



TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL

STATEMENT OF CASE

Appeal / application information	Entry
Planning Inspectorate reference	6014384
LPA reference	PL/2025/09180
Site address	Land at Southfield, Parsons Lane, Crockerton, Warminster, BA12 8AR
Description of development	Up to 2 self build dwellings to the south of Southfield, Parsons Lane, Crockerton, Warminster, BA12 8AR.
Appellant	Andrew Dakin
Appeal procedure	Written Representations
Appeal start date	16 September 2026
Hearing / Inquiry date	N/A

Prepared on behalf of	Checked by	Date	Version
Wiltshire Council	Principal Planning Officer	16/09/26	Final

USE OF ARTIFICIAL INTELLIGENCE

Artificial intelligence tools were used to assist with drafting, editing, formatting and/or proof-reading this document. The content has been reviewed, checked and verified by the author. The planning assessment, professional opinions, conclusions and recommendations contained within this document are those of the author and represent the Council's position.

TABLE OF CONTENTS

1	INTRODUCTION.....	4
2	SITE DESCRIPTION.....	6
3	PLANNING HISTORY.....	7
4	THE PROPOSAL.....	8
5	RELEVANT PLANNING POLICY AND GUIDANCE	9
6	MAIN ISSUES.....	12
7	THE COUNCIL'S CASE	13
8	RESPONSE TO THE APPELLANT'S CASE.....	14
9	PLANNING BALANCE	17
10	SUMMARY AND CONCLUSIONS	18

1 INTRODUCTION

- 1.1 This Statement of Case is submitted on behalf of the Local Planning Authority in response to the appeal lodged by Andrew Dakin against the decision of the Council to refuse planning permission for Up to 2 self build dwellings to the south of Southfield, Parsons Lane, Crockerton, Warminster, BA12 8AR
- 1.2 The Council considers that this appeal should be determined on the basis of the application as refused. In accordance with the Wheatcroft principle and the Planning Inspectorate's procedural guidance, amendments at appeal stage are only acceptable in exceptional circumstances and subject to the Inspector's agreement. Any changes must not prejudice the interests of third parties or compromise the fairness and transparency of the process, as required by national policy and guidance.
- 1.3 The Local Planning Authority relies upon the Case Officer's report for its reasoning as to the refusal of the application. As the appellant has included a Unilateral Undertaking with the appeal, the Council's ecologist has been consulted as the legal document relates to the potential of the proposal to impact a Habitats site, which constitutes Reason for Refusal 2. The appellant has also included appeal decisions in their appendices. It is the Council's view that each application is different and should be judged on its merits.
- 1.4 This statement has been prepared in accordance with the Planning Inspectorate's Procedural Guide for Planning Appeals and complies with the requirements of the Town and Country Planning Act 1990 (as amended) and associated regulations. It provides a clear and robust justification for the Council's position, referencing relevant planning policy, guidance, and material considerations.
- 1.5 This Statement should be read and considered alongside further Statements which have been produced on behalf of the Council and which make up its full case. These include:

- Jessica Cracknell: Council Ecologist

2 SITE DESCRIPTION

- 2.1 There have been no material changes to the site since the application was determined. Accordingly, the site description set out in the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

3 PLANNING HISTORY

- 3.1 There have been no changes to the planning history of the site since the application was determined. Therefore, the summary contained within the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

4 THE PROPOSAL

- 4.1 There have been no amendments to the proposed development since the application was determined. Accordingly, the description of the proposal set out in the original Officer Report, already provided to the Planning Inspectorate, remains accurate and relevant for the purposes of this appeal.

5 RELEVANT PLANNING POLICY AND GUIDANCE

5.1 In addition to the planning history set out in the original Officer Report, which has already been provided to the Planning Inspectorate, the following updates have occurred since the application was determined and should be noted:

5.2 The National Planning Policy Framework 2026 was published on 17 August, after the planning decision was issued. Therefore, it is necessary to assess the proposal against the amended national policy.

5.3 **Policy HO7** states: In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1.

5.4 **Policy S4** states: *Development proposals within settlements 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.*

Examples of circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects:

2.(a) (ii) The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).

2.(c) Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

5.5 A settlement is defined within the glossary to the NPPF 2026 as:

Includes cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For the purpose of this Framework they also exclude villages which lie within and are defined as part of the Green Belt in the development plan.

