

Update Report following NAPC deferral on 12 August 2026 and publication of an updated National Planning Policy Framework on 17 August 2026.

Date of Meeting	16 September 2026
Application Number	PL/2025/02257
Site Address	Land to the North of Whychurch Farm and West of Crudwell Road, Malmesbury
Proposal	Outline planning application (with all matters reserved except access) for residential development, including the construction of up to 149 dwellings, new vehicular access with footways and cycleways, public open space, landscape and associated infrastructure.
Applicant	Gleeson Land
Town/Parish Council	Malmesbury Town Council
Electoral Division	Malmesbury - Cllr Gavin Grant
Type of application	Outline Planning Permission: Some matters reserved
Case Officer	Oliver Phippen
Reason for the application being considered by committee	The application is before the Planning Committee at the request of the Local Division Member for the following reasons: scale of development; visual impact upon the surrounding area; and environmental/highway impact.

1. Update Following Committee Deferral

- 1.1 This application was originally considered by the Committee at its meeting on the 12th August 2026, where it was resolved to defer determination of the application so that notification to Historic England could take place.
- 1.2 Since the committee meeting a new National Planning Policy Framework (2026 NPPF) was published on 17 August 2026. The original published Committee Report pre-dates the now current version of the NPPF. It is therefore necessary to provide this update report accordingly. This report addresses the parts of the 2026 NPPF which are relevant to the application in question as well as the comments since received from Historic England.
- 1.3 The 2026 NPPF does not alter Section 38(6) of the Planning and Compulsory Purchase Act 2004, which sets out that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

4. The 2026 Framework

4.1 Key policies within the 2026 Framework

- DM1: Preparing development proposals
- DM2: Information requirements
- DM3: Determining development proposals
- DM6: Use of planning conditions and obligations
- DM7: Relationship with other regulatory regimes
- S3: Presumption in favour of sustainable development
- S5: Principle of development outside settlements
- CC2: Mitigation of climate change
- CC3: Adaptation to climate change
- HO7: Meeting the need for homes
- HO8: Providing affordable homes
- HO13: Build out of residential and strategic sites
- L2: Making effective use of land
- L3: Achieving appropriate densities
- DP3: Key principles for well-designed places
- DP4: The design process
- TR3: Locating development in sustainable locations
- TR6: Assessing transport impacts
- TR8: Public rights of way
- HC3: Community facilities and public service infrastructure serving new development
- P3: Living conditions and pollution
- F4: Assessing flood risk for decision-making
- F5: The sequential test
- F7: Ensuring development is safe from flooding
- F8: Sustainable drainage systems and watercourses
- N2: Improving the natural environment
- N3: Trees in new development
- HE4: Securing the conservation of heritage assets
- HE5: Assessing effects on heritage assets
- HE6: Proposals affecting designated heritage assets
- HE9: Conservation Areas

5. Assessment

5.1 The 2026 NPPF has been given careful consideration against the planning merits of this case as set out in the original Committee Report. The relevant paragraphs relating to development and key issues are set out below

5.2 Principle of development

The Committee Report identifies that the site lies outside the defined settlement boundary for Malmesbury and is therefore contrary to Core Policies 1 and 2 of the Wiltshire Core Strategy. It also confirms that Wiltshire Council can currently demonstrate only a 2.8-year housing land supply, representing a substantial shortfall.

The 2026 NPPF introduces a revised approach to the presumption in favour of sustainable development. Policy S3 confirms that decisions on development proposals should apply the presumption, with Policy S5 applying to development outside settlements.

Of particular relevance, Policy S5(1)(j) provides express support for development outside settlements which would address an evidenced unmet need. This includes housing development where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, where the development is physically well related to an existing settlement and is of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

The principle of development on this site falls to be determined under policy S5. The absence of a five year housing land supply now operates as one route into the list of development which policy S5(1) provides should be approved outside settlements, at policy S5(1)(j).

Housing delivery

Policy HO7 of the 2026 NPPF requires substantial weight to be given to the delivery of homes that meet the community's evidenced housing needs. Against the Council's substantial housing land supply shortfall, the proposed delivery of up to 149 homes attracts substantial weight, consistent with the planning balance in the Committee Report.

