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By email

Dear Joe

Ref: PL/2026/00843 Land at Whitlocks, Bishopstone

1. This note is submitted following our recent meeting on the 20th August 2026, regarding the Council's intended determination of the application. We note the officer's position and understand that the principal concern is conflict with Core Policies 1 and 2 of the Wiltshire Core Strategy, because Bishopstone is identified as a Small Village without a defined settlement boundary and the proposed nine dwellings are not considered to represent 'infill'. We respectfully disagree with that analysis for the reasons set out below.
2. The National Planning Policy Framework published on 17 August 2026 (the '2026 NPPF') materially changes the national decision-making framework and applies to decision-making with immediate effect. The application must therefore be considered through policies S3, S4 and S5, read alongside DM3, HO7 and N4, before a decision is issued.
3. Following the meeting, our understanding is that there is no technical objection to the proposal, although it is acknowledged that, at the time of writing, the Ecology consultation response remains outstanding. The intended refusal therefore appears to rest upon the principle of development and the interpretation of the settlement strategy. The decisive issue is not simply whether nine dwellings can constitute limited infilling, but how Policy S3 directs the proposal to be considered under Policies S4 and/or S5, and whether any identified adverse effects, assessed against the national decision-making policies, would substantially outweigh the benefits of the proposal.

4. This note is submitted in the spirit of DM3. That policy requires the Council to work with the applicant positively and proactively, where necessary seeking solutions to problems, and not to refuse development which should clearly be approved having regard to the development plan, the Framework and other material considerations. The applicant wishes to give the Council a further opportunity to reconsider its position and to avoid an appeal, with its associated time and cost for both parties.

Executive Summary

5. On any reasonable assessment of the site's relationship with Bishopstone, the 2026 NPPF provides multiple national policy routes supporting approval. If the residential development site is within the settlement, S4 applies. If the proposal falls partly within and partly outside the settlement, S3(2) requires S4 and S5 to be applied to the respective parts before an overall conclusion is reached. If the residential development site is treated as outside the settlement, the proposal meets S5(1)(e) as limited infilling within a group of houses. Separately and independently, it also meets S5(1)(j) because it addresses an evidenced unmet housing need, is physically well-related to Bishopstone and is of a scale capable of being accommodated by existing infrastructure. This is irrespective of whether or not a scheme is 'infill' (e).

The applicable decision-making framework

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 remains the statutory starting point: the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The 2026 NPPF is a material consideration of importance and prominence in the consideration of the planning balance.
7. Annex A(1) states that the national policies must be taken into account in decision-making from the day of publication. Annex A(2) further provides that development-plan policies, or parts of policies, which are materially inconsistent with the new national decision-making policies should be given very limited weight, unless examined and adopted or made against the 2026 NPPF.
8. Core Policies 1 and 2 are not displaced merely because of their age. Indeed, CP2 is broadly aligned with the proposal insofar as it supports limited infilling within the existing built area of Small Villages, subject to character, form and landscape considerations. The applicant's position is that the proposal satisfies those considerations. Any restrictive interpretation of CP1 or CP2 must, however, be assessed against the materially different national approach now established by S3, S4 and S5.
9. In particular, S5(1)(e) expressly supports limited infilling within groups of houses and imposes no numerical ceiling on the number of dwellings capable of constituting such development. S5(1)(j) separately supports development outside settlements where it addresses an evidenced unmet need, expressly including housing where a five-year supply cannot be demonstrated. Irrespective of whether a proposal could also be considered under S5(1)(e), i.e. limited infill.