5.6 Policy S4.2 (a)(ii) refers to policies N4 and N6 which are relevant to this proposal.

5.7 **N4: Protected Landscapes**

1. *Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas, and to conserving and enhancing wildlife and cultural heritage in National Parks and the Broads.*

5.8 **N6: Areas of particular importance for biodiversity and geodiversity**

1. *To support the conservation of important habitats, species and sites of geodiversity value, development proposals affecting:*
 - a. *A site of international importance, which for the purpose of this policy is a habitats site, should be refused unless:*

- i. An appropriate assessment has concluded that the proposal will not adversely affect the integrity of the site (either individually or in combination with other developments), or the proposal can satisfy the derogation tests; and/or*
- ii. The impact of development on the relevant protected features of the protected site is being addressed through an Environmental Delivery Plan which has been made and the developer has committed to paying the nature restoration levy.*

6 MAIN ISSUES

- 6.1 The Council considers that the main issues are those set out in the Officer Report. In the interests of brevity, those issues are not repeated here and this Statement of Case should be read alongside the Officer Report and associated decision notice.

7 THE COUNCIL'S CASE

- 7.1 The Council's case primarily relies upon the reasoning set out in the original Officer Report already provided to the Planning Inspectorate. However, additional commentary is provided below to clarify and reinforce points already made in that report. This does not introduce new reasons for refusal or expand the evidence base beyond the original decision.
- 7.2 The appeal is made against the refusal of a Permission in Principle application. Therefore only those policies within the amended NPPF that refer to principle of development are considered relevant. These policies are set out above.
- 7.3 It is considered that the updates to the NPPF do not significantly alter the planning balance and the Council stands by its reasons for refusal.

8 RESPONSE TO THE APPELLANT'S CASE

- 8.1 Below is the Council's assessment of the Appellant's Statement of Case. Commentary is provided where necessary to address points of disagreement that go beyond what has already been set out in the original Officer Report already sent.
- 8.2 The appellant has attached a Unilateral Undertaking (UU) to resolve Refusal Reason 2 which is concerned with adverse effects of development on the integrity of the River Avon SAC. As the Planning Practice Guidance confirms that neither the attachment of planning conditions nor the securing of legal obligations is possible at the permission in principle stage. The Council therefore defers to the Inspector on whether the submitted UU is acceptable in principle.
- 8.3 Should the UU be considered acceptable in principle the Council refers to the consideration given below to the wording of the document and comments raised by the Council's ecologist. The proposed UU is considered unsuitable for the following reasons:
- 8.4 The appellant's statement implies that a revised nutrient budget calculator and a location plan setting out the siting of the proposed and existing foul drainage infrastructure accompany the appeal. This information has not been provided. The Council has requested this information from the appellant on two occasions, however no response has been received. The Council therefore has received advice from its ecologist based on the information provided. This advice is set out in in the appendices.
- 8.5 In the absence of legal title and a plan linking the site to the legal agreement it is considered that the obligations set out in the document would be unenforceable.
- 8.6 The deed should be drafted to operate in the appeal context. In particular, the definition of "Planning Permission" should expressly include any planning permission granted by the Secretary of State or by an Inspector appointed on behalf of the Secretary of State under

section 78 of the Town and Country Planning Act 1990. Without that clarification, there is avoidable uncertainty as to whether the operative provisions are properly triggered if permission is granted on appeal rather than by the Council.

- 8.7 Schedule 2, paragraph 1.1, should be strengthened. It should require the existing septic tanks to be decommissioned, removed or otherwise made permanently incapable of use before occupation of any dwelling, and should require the new Package Treatment Plant and associated drainage field to be installed, connected, commissioned and fully operational in accordance with the approved details, manufacturer's specifications, and any requirements relied upon for nutrient neutrality purposes. The obligation should also make clear that no dwelling may be occupied until those requirements have been satisfied.
- 8.8 Schedule 2, paragraph 1.2, does not currently provide a sufficiently clear maintenance obligation. The deed should require the Package Treatment Plant, drainage field and related infrastructure to be retained, operated, inspected, serviced, and maintained for the lifetime of the development by a suitably competent contractor or operator. The definition of "Lifetime of the Development" should also be amended. The present wording which refers to the development remaining in existence and occupied, may create ambiguity if a dwelling is temporarily vacant. A more robust formulation would be "for so long as the Development exists and is capable of residential occupation."
- 8.9 Schedule 2, paragraph 1.6, does not appear to secure water efficiency measures or demonstrate clear compliance with the River Avon SAC Nutrient Neutrality Technical Note. The Council has also not been provided with the relevant Natural England nutrient budget calculation, using the latest approved version of the calculator, or an approved plan showing the location of the existing septic tanks, proposed Package Treatment Plant, and drainage field. Those documents are important because the enforceable covenants should align with the assumptions relied upon for any Habitats Regulations assessment and nutrient neutrality conclusion.