Affordable housing

The proposal would deliver 40% affordable housing, amounting to up to 60 homes, in line with the Council's identified requirement. The Committee Report gives this provision substantial weight.

Policy HO8 of the 2026 NPPF requires proposals to meet or exceed the current development plan requirements for the proportion and mix of affordable housing tenures applicable to the location. The proposal accords with that approach. The 2026 NPPF does not change the previous conclusions, and the affordable housing provision remains a substantial benefit of the scheme.

Neighbourhood Plan

2026 NPPF Policy S6 sets out the circumstances in which conflict with a neighbourhood plan may affect the presumption in favour of sustainable development. For housing proposals which conflict with a neighbourhood plan, this applies where the neighbourhood plan became part of the development plan five years or less before the decision is made and contains allocations to meet its identified housing requirement.

The Malmesbury Neighbourhood Plan was made in 2015 and is therefore more than five years old. Policy S6 is not engaged. This is consistent with the conclusion already reached in the Committee Report under the equivalent provisions of the previous NPPF.

Loss of Best and Most Versatile Agricultural Land (BMV)

Policy N2 (Improving the Natural Environment) of the 2026 NPPF continues to require decision-makers to take account of the quality of agricultural land, including land classified as Best and Most Versatile agricultural land and its grade. Where significant development of agricultural land is necessary, areas of poorer quality land should be used in preference to higher quality land where possible.

The Committee Report confirms that the site comprises Grade 3b agricultural land and would not result in the loss of best and most versatile agricultural land. The limited weight afforded to the loss of agricultural land in the Committee Report therefore remains appropriate

5.3 Scale, Design and Landscape Impact

Policies DP3 & DP4 of the 2026 NPPF promote development that is:

- Well-designed and visually attractive.
- Responsive to local character and context.
- Functional, accessible and sustainable.
- Supportive of healthy and inclusive communities.
- Resilient to climate change and environmental impacts.

Policy N2 requires development proposals to consider landscape character and the natural beauty of the countryside and identify opportunities for those qualities to be conserved or enhanced.

CP51 requires development to protect, conserve and where possible enhance the character, distinctiveness and visual quality of Wiltshire's landscape, and to demonstrate how it responds to locally distinctive character. CP57 requires high standards of design, an appropriate response to local context including the historic environment and landscape setting, as well as to the form, scale, layout and materials of the surroundings.

The aims of CP51 & 57 are consistent with 2026 NPPF policies DP1 to DP4 and N2. The Committee Report concluded that the proposed development would be experienced as a logical extension to the established built form of Malmesbury and would not result in any unacceptable landscape harm. With appearance, landscaping, layout and scale remaining as reserved matters these would be further considered at a later stage against the relevant decision making policies. The 2026 NPPF does not therefore alter the conclusions reached in the Committee Report on this matter.

5.4 Heritage and Archaeology

The 2026 NPPF heritage policies (HE4-HE10) require local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal, including the contribution made by its setting. Decision-makers should take account of the desirability of sustaining and enhancing the significance of heritage assets, securing their optimum viable use where consistent with their conservation, and ensuring that new development makes a positive contribution to local character and distinctiveness.

When determining applications affecting heritage assets, great weight should be given to their conservation. The more important the asset, the greater the weight that should be afforded to its conservation. Any harm to, or loss of, the significance of a designated heritage asset must be supported by clear and convincing justification.

Where a proposal would result in harm to the significance of a designated heritage asset, that harm must be clearly identified and categorised. The level of harm should then be weighed against the public benefits of the proposal in accordance with the relevant heritage policies of the 2026 NPPF.

CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance. The aims of this policy are consistent with the 2026 NPPF in this regard. Where there is harm to a heritage asset in conflict with this policy the terms of the 2026 NPPF continue to allow harm to be weighed against public benefits.