10. To the extent that CP1 or CP2 would be applied as an absolute bar solely because the site is unallocated, Bishopstone lacks a formally drawn settlement boundary or the proposal exceeds an assumed limit of one or two dwellings, that application of the policies would be materially inconsistent with S3, S4 and the express routes provided by S5(1)(e) and S5(1)(j). In accordance with Annex A(2), that restrictive part or application of the policies should be given very limited weight.
11. The Wiltshire Core Strategy's plan period ended in February 2026. The Council's June 2026 housing-land-supply briefing reports a supply of 2.8 years at the 1 April 2025 base date. This supersedes the earlier figure of 2.42 years but remains a severe shortfall and is sufficient, in terms, to engage S5(1)(j). CP1 and CP2, alongside CP3 function as the Spatial Strategy for Wiltshire over the Plan period to 2026 and are premised on the delivery of a housing requirement which is no longer up to date.
12. The Spatial Strategy, and its component parts, including the role and function of settlements, cannot be considered up to date as they do not cater for up-to-date needs. National Policy HO3 requires Local Plans to identify a sufficient supply and mix of sites to meet or exceed the housing requirement figure. The Wiltshire Core Strategy and specifically its Spatial Strategy (which includes policies CP1 and CP2) do not satisfy the requirements of national policy HO3

Is the site within the settlement?

13. Policy S3 applies the presumption in favour of sustainable development through S4 within settlements and S5 outside settlements. The NPPF definition of a 'settlement' is inclusive and includes cities, towns, villages and other predominantly built-up areas. While it includes areas defined as settlements through the development plan, it is not confined to places with formally drawn settlement boundaries. Bishopstone's status as a settlement is therefore not in question; the relevant issue is whether the residential development site forms part of its physical extent.
14. There is a strong, evidence-based case that the residential development site forms part of Bishopstone for the purposes of S4. Bishopstone is expressly identified as a Small Village in the Core Strategy and comprises six Built Areas identified in the Bishopstone Plan. The site lies within one of those Built Areas, in a contained position between established housing at Meadow View and Whitlock Rise, with Broad Chalke Road forming its southern edge. It would fill a gap within an existing cluster of village development rather than establish a detached or isolated enclave in the countryside.
15. A formally drawn settlement boundary is not a precondition to S4 applying. If that were the case, S4 could have no application to Bishopstone despite its express identification as a Small Village. The extent of the settlement must instead be determined as a matter of fact and planning judgment, having regard to the Framework's inclusive definition and the site's physical and functional relationship with the existing village. On that assessment, the residential development site forms part of Bishopstone.

16. Even if the Council considers that only part of the application site falls within the physical extent of Bishopstone, that does not justify treating the proposal as a whole as development outside the settlement. S3(2) requires S4 and S5 to be applied to the respective parts of a proposal which straddles a settlement before an overall conclusion is reached. The residential development area should therefore be assessed under S4 to the extent that it forms part of Bishopstone, with any land outside the settlement considered separately under S5.
17. S4(1) provides that ***development proposals within settlements should be approved unless the benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies***. The absence of a defined settlement boundary and conflict with CP1 or CP2 do not themselves answer that national test. In the absence of any technical, landscape or infrastructure objection, the Council should identify the particular national decision-making policy engaged, the adverse effect arising under that policy and why that effect substantially outweighs the benefits so as to displace S4's direction to approve.

The alternative route under S5 - *Limited infilling within groups of houses - S5(1)(e)*

18. If the Council concludes that the residential development site lies outside the settlement, S5(1)(e) applies. It expressly supports "limited infilling within groups of houses". The policy defines neither "limited" nor "infilling" and does not impose a numerical ceiling of one, two or four dwellings. Whether a proposal constitutes limited infilling is a matter of planning judgment which must be assessed by reference to its scale and physical context, including the extent of the gap, the pattern and character of surrounding development and the proposal's relationship with the existing group of houses.
19. The officer has variously suggested that infilling should be limited to one or two dwellings and has previously referred to four dwellings. None of those figures derives from the wording of S5(1)(e). Indeed, the variation between them demonstrates why the assessment cannot properly be determined by applying a fixed numerical ceiling. Such an approach would introduce a limitation which national policy does not contain and replace the necessary site-specific planning judgment with an arbitrary numerical test.
20. The principal developable area extends to approximately 0.73 hectares and occupies a contained gap between established housing at Meadow View and Whitlock Rise. It lies within one of the Built Areas identified in the Bishopstone Plan, with existing residential development immediately to the east and west and Broad Chalke Road forming its southern edge. The proposal would infill part of an existing cluster of village development rather than establish a freestanding group of houses or extend built development beyond that cluster.

