



Appeal Decision

Site visit made on 9 July 2026

by R Standfield BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2026

Appeal Ref: 6008434

Land at Brakenhill Mews, Upper Seagry, Chippenham, Wiltshire SN15 5EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs Allun and Kate Sutherland against the decision of Wiltshire Council.
 - The application Ref is PL/2025/09810.
 - The development proposed is permission in principle for residential development consisting of a minimum of 4 no. dwellings and a maximum of 9 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a development is suitable in-principle and the second 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. Accompanying plans have been submitted which I have taken into account on an indicative basis only.
4. The National Planning Policy Framework (the NPPF) was updated on 17 August 2026. Both of the main parties to this appeal have had the opportunity to comment in light of the revised document and such comments as were submitted have been taken into account accordingly.
5. Additional information regarding the lawful extent of the current use has been provided by the Council to suggest that only a small part of the site should be considered previously developed land. I have taken into account my observations from my site visit and the appellants response that the site has existed in its current form for in excess of 12 years. Appeal decisions referenced by the appellant¹ have not been provided and neither do I have any details before me, therefore these have not been considered further. Nevertheless, I have

¹ APP/F0114/W/25/3363091, APP/D3125/W/19/3235474 and APP/Y0435/W/17/3178790

approached the appeal on the basis of the current site layout comprising previously developed land in line with the NPPF definition.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to the proposed land use, its location and the amount of development. In doing so, having particular regard to the settlement, delivery and community area strategies of the development plan; the accessibility of services, facilities and employment by walking, cycling and public transport; and the character and appearance of the North Wiltshire landscape.

Reasons

Land Use

7. The appeal site is a low-key equestrian use that is in keeping with the rural environs, comprising a modest stable block and outdoor riding arena supplemented by a storage building (Nissan hut) and hard standing. Two linear rows of mature trees subdivide and border the site, contributing to the verdancy of the surroundings. The site is adjacent to a small cluster of dwellings positioned in open countryside to the south-east of Upper Seagry with paddock to the immediate east and farmland surrounding. Neither the cluster nor the small village of Upper Seagry benefit from a settlement boundary, and the appeal site is located outside of a settlement for planning policy purposes.
8. Policy 2 of the Wiltshire Core Strategy (2015) (the Core Strategy) states that development will not be permitted outside the limits of development, and then further sets out that development at the small villages will be limited to infill within the existing built area that both meets housing needs and complies with criteria relating to position, character and form.
9. Upper Seagry stretches along an unnamed road with wide, open highway and several lengths of flat verge which cease when the road narrows, clearly representing the southern edge of the village proper. Various farm buildings, including residential conversions and isolated dwellings continue to be accessed off the narrowed unnamed road albeit in an irregular form that is distinct from the more compact arrangement of the village.
10. Due to the distance and nature of the surroundings, the appeal site, adjacent to the further cluster, is physically and visually separate from the village with agricultural land in-between. The connecting highway is at national speed limit of 60mph, narrow with steep banking and no footpaths extending for a distance of approximately 300m. Appeal decision APP/F2605/W/25/3370598 has been quoted by the appellant to suggest that a site can form part of a settlement without being expressly connected by a footpath. I have not been provided with the full details of the case nor the characteristics of the site in relation to the settlement in question therefore I am unable to establish comparability to the scheme currently before me.
11. The explanatory text to Core Strategy Policy 2 describes infill development as the filling of a small gap within the village that is only large enough for 'not more than a few dwellings, generally only one dwelling'. Notwithstanding that the site does not fall within the village, the closest neighbouring dwelling, Brakenhill Mews, is a

bungalow set approximately 85m away from the shared boundary with no definitive relationship to the site. The absence of significant built form to either side and presence of surrounding farmland confirm the inability of the proposed development site to be considered a gap and consequently, the proposed development would not 'infill' at this location.