A response was received from Historic England on 3 September 2026 which concludes that *The proposal has the potential to impact on the significance of the monument through a change in its setting with the reduction in the open land to the north-east of Malmesbury Abbey. We have assessed this and have concluded that this proposal will have a modest impact on the significance of the monument.*

Recommendation

Historic England recommends that in determining this application your Council should weigh the harm which the proposed development would cause to the significance of the Benedictine Abbey (NHLE 1010136) against such public benefits as the development may procure. In doing so, it should give great weight to the conservation of this designated heritage asset

This response aligns with the level of harm identified by the applicant and position agreed with the Council Senior Conservation Officer. As a result, there is no change to the original assessment. The 2026 NPPF and comments from Historic England do not alter the basis or conclusions of the heritage balance undertaken in the Committee Report.

5.5 Residential Amenity

Policy P3 of the 2026 NPPF requires development to be appropriate for its location, taking account of its likely effects on health, living conditions and the environment. In particular, Policy P3(2)(b) requires development to avoid giving rise to unacceptable impacts on the living conditions of neighbouring residents and occupiers. In assessing amenity impacts, regard should be had to matters including daylight and sunlight, outlook, privacy, overbearing impacts and other effects on residential amenity. Policy DP3 referring to 'Liveability' as a key feature

of well-designed spaces. In accordance with current National Design Guide and the draft national guidance (DPPPG), good design should promote quality of life for the occupants and users of buildings.

CP57 uses materially the same operative language as Policies DP3 & P3 and remains entirely consistent with the Framework's requirements for good design, local character, place shaping and residential amenity.

The Committee Report concluded that there would be sufficient buffer between new and existing residential properties and access points to ensure adequate levels of amenity could be achieved subject to detailed design at reserved matters stage. The conclusions reached in the Committee Report remain consistent with the requirements of the 2026 NPPF in this regard.

5.6 Access, Parking and Sustainable Transport

The 2026 NPPF transport policies including TR3 & TR6 seek to ensure that development is supported by a safe, sustainable and efficient transport system. Development proposals should provide appropriate access arrangements, promote sustainable modes of travel, support active travel and public transport use, minimise impacts on the transport network, and ensure that any residual impacts on highway safety or network capacity are appropriately mitigated.

In line with the 2026 NPPF, relevant WCS policies include Core Policies 60–61 of the Wiltshire Core Strategy which seek to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

The Committee Report concluded that safe vehicular and pedestrian and cycling access would be provided for the proposed development. It was also concluded that the proposed development would be sustainably located with future residents being offered a genuine choice of transport modes, including walking, cycling and public transport, for most of their daily travel needs. The conclusions within the Committee Report remain consistent with the requirements of the relevant 2026 NPPF policies in this regard.

5.7 Ecology and Biodiversity

Policy N2 of the 2026 NPPF seeks to ensure that development contributes positively to the natural environment and supports nature's recovery. Development proposals should conserve and enhance biodiversity, minimise adverse impacts on habitats and species, strengthen ecological networks where appropriate, and identify opportunities for biodiversity enhancement. It is noted that Policy N2 also requires integrated nest boxes to be incorporated into development unless there are compelling technical reasons which prevent their use or would make them ineffective. The applicant has high-lighted that this is consistent with the North Wiltshire Swifts consultation response and have agreed to an additional appropriately worded condition. It is considered that this could be incorporated into the current suggested Ecological Parameters condition (19).

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. The aims of this policy remain consistent with the 2026 NPPF.

The Committee Report concluded no outstanding objections on ecology grounds subject to a number of conditions. In addition to an updated condition to secure nest boxes in accordance with NPPF policy N2, the conclusion of the report remains consistent with the relevant 2026 NPPF policies.

5.8 Flood Risk and Drainage

The 2026 NPPF requires flood risk to be taken into account at all stages of the planning process and seeks to direct development away from areas at highest risk of flooding. Policies F4, F5 and F6 require flood risk to be assessed through site-specific Flood Risk Assessments where necessary, the application of the Sequential Test where applicable, and the Exception Test in those circumstances identified by national policy.