21. A fixed numerical approach would also sit uneasily with Policy L3. L3(1) requires development proposals to make efficient use of land, taking account of housing need, infrastructure, connectivity and the importance of securing well-designed, attractive and healthy places. L3(2)(b) further provides that development footprints outside settlements should make the best use of a site's development potential, having regard to the other policies in the Framework.
22. This does not mean that the site should be developed to its maximum theoretical capacity irrespective of its landscape context. The reduction from 15 to nine dwellings demonstrates that the proposal has been moderated to respond to its location within the National Landscape, its relationship with surrounding development and the need to provide appropriate open space, landscaping and biodiversity mitigation. Conversely, restricting the site to one, two or four dwellings without an identified landscape, design or infrastructure justification would materially underuse a contained site and would not reflect the requirement to make efficient use of land.
23. The relevant question under S5(1)(e) is therefore whether the nine-dwelling proposal constitutes limited infilling when assessed in its particular physical, landscape and policy context—not whether it falls below a numerical ceiling devised outside the policy. Having regard to the contained nature of the site, its location between existing housing, the established pattern of development and the landscape-led reduction in the scheme, the proposal constitutes limited infilling within a group of houses and falls within S5(1)(e).

Evidenced unmet need - S5(1)(j)

24. S5(1)(j) provides a separate and independent route to approval. It is not necessary for the proposal to satisfy both S5(1)(e) and S5(1)(j). Nevertheless, the applicant's position is that it satisfies both. S5(1)(j) applies to development addressing an evidenced unmet need and expressly includes housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
25. The Council's June 2026 housing-land-supply briefing identifies a supply of only 2.8 years. The existence of an evidenced unmet housing need is therefore established in the precise circumstances expressly contemplated by S5(1)(j). The proposal would respond directly to that need through the delivery of nine homes, including four affordable homes.
26. The remaining requirements are that the development is physically well-related to an existing settlement and is of a scale which can be accommodated, taking account of existing or proposed infrastructure. The application satisfies both requirements:
 - the site is immediately and functionally related to Bishopstone and is not an isolated countryside location;
 - it lies within a Built Area identified in the Bishopstone Plan, between established housing at Meadow View and Whitlock Rise;
 - nine dwellings represent a modest scale of development and a substantial reduction from the earlier 15-dwelling proposal; and

- the submitted transport, drainage, landscape, ecological and other technical evidence, together with the consultation responses received to date, demonstrates that development of this scale can be accommodated, subject to confirmation through the Council's outstanding Ecology response.
27. The proposal therefore falls squarely within S5(1)(j), independently of the applicant's case under S5(1)(e). S5(1) provides that qualifying development should be approved unless the benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies. General conflict with the local settlement strategy does not, without more, identify the adverse effect required by that test.
 28. If the Council nevertheless concludes that permission should be refused, it must identify the actual adverse effects arising from the development, the national decision-making policies against which those effects have been assessed and why they substantially outweigh the benefits. In the absence of technical, landscape or infrastructure objection, the applicant respectfully asks which national decision-making policy the Council relies upon to displace S5's direction to approve.

Housing benefits and the weight required by HO7

29. Policy HO7(1) requires substantial weight to be given to the benefits of providing homes which contribute towards meeting evidenced accommodation needs. That is an express direction as to weight, not simply a general encouragement to increase supply.
30. The delivery of nine homes would make a meaningful contribution in the context of the Council's 2.8-year housing-land supply. The application seeks full planning permission for a modest scheme and is therefore capable of making an early and tangible contribution towards addressing the identified shortfall. This enhances the practical weight to be given to the housing benefit.
31. Four of the nine homes would be affordable. The affordable homes would be delivered on-site as an integrated part of the development. Their delivery represents a distinct and important social benefit in addition to the contribution made by the market housing and should attract substantial positive weight.
32. These benefits must be weighed in accordance with the express direction in HO7 and the approval tests in S4 or S5. The application has attracted no technical or landscape objection through the consultation responses received to date, although the Council's Ecology response remains outstanding. No adverse effect has otherwise been identified under the national decision-making policies which could reasonably be said to substantially outweigh the considerable housing and affordable-housing benefits.

