

Appeal 6014831

Questionnaire

Appeal type	Planning
Appeal procedure	Written Part 1
Appeal site	Land to the North East of Rodbourne Road, Corston, Malmesbury, SN16 0HB
Agent contact details	Stella Turner stella@faap.co.uk 01672 569444
Local planning authority	Wiltshire
Application number	PL/2026/03416

Constraints, designations and other issues

Is a planning appeal the correct type of appeal?	Yes
Changes a listed building	No
Affects a listed building	Yes
Listed building details	1022277 1363872
Affects a scheduled monument	No
Conservation area	No
Protected species	No
Green belt	No
Is the site in a national landscape?	No
Designated sites	No
Tree Preservation Order	No
Gypsy or Traveller	No
Public right of way	No
Total site area	4900 m ²

Environmental impact assessment

Schedule type	Other
Issued screening opinion	No
Received scoping opinion	No
Did Environmental statement	No

Notifying relevant parties

List of neighbours' addresses that you notified about the application	List of Consultees.pdf - awaiting review
Type of Notification	A site notice
Site notice	SITE NOTICE.pdf - awaiting review
Appeal notification letter and the list of people that you notified	Distribution list.pdf - awaiting review Appeal - Notification of Written Reps Part 1 Appeal.pdf - awaiting review

Consultation responses and representations

Statutory consultees	Yes Highways, Historic England
Responses or standing advice	Yes
Uploaded consultation responses and standing advice	Historic England.pdf - awaiting review St Paul Without Parish Council.pdf - awaiting review Highways.pdf - awaiting review Conservation.pdf - awaiting review
Representations from other parties	No

Planning officer's report and supplementary documents

Planning officer's report	Officer Delegated Report.pdf - awaiting review
Policies from statutory development plan	Wiltshire Core Strategy - Core Policy 2 Delivery Strategy.pdf - awaiting review Wiltshire Core Strategy - Core Policy 13 Spatial Strategy for the Malmesbury Community Area.pdf - awaiting review Wiltshire Core Strategy - Core Policy 58 conservation of the historic environment.pdf - awaiting review Wiltshire Core Strategy - Core Policy 51 - Landscape.pdf - awaiting review Wiltshire Core Strategy - Core Policy 57 - Ensuring High Quality Design and Place Shaping.pdf - awaiting review 00 Core Strategy front page.pdf - awaiting review Wiltshire Core Strategy - Core Policy 60 Sustainable Transport.pdf - awaiting review Wiltshire Core Strategy - Core Policy 61 Transport & Development;.pdf - awaiting review Wiltshire Core Strategy - Core Policy 1 Settlement Strategy.pdf - awaiting review
Emerging plan	Yes
Uploaded emerging plan and supporting information	sppnp-made-malmesbury-volume-one-2015.pdf - awaiting review sppnp-made-malmesbury-volume-two-2015.pdf - awaiting review
Uploaded other relevant policies	2011 - H4 RESIDENTIAL DEVELOPMENT IN THE OPEN COUNTRYSIDE.doc - awaiting review Front page Local Plan 2011.pdf - awaiting review Landscape_assessment_2004.pdf - awaiting review WHSAP.pdf - awaiting review

WiltshireDesignGuide.pdf -
awaiting review
lca-dec-05-type-16.pdf -
awaiting review

Supplementary planning documents	No
Community infrastructure levy	Yes
Uploaded community infrastructure levy	Wiltshire_CIL_Charging_Schedule_(May_2015).pdf - awaiting review
Community infrastructure levy formally adopted	Yes
Date community infrastructure levy adopted	18 May 2015

Site access

Will the inspector need access to the appellant's land or property?	Yes
Reason for Inspector access	To gain full view
Will the inspector need to enter a neighbour's land or property?	No
Potential safety risks	No

