lane and a stable block. The paddock forms a small, parcel of land bordered by development, and has little of the open or heavily wooded characteristics found in the countryside beyond, or indeed the undeveloped land located between the two identified elements of Crockerton. Although this is not Green Belt, stables and equestrian use are considered to fall within the definition of Previously Developed Land in the NPPF, and thus can also be considered as “built up”.
- 4.22. The paddock area to the south of Southfield has little of the open or heavily wooded characteristic found in the countryside beyond, or indeed the undeveloped land located between the two identified elements of Crockerton. Views into and out of the undeveloped land are also interrupted by the mature border to the west of the site.



Figure 6 – View from the Appeal Site looking north to Paradise Lane

4.23. Parsons Lane is clearly one of the more developed areas of the village. Although Paradise Lane appears to be a separate area of development when travelling on the road, the rear curtilage of 152 Paradise Lane is in fact only separated from the rear curtilage of Southfield by approximately 40m, and Paradise Lane is easily viewable from Southfield as shown in Figure 6.

4.24. The proposal therefore respects the existing character and form of the settlement.

ii) Does not elongate the village or impose development in sensitive landscape areas

4.25. For the reasons set out in paras 4.17 - 4.21 of this Statement, the proposed appeal site is within the existing village 'envelope', within previously developed land and bordered by existing residential development. "Elongate" is typically taken to mean to make something longer, or to become longer. In spatial terms this would result in extending the villages length or linear form, which is not the case here.

4.26. The site is located within the designated Cranborne Chase National Landscape. The Levelling Up and Regeneration Act (2023) para 245 (6 A1) states that Wiltshire Council as a statutory authority 'Must seek to further the purpose' of the National Landscape. This strengthens the former 'Duty of Regard' adopted in the Countryside and Rights of Way Act (2000) Section 85. Development proposals in the CCNL (or its setting) should be compatible with the NL/AONB Management Plan and with published guidance and position statements which provide supplementary guidance.

4.27. Core Policy 51 states that harm to landscape character should be avoided, where harmful landscape and visual effects do arise, then these harmful effects and impacts should be reduced as far as possible through sensitive design and landscaping measures.

4.28. NPPF paragraph 189 places great weight on conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.

- 4.29. The area was designated as the Cranborne Chase and West Wiltshire Downs AONB in 1981 under the National Parks & Access to the Countryside Act 1949. The criteria for designation include valuable wildlife, habitats, geology and heritage, as well as scenic views. The primary purpose of the designation is to conserve and enhance the natural beauty of the area, now and for future generations.
- 4.30. The Cranborne Chase National Landscape covers an area of 983 sq km (380 sq miles) of countryside overlapping the boundaries of Wiltshire, Dorset, Hampshire and Somerset, and abutting the Dorset National Landscape. The site is on the northern boundary of this designation, with Parsons Lane itself outside of the constraint.
- 4.31. At a national level, the site is within the Blackmore Vale and Vale of Wardour National Character Area.
- 4.32. Above all else, Cranborne Chase National Landscape is dominated by Chalk, a rock which has formed the distinctive convex landforms of the open downland and which has had a profound influence on the history of human activity, influencing the patterns of agriculture, settlement and artistic expression.
- 4.33. The Bedrock Geology of Crockerton is Gault Formation and Upper Greensand Formation (Undifferentiated), and it is within the Avon Hampshire management catchment area. Land cover for this site is a mixture of suburban and improved grassland, and is within ALC 3.
- 4.34. Under figure 2.9 within the Cranbourne Chase Landscape Character Assessment, the site is noted under the Historic Landscape Characterisation Types as being a 'settlement'. Land surrounding the site is described as 'enclosed'.

