

NPPF 2026

Case Officer: Lucie Turner

Date: 26th August 2026

Site address: Land to the east of New Road, Melksham, SN12 7QZ

Thank you for providing the opportunity to comment on material and relevant changes in national planning policy since Wiltshire Council determined application PL/2025/09917. The Council acknowledges that the National Planning Policy Framework published on 17th August 2026 (NPPF 2026) is a new material consideration in the determination of this appeal and has considered the reasons for refusal in this context:

Refusal Reason 1:

Refusal Reason 1 relates to the conflict between the proposal and the plan-led spatial strategy for housing growth set out in Core Policies CP1, CP2 and CP15 of the Wiltshire Core Strategy (WCS) and Policy 6 of the Joint Melksham Neighbourhood Plan 2 (JMNP2), arising from the site's location outside the defined settlement boundary of Melksham.

The Council acknowledges that Policies S3 and S5 of the NPPF 2026 have introduced a new national policy framework for considering development outside settlements. In particular, Policy S5(1)(j) provides support for development which addresses an evidenced unmet need, including housing development where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, subject to specified criteria being met.

However, Policy S5 does not create an automatic presumption in favour of housing development outside settlements. The Council maintains that the appeal site is not a suitable location for development when assessed against the requirements of Policy S5 as a whole. In reaching this view, the Council notes that the site is separated from the existing built-up area by an allocated site which has yet to be fully developed, and therefore Footnote 28 is of relevance. The Council remains of the view that the proposal

conflicts with the development plan spatial strategy and that the concerns underpinning Refusal Reason 1 remain applicable.

The Council's position is therefore that Policies S3 and S5 alter the national policy context relevant to Refusal Reason 1, but do not lead the Council to withdraw or amend that reason for refusal.

The Council further notes that Policy S6 of the NPPF 2026 is engaged in this case. The JMNP2 was made less than five years ago and contains allocations to meet its identified housing requirement. The appeal proposal conflicts with the neighbourhood plan's spatial strategy and is not allocated for development. The Council therefore considers that Policy S6 provides additional support for maintaining Refusal Reason 1 and reinforces the weight to be afforded to the conflict with the development plan.

Refusal Reason 2:

Refusal Reason 2 concerns the effect of the proposal on the character and appearance of the countryside, arising from the extension of built development along New Road into an area of open rural landscape. The Council has reviewed the NPPF 2026 and considers that the concerns underpinning this reason for refusal remain applicable.

Policy S5(4) recognises that development outside settlements should only be approved in exceptional circumstances where the benefits would substantially outweigh the adverse effects, including effects on the character of the countryside. In addition, Policy DP3 requires development to respond positively to its context and integrate with and enhance its surroundings.

The Council remains of the view that the proposal would erode the rural character of the area, fail to respond appropriately to its landscape setting, and would therefore conflict with the objectives of Policies S5(4) and DP3. Accordingly, the Council's position in relation to Refusal Reason 2 remains unchanged.

Refusal Reason 3

Refusal Reason 3 relates to the accessibility of the site and the sustainability of its location. The Council remains of the view that the appeal site is poorly connected to services and facilities by sustainable modes of transport. Future occupiers would be heavily reliant upon the private car for day-to-day journeys. In addition, New Road is unlit and lacks continuous pedestrian infrastructure, limiting opportunities for safe and attractive walking connections to nearby services and facilities.

NPPF Policy TR3 seeks to ensure that development supports sustainable patterns of movement, limits the need to travel, particularly by private car, and provides a genuine choice of transport modes.

The Council further notes that Policy S5(4) identifies the promotion of sustainable patterns of movement as a relevant consideration when assessing development outside settlements. Accordingly, the Council's position in relation to Refusal Reason 3 remains unchanged.

Refusal Reason 4

Refusal Reason 4 relates to the absence of sufficient information to demonstrate that the proposal would avoid unacceptable impacts on protected species, including Great Crested Newts and bats, and that any necessary mitigation could be appropriately secured.

The Council has reviewed the NPPF 2026 and considers that the concerns underpinning this reason for refusal remain applicable.

Policy N2 requires development proposals to minimise adverse impacts on biodiversity and states that development should be refused where significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for. The Council remains of the view that insufficient information has been provided to demonstrate that protected species impacts can be satisfactorily addressed and that any necessary mitigation measures can be secured. Accordingly, the Council's position in relation to Refusal Reason 4 remains unchanged.

Refusal Reason 5

Refusal Reason 5 relates to the adequacy of the proposed surface water drainage strategy. The Council has reviewed the NPPF 2026 and considers that the concerns underpinning this reason for refusal remain applicable. Policy F7 requires development to be safe from flooding throughout its lifetime and to demonstrate that flood risk will not be increased elsewhere. Policy F8 requires development to incorporate appropriate sustainable drainage measures. At the time the application was determined, no soakage testing had been undertaken and no alternative means of surface water disposal had been identified. The Council therefore remains of the view that insufficient evidence was available to demonstrate that a satisfactory surface water drainage solution could be secured. Accordingly, the Council's position in relation to Refusal Reason 5 remains unchanged.

Housing Land Supply and Conclusion

The Council acknowledges that the NPPF 2026 has replaced the former Paragraph 11 "tilted balance" approach and that this is no longer the relevant framework for determining the appeal.

The Council's most recent housing land supply position remains 2.8 years. The Council has therefore had regard to Policy HO7 of the NPPF 2026, which states that substantial weight should be given to the benefits of providing homes that contribute towards meeting evidenced housing needs.

The Council accepts that the delivery of additional market and self-build housing attracts substantial weight in favour of the proposal. The Council further accepts that Policies S3 and S5 have altered the national policy context applicable to the assessment of housing proposals located outside settlement boundaries.

However, having reviewed the NPPF 2026 as a whole and considered its relevance to this appeal, the Council remains of the view that the proposal conflicts with the development plan and that the concerns identified in the reasons for refusal remain applicable. In particular, the Council considers that the conflict with the spatial strategy, the Joint Melksham Neighbourhood Plan 2, the harm arising from the erosion of the countryside, and the site's poor accessibility by sustainable modes of transport continue to attract significant weight.

The Council therefore remains of the view that, notwithstanding the substantial weight to be afforded to the provision of additional housing under Policy HO7, the benefits of the proposal would be substantially outweighed by its adverse effects when assessed against the national decision-making policies of the NPPF 2026. Accordingly, the Council's position in relation to the appeal remains unchanged.

Note on Annex A

Paragraph 2 of Annex A of the NPPF 2026 states that development plan policies (or parts of those policies) which are materially inconsistent with the national decision-making policies of the Framework should be given very limited weight. It also states that policies should not be given reduced weight solely because they pre-date publication of the NPPF 2026.

The Council has reviewed the development plan policies relevant to this appeal and does not consider Core Policies CP1, CP2, CP15, CP50, CP51, CP57 or CP67 of the Wiltshire Core Strategy, or Policy 6 of the Joint Melksham Neighbourhood Plan 2, to be materially inconsistent with the NPPF 2026. Whilst Policies S3 and S5 alter the national policy context for housing development outside settlements, the Council does not consider that this renders the relevant development plan policies inconsistent with the Framework or attracts very limited weight.