12. Core Strategy Policy 2 also limits the scale of development to 'not more than a few' dwellings, with the expectation being generally single dwellings. This has been subject to commentary within previous appeal decisions, two of which have been provided by the appellant to support the view that 'not more than a few' can comprise more than one dwelling and that four dwellings could be considered 'a few'². I concur that up to four dwellings could be considered 'a few' but am not persuaded that up to 9 dwellings would also fall within this definition. Appeal decision APP/Y3940/W/25/3367502, also referenced by the appellant, concludes that a proposal for up to 8 dwellings falls contrary to the requirements of Core Strategy Policy 2.
13. I note the appellants evidence with regards to criteria ii) and iii) of Policy 2 however, these matters do not alter my findings with regards to infill development and therefore the proposal would not accord with Policy 2 as a whole.
14. The proposed development would have a materially harmful effect upon the settlement, delivery and community area strategies and therefore the land use. It would conflict with Core Strategy Policies 1, 2 and 10, and saved Policy H4 of the North Wiltshire Local Plan 2011 (the Local Plan). Taken together, these policies focus on securing sustainable development by way of a spatial strategy of settlements and specific criteria for residential development within small villages to protect the open countryside.
15. My decision in this respect is reinforced by the 'made' Seagry Parish Neighbourhood Plan 2019-2036 (the Neighbourhood Plan) Policy SNP6 which reiterates Core Strategy Policy 2 and specifically categorises infill development to be a relatively small gap between existing buildings in Upper Seagry. Further to this, the Neighbourhood Plan map 8 marks out residential clusters associated with the village. The appeal site cluster is not identified as forming part of the village, instead being located within the open countryside. Whilst not specified on the Council's decision notice and not determinative in my decision above, the Neighbourhood Plan, as part of the formal development plan, provides additional support to the conclusions reached.

Location

16. Upper Seagry is within the Chippenham Community Area and categorised as a small village where there is a low level of services, facilities and few employment opportunities, namely a primary school, village hall, public house and recreation ground. A wider range of provision, including employment opportunities, is available further afield in the towns of Malmesbury and Chippenham. Within the village, the width of the road, flat verges and speed limits of 20mph and 30mph make the pedestrian environment more attractive however, the site is located outside the village where it opens onto an unmarked, narrow rural road that is designated at national speed limit with no footpath provision or streetlighting. The roadside verges here, where they are present, are generally raised and unsuitable

² APP/Y3940/W/16/3154507 and APP/Y3940/W/24/3352756

for walking. Two possible pedestrian routes to Upper Seagry, one via the unnamed road and one via Public Right of Way SEAG4 would both necessitate sharing the carriageway with vehicles at speed for distances that are likely to be a deterrent for future occupiers in most instances.

17. The appellant indicates that public transport services are available via the no 91 bus, currently providing 8 services per weekday and 5 services on a Saturday. Bus stops are situated on the southern part of Seagry Road. This limited service would not be safely accessible on foot, and it is expected therefore that occupiers of the proposed dwellings would be highly reliant on both the need to travel and for such travel to be car-based, to access facilities, services and employment dispersed in neighbouring places. Therefore, the proposal offers poor accessibility which would be counter to the need to reduce car-based travel and encourage use of sustainable transport modes.
18. My attention has been drawn to other appeal decisions³ however, insufficient information has been provided on these other schemes, and I cannot be sure they are directly comparable to the appeal scheme, particularly with regards to location, relationship with surroundings, main issues and scale of development.
19. I have had regard to the Councils Highway Development Management comments detailing that the scheme would not be detrimental in highway capacity terms. Nevertheless, this matter would not outweigh the harm in terms of the appeal site being poorly located to enable any meaningful proportion of daily trips to be undertaken by sustainable transport modes for the dual reasons of lack of safe and convenient provision of walking, cycling and public transport opportunities combined with the very limited services and facilities within a reasonable distance.
20. The absence of recorded vehicular crash incidents for a period of 10 years is not determinative in this matter with highway safety arrangements around the proposed access as well as parking provision, transport patterns and types of vehicles attending the site being properly part of a Technical Details Consent application.
21. The appellant refers to Court of Appeal judgement *City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors* [2021] EWCA Civ 320 which deals with the concept of isolated homes. This matter, however, does not alter my findings above with regards to the proposal being in an unsuitable location with regards to services.
22. The proposed development would not be suitably located and would fail to provide a reasonable degree of accessibility to daily services, facilities and employment by walking, cycling or public transport. The proposal would therefore conflict with Core Strategy Policies 60 and 61 which aim to reduce the need to travel, particularly by private car, and encourage the use of sustainable transport alternatives.

Amount of development

23. As referenced above, the site sits well within its rural setting, with minimal visual impact from the two built structures and surfacing. Management guidelines set out within the North Wiltshire Landscape Character Assessment (2004) confirm the

³ APP/Y3940/W/24/3348998; APP/F2605/W/25/3370598; APP/Y3940/W/25/3367502

importance of conserving the rural character in this area. Further to this, small scale development within such context needs to be appropriately associated with existing built form.