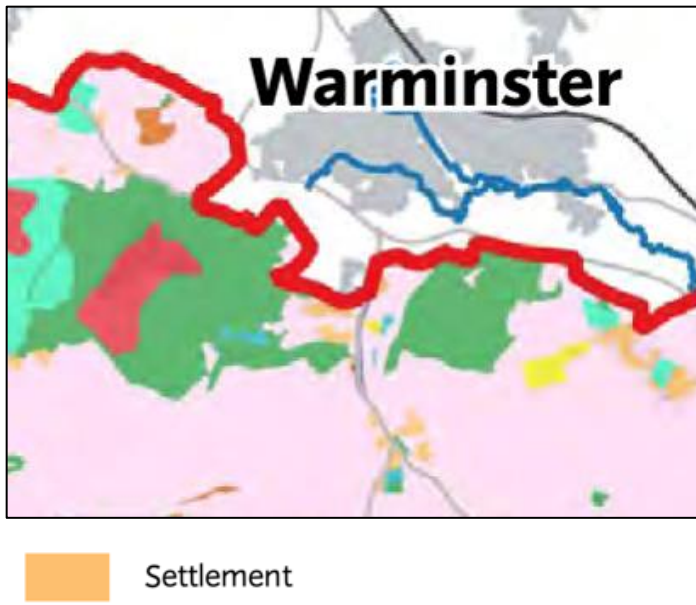


Fig 7 - Historic Landscape Characterisation Types taken from Cranbourne Chase Landscape Character Assessment

- 4.35. There are 8 Landscape Character Types within the Cranborne Chase National Landscape, which are further subdivided into Landscape Character Areas. The proposal is located in 7B, Penselwood - Longleat Hills.
- 4.36. The transition from the clay lowlands to the elevated chalk beyond is marked by a series of greensand hills. These run along the north and south sides of the Vale of Wardour (8A) and along the north-western boundary of the National Landscape between Penselwood and Warminster. Although composed of Upper Greensand, tributaries of the major rivers have eroded the Greensand to expose underlying older deposits. These hills are characterised by tight valleys, sunken lanes and are typically covered in woodland. The patterns of settlement are also distinctive. Villages are hidden among these hills, focused on the springline at the junction of the Chalk and Greensand, tucked into the valleys. The hills have historically provided desirable locations for siting large houses and parklands as well as providing strategic sites for fortified settlements and buildings where they have commanding views over the adjacent lowlands. Views vary between enclosed and framed to open and panoramic.

- 4.37. Significant parts of the Penselwood - Longleat Hills (7B) remain unsettled, reflecting both the gradient and the dominance of forestry. However, pockets of dense development occur along the minor lanes that access the hills, for example around Crockerton.
- 4.38. The main management objective for 7B is to conserve the woodland, parkland and the mosaic of pastures and meadows that characterise the landscape. Woodland conservation and management is key in this wooded landscape, and to ensure that new development does not affect the character of hamlets and villages.
- 4.39. The context for this site is clearly a village setting. The ability of the area to assimilate infill development has been confirmed with other approvals in the village for additional dwellings.
- 4.40. In terms of site specifics, there is a terrain change from Southfields to the south of the site.

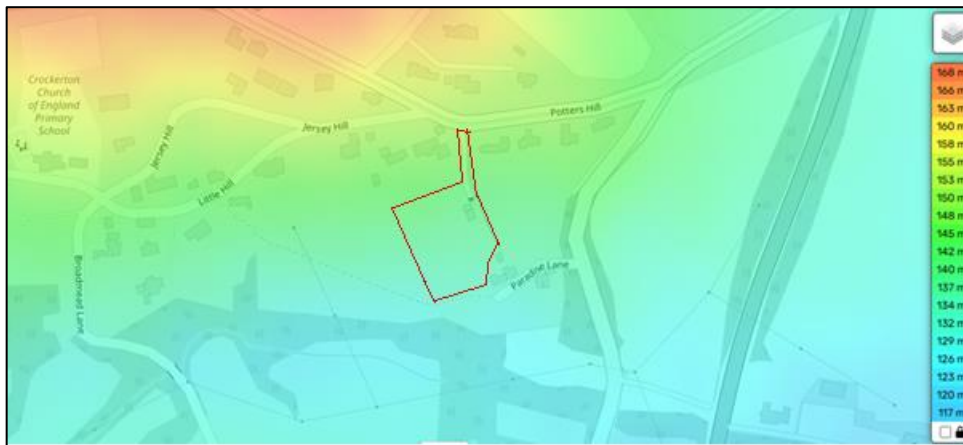


Figure 8 – Appeal Site topography taken from topographic-map.com

- 4.41. Footpath LDEV20 runs through the east of the site, and LDEV19 runs to the south.



