

FAO: The Planning Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

28th August 2026

Dear Sir / Madam,

PINS Ref: 6008434

Application Ref: PL/2025/09810

Site Address: Land at Brakenhill Mews, Upper Seagry, Chippenham, SN15 5EU.

Appeal By: Mr. & Mrs. Allun and Kate Sutherland

The revised National Planning Policy Framework (NPPF) was published on the 17 August 2026. As a result of this, the Inspector has invited the appellant to submit comments on whether the Framework has any relevance to their case. On behalf of the appellant, Arena Global Management (AGM) Ltd would like to make the following observations:

- 1) Policy S5(1) of the revised NPPF states that only certain forms of development should be approved outside settlements, as set out in the following list. These 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 the Framework.

S5(1)(d) states:

The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential).

Furthermore, S5(1)(j) includes:

Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

- i) *Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or*
- ii) *Comprise major development for freight and logistics purposes which accords with policy E3.*

As has been put forward throughout both the original application and appeal submission, the appeal site already contains substantial hardstanding and infrastructure, including the long established all-weather riding arena with engineered drainage, membrane and gravel construction, together with two large commercial buildings and associated paraphernalia that also benefits from hardstanding and established land drainage. Importantly, the proposed development would be wholly contained and situated within the extent of the existing developed footprint on site which meets the definition of previously developed land as set out within the NPPF.

Furthermore, although the council's Five-Year Housing Land Supply has marginally increased to **2.8 years** (published June 2026), this remains below the required threshold and thus there continues to be a significant shortfall against the requirement to demonstrate a supply of deliverable housing land.

The appellant has previously set out their case on the location of development and the Inspector's attention is respectfully requested to this as part of their decision.

The proposed development of between four to nine new build dwellinghouses will allow for the redevelopment of a brownfield site to provide essential houses in the village of Upper Seagry. The appeal scheme would deliver a modest but important and valuable contribution towards the area's housing requirement which should be afforded significant weight within the overall planning balance.

Point S5(2) states that in applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

To reaffirm the appellant's Final Comments: The proposal is not considered to give rise to unacceptable impacts in terms of highways or landscape character and would deliver clear social, environmental and economic benefits – including the provision of new housing and the enhancement of an existing developed site. The limited harms identified would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework taken as a whole and the presumption in favour of sustainable development should therefore apply.

Point S5(3) states that development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11.

The revised NPPF does not explicitly define "group(s)", but the standard definition of this word means "a number of" – or, simply, more than one. The application site is surrounded by, at least,

three existing residential properties which – on face value – would represent a “group” of houses. Indeed, the closest existing residential dwelling would be located approximately 22 metres south of the proposed development (when considering the southern-most dwelling on either scheme). Furthermore, the proposed development would have a clear physical and spatial relationship with this existing cluster of residential properties, rather than representing a series of dwellings that are physically detached or isolated from other houses. The proximity and relationship between the properties means that the site would reasonably be perceived as forming part of this existing group of houses. Therefore, regard to policy HO11 does not need to be considered as part of this decision.

S5(4) states that development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.

As noted previously, the proposals are considered to accord with S5(1)(d) and S5(1)(j).

Finally, S5(5) states that this policy does not apply to development proposals in the Green Belt or on land designated as Local Green Space, which should instead be determined in accordance with policies HC8, GB6, GB7 and/or GB8 (as appropriate). However, where development would not be inappropriate in these locations (through the application of policies HC8 and GB7), proposals 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, and applying paragraph 2 of this policy.

To confirm, the appeal site is not located within the Green Belt, nor is it designated as Local Green Space.

- 2) As part of their response to the updated NPPF, the council have looked to introduce a new argument that “a large proportion of the site falls outside the scope” of the previously developed land definition with respect to previous application N/06/01774/COU. Firstly, we would like to query whether this point should even be accepted given it was not raised at any point as part of either the Delegated Report, LPA’s Statement of Case or Final Comments.

However, should the Inspector be minded to consider the above within their decision, the appellant would like to make the following argument in reply:

Aerial imagery demonstrates that the arena has been in its current size and location since 2014 at the very least which is now a period spanning 12+ years. Furthermore, previous appeal decisions have long-established that equestrian land uses (including their associated structures such as menages, stables and even equine paddock land) would constitute previously developed land. Therefore, the Inspector’s attention is respectfully drawn to appeal decisions

APP/F0114/W/25/3363091, APP/D3125/W/19/3235474 and APP/Y0435/W/17/3178790 as part of their decision.

We respectfully request that the Inspector considers these observations, alongside the appellant's Statement of Case and Final Comments, within their decision and respectfully request that the appeal is allowed.

Should you require anything further please do not hesitate to get in touch with either myself or one of the team. If you could please confirm receipt of this letter that would be much appreciated.

Yours Faithfully,

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Arena Global Management Ltd