Appeal process

Appeal procedure	Written representations
Appeals near the site	No
Significant changes since application	National policy changes: LPA comments on the implications of the publication of the NPPF 2026 Refusal Reason 1: Paragraph 11 of the NPPF 2024 (the "tilted balance") has been replaced by a location-based approach through Policies S3, S4 and S5 of the NPPF 2026. Development outside settlements, such as

the appeal scheme, are assessed against S5 where only certain forms of development should be approved outside settlements, as set out in the list (a) to (j). Of the list, only S5(1)(j) would be relevant, as the Council cannot currently demonstrate a five-year supply of deliverable housing sites (notwithstanding it scored 93% in the Housing Delivery Test 2025). However, the Council does not consider that S5(1)(j) is engaged as the nature of the development cannot satisfy (ii) nor does it satisfy (i) as it is not of a scale capable of being accommodated having regard to the limited services, facilities, employment opportunities and transport options available within Corston.

As the development does not comprise a form of development supported by S5(1), it falls to S5(4) where development “should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement”. The Council’s position is that exceptional circumstances have not been demonstrated as the benefits do not outweigh the adverse effects, particularly in relation to promoting sustainable patterns of movement (see refusal reason 1), the character of the countryside (see refusal reason 3) and heritage assets (see refusal reason 2).

Also relevant to refusal reason 1, paragraph 110 of the NPPF 2024 has been carried forward in substance through to TR3 of the NPPF 2026. The

Council's position remains, as per its officer report, that the development would not be well connected and would be heavily reliant on the use of private cars, contrary to TR3. The publication of the NPPF 2026 does not materially alter the Council's assessment of the suitability and sustainability of the location of the development.

Refusal Reason 2:

Paragraphs 210, 212, 213, 215 and 219 of the December 2024 NPPF are carried forward in substance through HE4, HE5 and HE6 of the August 2026 NPPF.

Accordingly, the heritage reason for refusal is unaffected in substance.

Whilst the term "less than substantial harm" is no longer used, HE5(2)(c) similarly requires the decision-maker to identify the degree of harm to significance.

The Council's position is that there is harm of a low degree commensurate with the level previously identified in the spectrum of less than substantial. HE6(3) confirms that any harm to a designated heritage asset is a matter of considerable importance and weight, and the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 remains engaged and setting a strong presumption against granting planning permission.

The Council maintains its position that the identified harm is not clearly and convincingly justified, as required by HE4(2), and that the public benefits of the proposal would not outweigh the harm when assessed in accordance with HE6(4).

The publication of the NPPF 2026 does not materially alter the Council's heritage assessment, nor reduce the policy or statutory weight that

attaches to the identified harm.

Refusal Reason 3:
Paragraphs 131, 135, 139 and 187 of the December 2024 NPPF are carried forward in substance through Policies DP3 and N2 of the August 2026 NPPF.

Accordingly, the character and appearance reason for refusal is unaffected in substance. DP3 continues to require development to respond positively to its context, including the history, character and features of its site and setting, whilst N2 requires consideration of landscape character and the natural beauty of the countryside. DP3(3) broadly replaces paragraph 139 and gives substantial weight to compliance with national and local design policies, and directs that development proposals should be refused where, without clear justification, they conflict with national and local design policies.

The Council's position that the development would harm the character and appearance of the area is unaffected, and DP3(3) now adds substantial weight to the conflict with both the NPPF and development plan in relation to design and visual amenity considerations. Consequently, the publication of the 2026 NPPF does not materially alter the Council's assessment that the proposal would result in unacceptable harm to the character and appearance of the area.

Original evidence

Design and access statement	Planning Statement.pdf - awaiting review
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Plans and drawings	Site Plan.pdf - awaiting review Location Plan.pdf - awaiting review
Any other documents submitted with the application	Application Form.pdf - awaiting review Covering Letter.pdf - awaiting review
What documents and plans did you use to make your decision?	Location Plan, Site Plan, Planning Statement, Application Form