Figure 9 – Public Rights of Way

- 4.42. The site is visible from LDEV20, this footpath runs adjacent to existing residential properties and this cannot be considered inherently harmful. LDEV19 runs to the south and is at a lower elevation, however the majority of the path runs through woodland borders.
- 4.43. Given the wooded border on the west of the site, dwellings to the north and other wooded borders to the east and south, the site is fairly contained and sensitively designed dwellings located here would not have any wider impact on the National Landscape.
- 4.44. This is a minor development within a sensitive landscape, however landscape and visual impacts can be managed through sensitive design and choice of materials, as well as detailed landscape plans.
- 4.45. This is a view that is clearly shared by the Council's Landscape Officer, who did not raise any objection in principle and stated:
"Overall, I consider this to be a minor development in a sensitive landscape. Therefore, any landscape and visual impacts that may arise could be managed"

through sensitive design e.g. scale/height/massing of buildings, the choice of materials acknowledging the vernacular and new landscape planting avoiding Leylandii hedges. For the next stage I would expect the application to be accompanied by plans illustrating vegetation to be retained/removed and details of any proposed hard and soft landscaping e.g. hedging. I do not expect full details of the 'garden design' as this is something the new occupant will evolve."

- 4.46. This approach has been taken by Inspectors, in APP/C1625/W/23/3329704 (**Appendix II**) the Inspector stated:

"13. The site is within the Cotswolds AONB, now otherwise known as the Cotswold National Landscape. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas, which have the highest status of protection in relation to these issues. The Stroud District Landscape Assessment 2000 identifies the site to be in one of the District's Secluded Valleys, defined by its steep sides, concave narrow valley form and complete interlocking valleys. It states that this area supports a variety of settlement patterns and includes larger settlements on high land and throughout the Nailsworth valleys, where more recent development has spread up the valley slopes and is prominent over considerable distances.

14. The appeal site is currently free from built form and has an open and verdant character. It slopes steeply downwards to the north and is exposed in far reaching views through the valley to the north. The site adjoins an existing network of lanes and other properties to three sides which create a staggered edge to the settlement. These surrounding buildings vary in their height and design and respond to the gradient of the land, for example in the case of the properties to the west, which step steeply downwards to the north.

15. The proposal would entail a relatively small expansion to the edge of the settlement into the countryside when considered against the size of Nailsworth as a whole, and would appear against the backdrop of the existing surrounding buildings

in longer views from the north. The effects of the proposal on the landscape would inevitably depend on the particular characteristics of the development including its site layout and design, which are not provided at this stage. However, despite the sensitivity of the location, the existing built forms and settlement are part of the immediate landscape character and it cannot be ruled out that a satisfactory solution could reasonably be achieved. If the appeal is allowed, the site must receive a grant of TDC before the development could proceed. Only at the time of approval of TDC would the development have planning permission and there would be no requirement that this would be given automatically.

16. In conclusion on this main issue, and in considering the limited scope of issues which can be considered at this stage, the proposal would be acceptable in terms of its effects on the character and appearance of the area and the special landscape character of the AONB. Accordingly the proposal before me would not conflict with Policy EN7 of the LP which requires development to conserve or enhance the special landscape features, nor the objectives of the Framework relating to AONBs.”

- 4.47. The proposal should therefore be considered to comply with CP2 in terms of criterion ii: “Does not elongate the village or impose development in sensitive landscape areas”. In terms of footnote 7, there is not a strong reason in terms of National Landscape for refusing the development proposed.

iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

- 4.48. The Officer Report states that the group of dwellings to the south are isolated from the remainder of the village. It is assumed this view is taken due to the dwellings having their own access along Paradise Lane. However, on the ground there is clearly an existing connection with the site and these dwellings, they are very much within the context of the site as can be seen in Figure 6.

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- 4.49. The development along Parsons Lane also cannot be considered to be “loose knit”. The appeal proposal therefore does not consolidate existing sporadic loose knit areas of development related to the settlement, and complies with CP2 iii.
- 4.50. It should also be noted that in the absence of a five-year supply, relevant policies for the supply of housing should not be considered up-to-date. This has been the case for some time, with the Inspector concluding in APP/Y3940/W/15/3028953 (**Appendix III**) that CP2 cannot be considered up to date. In these circumstances, applications for housing must be considered in the context of the presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits.
- 4.51. Nonetheless, even if CP2 could be given full weight, it is considered that it would have met the criteria is sets out. Therefore the principle of development should be supported.