Cranborne Chase National Landscape

33. The site's location within the Cranborne Chase National Landscape requires careful application of N4. N4(1) requires development within a Protected Landscape to be limited in scale and extent and sensitively located and designed to avoid harm to its statutory purposes and special qualities. It also requires substantial weight to be placed on conserving and enhancing natural beauty. It does not, however, impose a blanket prohibition on development within a National Landscape.
34. The consultation evidence is particularly important. The Cranborne Chase National Landscape has expressly supported the proposal, while the Council's Landscape Officer has raised no objection. Those expert responses provide strong evidence that the proposal's scale, location and landscape-led design would not cause a substantial adverse impact upon the statutory purposes or special qualities of the National Landscape.
35. That evidence weighs strongly against any conclusion that the proposal would have the substantial adverse impact in relation to N4 contemplated by S4(2)(a)(ii). It similarly demonstrates that there is no landscape effect under N4 capable of substantially outweighing the housing and affordable-housing benefits under S5.

Other material considerations

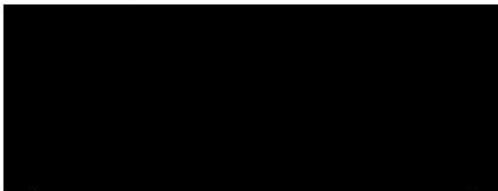
36. The application has reached an advanced stage. It is supported by Bishopstone Parish Council and the Cranborne Chase National Landscape, while the Council's Landscape Officer has raised no objection. Natural England issued a second no-objection response on 21 August 2026. Highways, drainage, landscape and other technical matters have been addressed through the application evidence and consultation process. At the time of writing, the Council's Ecology response is the only outstanding consultation response. Subject to that response, there is no outstanding technical objection to the proposal.

Conclusion

37. The intended refusal appears to turn principally on the application of CP1 and CP2 and the proposition that nine dwellings cannot constitute limited infilling. We respectfully submit that this approach:
 - does not address the S4 route if the residential development site forms part of Bishopstone;
 - does not apply S3(2) if the proposal is considered to fall partly within and partly outside the settlement;
 - wrongly dismisses the contextual case under S5(1)(e) by applying a numerical restriction which the policy does not contain; and
 - fails to address the separate and independent route provided by S5(1)(j).

38. Such an approach would fail to give proper effect to material considerations now expressly identified by national policy, including the settlement definition and approval test under S4; the contextual assessment required by S5(1)(e); the independent route provided by S5(1)(j); the Council's acute housing land supply shortfall; the substantial weight required by HO7; the provision of four affordable homes; the requirement under L3 to make efficient use of land; and the positive or neutral expert consultation responses.
39. The 2026 NPPF is not a minor change to the former tilted-balance wording. It establishes national policy routes supporting approval within and outside settlements and requires materially inconsistent development-plan policies, or parts of policies, to be given very limited weight.
40. The proposal benefits from three distinct national policy routes:
- the primary case is that the residential development site forms part of Bishopstone and should be assessed under S4;
 - if the proposal falls partly within and partly outside the settlement, S3(2) requires S4 and S5 to be applied to the respective parts before an overall conclusion is reached; and
 - if the residential development site is treated as outside the settlement, it constitutes limited infilling within a group of houses under S5(1)(e) and, separately and independently, meets S5(1)(j) because it addresses an evidenced unmet housing need, is physically well-related to Bishopstone and is of a scale capable of being accommodated by existing infrastructure.
41. A refusal based principally on the view that nine dwellings are too many to constitute limited infilling would impose a numerical restriction which S5(1)(e) does not contain, fail to assess the proposal in its physical context and leave the independent S5(1)(j) route unanswered. Under the new decision-making framework, any refusal would need to identify the national decision-making policies engaged, the adverse effects arising under those policies and explain why those effects substantially outweigh the housing and affordable housing benefits to which HO7 requires substantial weight to be given.
42. We therefore respectfully invite the Council to reconsider its position and welcome a further meeting before determination to discuss these matters collaboratively. The applicant wishes to avoid the unnecessary time and cost of an appeal for both parties. If permission is nevertheless refused, the applicant intends to proceed to appeal.

Kind Regards



Gemma Ackerman

Blue Fox Planning Ltd
Associate Director