8.10 There appears to be duplication between paragraphs 1.9 and 1.10. In addition, any provision requiring a purchaser to enter into a direct covenant with the Council should be reconsidered. A planning obligation entered into by deed under section 106 of the Town and Country Planning Act 1990 is enforceable against the person entering into the obligation and, subject to the statutory framework, persons deriving title from that person. A separate purchaser covenant may therefore be unnecessary unless it is intended to secure something additional. If retained, it should include a clear notice mechanism, identify precisely when it is triggered, and explain what additional enforcement benefit it provides.

8.11 Schedule 2, paragraph 1.11, should include a clear failure-response mechanism. In particular, the deed should require immediate notification to the Council if the Package Treatment Plant or drainage field fails, ceases to operate, or performs below the standard assumed in the nutrient neutrality assessment. It should also require remedial works within a defined period, temporary alternative mitigation where necessary, and a clear restriction on continued occupation where the mitigation relied upon to make the development acceptable is not functioning.

8.12 The submitted River Avon SAC: Nutrient Neutrality Technical Note refers to an updated nutrient budget/calculator and a plan showing the locations of the existing septic tank and proposed package treatment plant; however, these documents have not been included within the appeal documentation. As a result, the Council has been unable to review the revised nutrient calculations or assess the proposed mitigation strategy in full.

Therefore there is currently insufficient information to enable completion of the Appropriate Assessment or to conclude that the proposed nutrient mitigation strategy is acceptable.

9 PLANNING BALANCE

- 9.1 The Council relies on the planning balance assessment set out in the original Officer Report, which has already been provided to the Planning Inspectorate. No further commentary is offered, and the Officer Report forms the Council's position on this matter for the purposes of the appeal.

10 SUMMARY AND CONCLUSIONS

- 10.1 The Council relies on the summary and conclusion set out in the original Officer Report, which has already been provided to the Planning Inspectorate, with the exception of the consideration of the appellant's Unilateral Undertaking for which we rely on the advice of the Council's Ecologist. No additional points are raised, and the Officer Report represents the Council's full position for the purposes of this appeal.

APPENDICES

Appendix 1: Ecologist Advice

Appendix 2: Correspondence with appellant

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Jessica Cracknell
Date:	21/01/2026 07/09/2026 updated comments in connection with appeal 6014384
Application Number:	PL/2025/09180
Proposal:	Up to 2 self build dwellings to the south of Southfield, Parsons Lane, Crockerton, Warminster, BA12 8AR.
Site Address:	Land at Southfield, Parsons Lane, Crockerton, Warminster, BA12 8AR
Case Officer:	Adrian Smith

Recommendations:

X	HRA for River Avon SAC (Hampshire Catchment) not yet completed <i>Insufficient information has so far been submitted to enable the Appropriate Assessment to be undertaken in respect of the River Avon (Hampshire Catchment) SAC, which must be completed and the conclusion agreed with Natural England prior to the application being determined.</i>
----------	--

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date submitted)
1	Nutrient Neutrality (River Avon SAC Hampshire Catchment)	Habs Regs, CP50, NPPF	21/01/2026 (see comments in main text) - The land use tabs of the provided nutrient calculations must be filled out. - Water usage must be revised to align with Wiltshire Council's published guidance. - The proposed location of the new PTP and replacement PTP must be provided on a site plan.	NO 07/09/2026

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.

Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

Thank you for your consultation on the above application. I have reviewed the submitted documents against OS maps, aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species.

Salisbury Plain Special Protection Area (SPA)

This application lies within the 6.4km zone of influence of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects.

A strategic Appropriate Assessment (AA) has been prepared pertaining to development within the 6.4km zone of influence that could result in a likely significant effect on the SPA as a result of an increase in recreational / visitor pressure. The AA reached a conclusion of no adverse effects on the integrity of the SPA or its qualifying features provided that the council's mitigation strategy continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

In January 2026 Natural England (NE) confirmed that the 2026 strategic AA for Salisbury Plain SPA continues to be supported by NE.

Hampshire River Avon Special Area of Conservation (SAC) Catchment

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment (AA) must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects, and the suitability of any measures proposed to avoid or mitigate those effects.

The following nutrient calculators have been submitted:

- Nutrient Calculator Existing Septic Tank
- Nutrient Calculator Replacement PTP
- Nutrient Calculator Proposed Scheme

The mitigation proposed is for the replacement of an existing Septic Tank serving one property (Southfield) adjacent to the proposed development with a more efficient GRAF One2Clean Package Treatment Plant (PTP). The Septic Tank to be used for mitigation is under the ownership of the applicant of this Planning Permission in Principle application.

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.