Ecology

- 4.52. Core Policy CP50 (WCS) outlines that Wiltshire’s natural environment is one of its greatest assets and identifies protection measures necessary for consideration when assessing the impact of development on biodiversity and geodiversity. It requires that all development proposals, “... shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development,” and, “... should seek opportunities to enhance biodiversity.”
- 4.53. The Officer Report has set out that insufficient information has been submitted to enable the Appropriate Assessment to be undertaken in relation to the discharge of phosphorus in wastewater. This is due to a lack of nutrient budget, operational specification or long-term maintenance details.

The calculations could demonstrate nutrient neutrality but some changes to the calculations are required and clarification on a number of issues as indicated below are necessary before the Appropriate Assessment can be completed:

1. The 'Nutrients from current land use' tab and 'Nutrients from future land use' tab of the existing septic tank nutrient calculation and the replacement PTP nutrient calculation has not been filled out. This information is required to ensure the nutrient calculation is accurate.
2. Water Usage: The provided nutrient budget for the replacement PTP uses a water usage rate of 150 litres per person per day. As stated on our website, 'the applicant can agree to a condition for water efficiency restricting water use to a maximum of 85 litres per person per day, or an alternative figure between 85 litres per person per day and 110 litres per person per day. Natural England require the nutrient calculator to include an additional 10 litres per person per day in the calculator. However, please note, this option can only be used for developments that drain to a main sewer network where the water company has a Total Phosphorus limit on the permit.' Therefore, this input is only permissible for developments connecting to a mains wastewater treatment works with a phosphorus permit limit. It cannot be applied to developments proposing to use a package treatment plant (PTP). If the development will be served by a PTP, the nutrient calculation must be revised accordingly to align with Wiltshire Council's published guidance.
3. The proposed location of the new PTP and replacement PTP has not been submitted in support of the application.

The calculations must be amended to address these issues, or suitable justification provided, and resubmitted to the Council for approval. The calculations must be approved by the council to enable the AA to be undertaken, which must be completed, and the conclusion agreed with Natural England prior to the application being determined.

Figure 10 – The Council's Ecology comments for Nutrient Neutrality matters

- 4.54. These points are easily rectified, and could have been done so within the application phase had they been requested. Nevertheless, a supplementary note from Holbury Consultancy Service Ltd accompanies this Statement to allow the Appropriate Assessment to be undertaken (**Appendix VI**).
- 4.55. The note confirms that the calculations for the scheme could show nutrient neutrality, which is an important point of principle. Overall, there is a reduction in phosphorus to the environment:

Scenario	Existing dwelling with existing septic tank	Proposed dwellings + existing dwelling, with new PTP	Difference in nutrient loading
Total phosphorous	1.53kg of TP/year	1.36kg of TP/year	Saving of 0.17kg TP per year

Figure 11 – Nutrient loading table from Holbury Consultancy Services Technical Note

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- 4.56. In relation to point 1 (Figure 10), the tabs were not filled out as there is no change in land use, and as such these tabs cancel out. The calculator has been updated for completeness, which makes no difference to the final calculation.
- 4.57. In relation to point 2 (Figure 10), the comment is a misunderstanding of the use of 150 litres in the calculations. Box 1 of the submitted Nutrient Statement is clear that the calculations of total phosphorus loading relevant to the new dwelling is based on a water usage of 120 litres per person per day. This is consistent with Wiltshire Council's published guidance.
- 4.58. The 150 litres is relevant to the calculation of the existing loading from the existing septic tank. This will serve an existing residential dwelling that is unlikely to contain the water saving features found in new dwellings that is now required under Building Regulations. This is an approach that is accepted by Natural England and Wiltshire Council, and as such no change to the calculator is required.
- 4.59. In relation to point 3, a plan for the new PTP has been submitted as part of the appeal documentation.
- 4.60. This shows that the development would not have a significant effect on a European Site, would not represent habitats development and can be granted consent in compliance with Regulation 63.
- 4.61. The appellant is also willing to enter into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the long-term implementation, management, maintenance and monitoring of the Package Treatment Plant and associated nutrient neutrality mitigation measures.
- 4.62. This approach was considered appropriate by an Inspector in APP/C1625/W/23/3329704 (**Appendix II**):

"21. Planning Practice Guidance (PPG) states that it is not possible for conditions to be attached to a grant of permission in principle and that planning obligations

cannot be secured at this stage. However, there is no legal reason why an obligation cannot be entered into at any time. The appellant has provided two UUs, based on a template provided by the Council, and these would ensure that the required financial contributions towards mitigation for each SAC would be paid prior to the commencement of development, to be spent only for the purposes of that mitigation.”