24. The principle of redeveloping the site for dwellings, regardless of the number of units, would undermine the countryside character and value that the site contributes. Whilst the site is deemed to comprise previously developed land by definition, the site clearly relates most closely to its countryside surroundings. Its openness, vegetation, two modest structures appropriate within a rural setting and typical countryside use contribute positively to its environs.
25. The scale of development proposed would significantly extend and consolidate the cluster of dwellings to the south, as a minimum doubling the number of dwellings at this location and potentially more than tripling it. As such, in this specific context, and notwithstanding that the development would not be classified as major development in planning terms, the proposal, especially towards the upper parameter, is not small scale in relation to the effects that would be generated.
26. The current appearance of the site is influenced to a degree by the condition of the Nissan hut and various paraphernalia distributed around the site giving a somewhat untidy appearance. However, this could be addressed by the appellant without the need for planning permission. The change in ground levels to the riding arena referenced by the appellant was not evident at my site visit although this is not determinative in my decision. The current hedgerow boundary to the highway provides some effective screening however the Highways Officer advises that the existing gated access would need to be upgraded to provide the necessary visibility splays and it is not clear at this in-principle stage how the boundary may need to be altered to accommodate this.
27. Notwithstanding that the detailed proposal, including the upgraded access, potential cul-de-sac arrangement and landscaping would be considered as part of a Technical Details Consent application, the rurality of the site within the farmland context would be lost, detrimentally changing the character of the site and therefore, having regard to its location and land use, the site is not suitable for residential development.
28. For the above reasons, the proposal, including the amount of development, would materially harm the character and appearance of this part of the North Wiltshire landscape, contrary to Core Policy 51 which seeks to protect, conserve and enhance Wiltshire's distinctive landscape character, particularly the landscape settings of settlements.

Other Considerations

29. The Biodiversity Net Gain requirement would be subject to further detail at the Technical Detail Consent stage and, as a mandatory element of development, is considered neutrally at this in principle stage. In the absence of any evidence setting out any benefits, the loss of the commercial / equestrian use of the site is also weighed neutrally.

Planning Balance

30. Further to the above conclusions, the proposed development would conflict with the development plan taken as a whole. Planning law requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise⁴. The development plan policies are broadly consistent with those of the NPPF insofar as they relate to the principles of sustainable development, including reducing the need to travel.
31. NPPF Policy S3 sets out a general presumption in favour of development under which Policy S5 lists development proposals outside of settlements that 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 of the NPPF. Whilst the proposed development could not proceed under Policy S5 1j, as the site is not physically well related to an existing settlement with no justification for the proposed development to be located separately, Policy S5 1d does provide for the redevelopment of previously developed land (including a material change of use to residential).
32. The proposal would be a small site development that contributes towards local housing supply in a context of unmet need, quantified by a housing land supply of 2.42 years (as of June 2025). Compliance with NPPF Policy HO7 to deliver homes which will contribute towards meeting the accommodation needs of the community weighs in favour of the proposal. It would also have economic and social benefits to the community both during and after construction. In line with NPPF Policies HO7 and L2, which relates to the effective use of land, I therefore attribute substantial weight to these benefits.
33. However, in providing additional housing, the proposed development would conflict with other policies of the NPPF, including Policies TR3, CC2 and DP3 2d with regards to limiting the need to travel, particularly by private car, and offering a genuine choice of transport modes for residents, noting that the upper parameter of development in particular could generate an amount of movement that would be significant within the locational context. In addition, the proposed development would conflict with the broad objectives of Policies N2 in relation to the natural environment and DP3 regarding site character.
34. Further to this, the building of dwellings in an unsuitable location would undermine the economic, social, and environmental objectives of sustainable development set out in NPPF Chapter 1, paragraph 17. Specifically, the community benefits associated with the proposed development would be diluted across a wide area and the valued rural character of the location would be permanently altered.
35. In combination, I afford these adverse effects very substantial weight.
36. As such, the adverse effects, when assessed against the national decision-making policies of the NPPF, would substantially outweigh the benefits of the proposed development. Therefore, the presumption in favour of development in Policy S3 is not applied.

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2024 and section 70(2) of the Town and Country Planning Act 1990

Conclusion

37. The proposed development conflicts with the development plan and the material considerations, including the NPPF, do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

R Standfield

INSPECTOR