In line with the 2026 NPPF, Core Policy 67 of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Committee Report concluded that based on the flood risks identified, the sequential test is not applicable and that, subject to a detailed surface water drainage strategy being secured by condition, the proposed development would not result in an increase in flood risk on the site or elsewhere. The conclusion within the Committee Report remains consistent with the requirements of the 2026 NPPF.

5.9 Environmental Considerations

The 2026 NPPF Policies P2 & P3 relate to living conditions, pollution and ground conditions. They require that development should be appropriate for its location taking into account contamination risks and that existing and future occupants are protected from unacceptable environmental impacts. It is expected that those responsible for contamination are responsible for its remediation.

In line with the 2026 NPPF, Core Policies 55 and 56 of the Wiltshire Core Strategy require development proposals to avoid unacceptable environmental impacts and demonstrate that measures can be taken to effectively mitigate emission levels and or contamination in order to protect public health, environmental quality and amenity.

The Committee Report concluded that the matters relating to contaminated land risk and noise impacts were adequately dealt with by condition. Construction impacts on existing residents are capable of control via Construction Management Plan, also to be secured by condition. The conclusion within the Committee Report on these matters remains consistent with the requirements of the 2026 NPPF.

5.10 Energy and Sustainability

Policies CC1-CC3 of the 2026 NPPF support the transition to a climate-resilient and low-carbon future and require development to contribute towards climate change mitigation and adaptation, including through sustainable design, energy efficiency, the efficient use of resources and reductions in greenhouse gas emissions

In line with the 2026 NPPF, Core Policy 41 of the Wiltshire Core Strategy seeks to minimise emissions and support the transition to a low-carbon economy.

The Committee Report concludes that a low-carbon design that is resilient to the impacts of climate change can be secured through the use of conditions securing a sustainable energy strategy and scheme for EV charging. The 2026 NPPF does not lead officers to a different conclusion.

5.11 Planning Balance and Conclusion

A key change is that the presumption in favour of sustainable development is now expressed by reference to location and the so called 'tilted balance' test does not appear. Instead, Policy S3 provides for a presumption in favour of sustainable development. It directs that policy S4 be applied within settlements and policy S5 outside them. The appeal site is outside the settlement of Malmesbury and so policy S5 is relevant. The principle of development on this site falls to be determined under policy S5.

The absence of a five year housing land supply now operates as one route into the closed list of development which policy S5(1) provides should be approved outside settlements, at policy S5(1)(j).

Policy S5 of the 2026 Framework requires that, outside settlements, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites should be approved unless the benefits of doing so would be *"substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework"*.

These development proposals must be physically well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

The published Officer Report identifies that the Council cannot currently demonstrate a five year supply of deliverable housing sites. It is the case that the proposed development would be physically well related to the existing settlement of Malmesbury, and, with the benefit of a S106 Agreement, is considered that the development would be of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure.

The range of benefits and adverse impacts identified in the conclusion of the published report are unchanged, and it is not considered that the provision of the 2026 NPPF alters the weighting which should be afforded to each.

Overall, the identified adverse effects do not substantially outweigh the benefits of approving the development when assessed against the national decision-making policies in the 2026

NPPF. The proposal therefore falls within the circumstances in which Policy S5 indicates that development should be approved. The 2026 NPPF provides clear support for the proposal and so the recommendation within the published report remains unaltered save for an amendment to condition 19 which will secure nesting box provision as appropriate in line with policy N2.

6. RECOMMENDATION

That planning permission be GRANTED subject to updated conditions, and subject to delegation to the Head of Development Management for the completion of a Section 106 legal agreement covering the matters set out in the original Committee Report.

Condition 19 as updated.

The reserved matters submitted pursuant to Condition 2 shall be accompanied by a statement which demonstrates how the proposed layout broadly complies with the approved Ecological Parameters Plan (Ecological Constraints and Opportunities Plan. 03 February 2026. EAD Ecology) and include a scheme for integrated nesting boxes in locations which are technically possible and effective. This document sets out the ecologically sensitive areas of the site that will be retained, protected and enhanced. It shall not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

Reason: To protect the ecologically sensitive features of the site.