- 4.63. Other examples of UUs being accepted on a Permission in Principle application are shown in APP/P0240/W/25/3367312 (**Appendix IV**) and APP/X1545/W/25/3367949 (**Appendix V**).
- 4.64. A draft UU accompanies this Appeal Statement.

Location of Development - Conclusion

- 4.65. It has been demonstrated in this appeal statement that the development respects the existing character and form of the settlement, does not impose development on a sensitive landscape area, and does not consolidate a sporadic loose knit pattern of development.
- 4.66. The site is located in an area designated for limited residential development. Whilst there would be some reliance on the private motor car, the site is not wholly unsustainable.
- 4.67. Sufficient information has been submitted to demonstrate that the site can achieve nutrient neutrality.
- 4.68. The Officer Report also notes the site designation of the Cranbourne Chase International Dark Skies Reserve, where the maintained absence of artificial lighting is a key landscape attribute. This can be resolved through a lighting strategy, given the proposal is within an existing residential area.

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- 4.69. The appeal proposal complies with Policies CP1, CP2, CP31, CP50 and CP57 of the Wiltshire Core Strategy and relevant national policy.

Principle of Development – Land Use

- 4.70. The development plan supports the provision of appropriate land uses in locations identified as suitable by the spatial strategy. In particular, policies seek to ensure that proposed uses are compatible with their surroundings and contribute positively to the function and character of settlements.
- 4.71. The National Planning Policy Framework promotes sustainable development and supports the delivery of housing in principle, subject to it being located in suitable areas and not giving rise to conflicts that would fundamentally undermine the objectives of the development plan.
- 4.72. At the Permission in Principle stage, the key test is whether the type of development proposed is acceptable in principle at this location, not whether the finer details of how it would operate can be resolved.
- 4.73. The proposed land use would be for residential development within a village context. As discussed extensively under the “Location” section, residential development can be accommodated here in compliance with the development plan.

Principle of Development – Amount of Development

- 4.74. The Officer Report concludes that the amount of development proposed is acceptable in principle.

5. CONCLUSION AND PLANNING BALANCE

- 5.1. The Council has a published 2.42 year housing land supply position. Recent decisions identify this level of shortfall as significant, and the Local Plan is currently out-of-date, with paragraph 11d of the NPPF engaged as a result:

Paragraph 11 (d) of the NPPF states that:

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.

- 5.2. Under footnote 7, the site is within the Cranborne Chase National Landscape and within the Hampshire River Avon Catchment area. For the reasons set out in detail in section 4, these areas of particular importance do not provide a strong reason for refusing the development. In relation to point (ii) any adverse impacts must be weighed against the benefits of the scheme.
- 5.3. The site is situated within Crockerton, and the proposals comply with CP2. Even if non-compliance with CP2 were identified, the policy is out of date and can only be given limited weight.
- 5.4. The proposal would provide 2 dwellings, in an established residential area. It remains that there is a significant housing supply shortfall that must be addressed. The draft

Wiltshire Local Plan has been withdrawn from examination; thus this shortfall is unlikely to be addressed in the near future.

- 5.5. The services and facilities nearby would not be sufficient to meet all the requirements of future residents, and bus services are limited. It is therefore likely that they would be reliant on a private car to travel to larger settlements. However, there would be some access to sustainable transport options and some services and facilities are available locally. Consequently, whilst future residents are likely to own a private car, there are some alternatives available nearby which mean that not all trips would require the use of the car.
- 5.6. The site, in the context of para 110 of the Framework, is in a sustainable location. The development accords with the overall objectives of the Development Plan and the NPPF, in locating development in the most sustainable locations.
- 5.7. The appeal site is capable of providing 2no. dwelling houses in such a way that would assimilate within the rural character and appearance of the area and wider landscape, and preserve the character of the countryside and the National Landscape.
- 5.8. The proposal would also result in the replacement of a 40 year old septic tank which will result in an overall improvement in terms of Nutrient Neutrality.
- 5.9. For the above reasons, the appeal should be allowed. Any adverse impacts of the proposal would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole, such that the presumption in favour of sustainable development would apply.

Context Planning Ltd