Guidance on completing the phosphorus budget is available on our website ([Phosphorus and nitrogen mitigation - Wiltshire Council](#)). This webpage also contains information on the options available for developments to achieve nutrient neutrality.

The Submitted River Avon SAC: Nutrient Neutrality Technical Note (31 July 2026. Holbury Consultancy Services. Ref. N310726NF) states that the nutrient calculations have been updated in response to the issues raised in the Council's ecology consultation response above and refers to a plan showing the locations of the

existing septic tank and proposed package treatment plant (PTP). Neither the revised nutrient budget nor the referenced site plan has been provided as part of the appeal documentation. In the absence of this information, I am unable to verify the updated calculations, assess whether the proposed nutrient mitigation can be delivered and secured for the lifetime of the development. Insufficient information has been submitted to enable the Appropriate Assessment required under the Conservation of Habitats and Species Regulations to be undertaken. I am therefore unable to conclude that the proposal would achieve nutrient neutrality or confirm the acceptability of the proposed mitigation strategy and accordingly maintain a holding objection.

The outstanding information must be submitted to the Local Planning Authority (LPA) to allow full assessment of the proposed bespoke nutrient mitigation strategy. As Competent Authority, the LPA must undertake an Appropriate Assessment to determine whether the mitigation is sufficient to avoid adverse effects on the integrity of the River Avon SAC. The Appropriate Assessment must be completed and sent to Natural England for their agreement that the HRA can be favourably concluded. There is a statutory 21-day response window. The application must not be approved until NE have endorsed the conclusion of the AA. The information outlined above must therefore be submitted and reviewed by the LPA's ecology team.

Protected Species

In carrying out its statutory function, the LPA must be reasonably sure that the proposed development will not result in significant adverse effects on protected habitats or species. It is therefore essential that sufficient ecological information is submitted in support of any application to enable such an assessment, which should identify any potential impacts on protected species or habitats and provide sufficient detail to inform appropriate mitigation measures, incorporated into the site layout and plans.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Biodiversity Net Gain

This application was submitted after Biodiversity Net Gain (BNG) becoming mandatory.

If it is confirmed by the applicant that the application is subject to the biodiversity gain plan condition the following information is required:

- [the completed metric calculation tool](#) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('[degradation](#)'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

Note: this is a summary please refer to Paragraph: 011 [Biodiversity net gain - GOV.UK](#) for full details.

If the applicant considers that the development would not be subject to the biodiversity gain condition, Schedule 7A of the Town and Country Planning Act 1990 the applicant must provide a statement

as part of the planning application setting out the reasons why they believe this is the case. Submission of a completed metric calculation tool may be necessary to evidence the statement.

Core Policy 50

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate:

- i. No net loss of local biodiversity resource and
- ii. Secure the integrity of local ecological networks

Any application at this site is advised to include information to demonstrate no net loss of the local biodiversity resource and local ecological networks. Where it appears that habitats have been managed to reduce their biodiversity value prior to an ecological survey to inform a planning submission, a precautionary assessment of their pre-clearance value would be required.

Insufficient information has been submitted. In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application. I therefore maintain a holding objection until all the issues listed above have been suitably addressed.

Sign off by WC Ecologist will only be given once ALL outstanding information has been submitted and agreed sufficient.

Ecologist	Date

Smith, Adrian

From: PlanningAppeals
Sent: 02 September 2026 09:11
To: hannah@contextplanning.co.uk
Cc: info@contextplanning.co.uk
Subject: FW: Appellant supporting information New planning appeal: 6014384 - PL/2025/09180 Land at Southfields, Parsons Lane, Crockerton

Importance: High

Hello Hannah

Would you be able to check through the Appellant supporting information for this appeal, as per my email below? Please could I ask for a response as soon as possible?

Thank you

Kind regards

Heidy

From: PlanningAppeals
Sent: 18 August 2026 13:12
To: 'hannah@contextplanning.co.uk' <hannah@contextplanning.co.uk>
Subject: Appellant supporting information New planning appeal: 6014384 - PL/2025/09180 Land at Southfields, Parsons Lane, Crockerton
Importance: High

Good afternoon

I have downloaded Appellant supporting information as attached to the appeal form on the Planning Inspectorate portal, but I wonder whether all information has been provided that you intend to be considered in the appeal? Looking at your submission, there appears to be key information missing, namely a plan showing the location of the PTP and an updated budget calculator.

Thank you for your help with this one.

Kind regards

Heidy Wilson
Technical Support Officer
Planning, Economy and Climate

Wiltshire Council

Tel: 0300 456 0114

Email: heidyl.wilson@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

Your opinion matters - how did we do? [Feedback Survey](#)



[Sign up](#) to
Wiltshire
Council's email
news service