

NPPF 2026

**APPEAL BY CLLP 2010 DISC TRUST
AGAINST THE DECISION WILTSHIRE
COUNCIL TO REFUSE PERMISSION IN
PERMISSION FOR:**

**A DEVELOPMENT OF UP TO 2 NO
DWELLINGS ON LAND NORTH OF
WEST STREET, GREAT SOMERFORD,
CHIPPENHAM, SN15 5EH**

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1.0 INTRODUCTION

1.1 LPC (Trull) Ltd have been invited by the Planning Inspectorate to consider whether the newly published National Planning Policy Framework (NPPF) has relevance to the appeal by CLLP 2010 Disc Trust (the Appellant) against the decision of Wiltshire Council (the Council) to refuse to grant Permission in Principle (PiP) for the erection of 2 dwellings on land north of West Street, Great Somerford, Chippenham, SN15 5EH. This 'NPPF 2026' statement therefore sets out the Appellant's view on the relevance of the new NPPF. It is of critical importance and adds further support for the appeal proposal.

2.0 NATIONAL PLANNING POLICY FRAMEWORK 2026

2.1 The Government published a new NPPF on the 17 August 2026. Its introduction and overview of the new NPPF explained that "under the leadership of the new Prime Minister, it is more focused than ever on building the homes our country needs and delivering good growth in every postcode". The Government is committed to tackling the acute and entrenched housing crisis in England, including by means of a bold overhaul of the planning system.

2.2 The 2026 NPPF is a key part of wider planning reforms (being delivered via the Planning and Infrastructure Act 2025) which aim to accelerate development and tackle the housing crisis. The new NPPF sets out national planning policy in a clearer and more comprehensive manner and incorporates a number of substantive reforms designed to boost housing supply and unlock economic growth.

2.3 The Government explains that the new decision-making policies in the NPPF, which have been separated from those relating to plan-making, will:

- a. make development management more certain, consistent and streamlined
- b. standardise policies that apply across the whole of England
- c. reduce duplication and avoid unjustified local deviation from national policy in local plans

- 2.4 The NPPF continues to highlight that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. However, the national decision-making policies in the NPPF are a material consideration of “**critical importance**” for plan making and for decision taking (Paragraphs 1 - 3).
- 2.5 Some of the national decision-making policies now indicate how much weight “the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused” (Paragraph 7).
- 2.6 The former presumption in favour of sustainable development (the “tilted balance”) now has a different weighting more in favour of development. The former stated that planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” (Paragraph 11.d.ii of the 2024 NPPF), whereas the new NPPF says development should be approved “unless the benefits of doing so would be **substantially outweighed** by any adverse effects”. The new presumption is much more tilted in favour of sustainable development. The Government has described the new presumption as a “default yes” policy, and there needs to adverse effects to substantially outweigh the benefits to justify refusal.
- 2.7 The Government explained that to ensure that the decision-making policies in the NPPF have an immediate impact, they come into effect from the day of its publication. There are no transitional periods or arrangements (other than for plan-making), the Implementation section of new NPPF at Annex A clearly states that development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in NPPF should be given very limited weight.

3.0 PLANNING ASSESSMENT

- 3.1 The Appellant’s original Appeal Statement of Case (SoC) explained that the proposed development benefited from the former national ‘presumption of

sustainable development’ (Paragraph 11.d.ii of the former 2024 NPPF) due to the Council’s current 2.24 years housing land supply position and status of the adopted Local Plan; the Wiltshire Core Strategy (WCS). The national policy advised that permission should be granted for residential development schemes unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 3.2 The appeal proposal would deliver both social, economic and environmental benefits, through the construction and delivery of housing and associated landscape and ecological enhancements. The original SoC explained that “the proposal would not undermine the wider Local Green Space designation and would not prevent access from West Street along the public right of way. There will certainly be no planning harms associated with the granting of Permission in Principle for the appeal proposal that would significantly and demonstrably outweigh the moderate to significant weight that should be placed on the benefits of the proposed development”.

National Sustainable Development Decision Making Policies

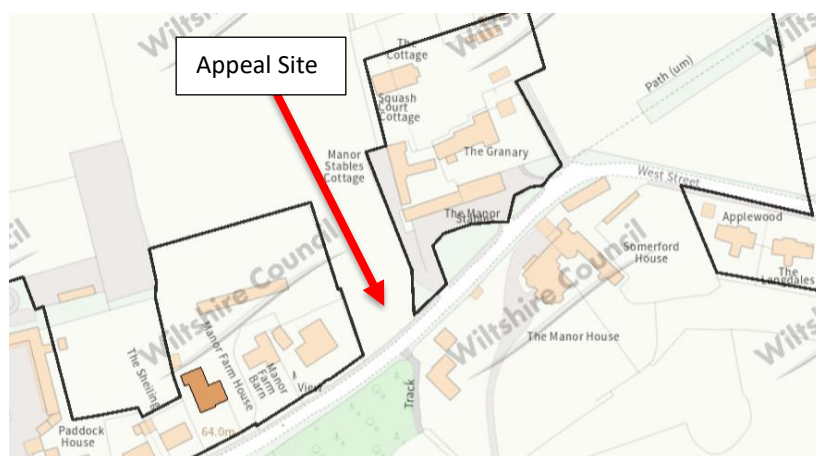
- 3.3 The original assessment remains relevant, but the development is now acceptable in principle because the 2026 NPPF introduces a permanent presumption in favour of sustainable development, replacing the previous “tilted balance” approach under paragraph 11 of the 2024 NPPF as noted above. The presumption is now clearly structured within Chapter 4 ‘Achieving Sustainable Development (within policies S3 – S6). There is no qualifying criteria or threshold; Policy S3 ‘Presumption in Favour of Sustainable Development’ clearly states that “Decisions on development proposals should apply a presumption in favour of sustainable”.
- 3.4 Policy S3 goes on to state that Policy S4 ‘Principle of Development Within Settlements’ should be applied when considering development proposals within settlements, and Policy S5 ‘Principle of Development Outside Settlements’ applied for development proposals outside settlements. These policies are of **critical importance** to the development the subject of this

current PiP appeal and add further justification for the granting of PiP. The development is no longer purely acceptable within the context of the former “tilted balance”, it is now acceptable in principle from first principles, due to its alignment with the new national decision-making policies.

- 3.5 Policy S4 (1) states that 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 as a whole. The NPPF however introduces a new ‘settlement’ definition which is as follows:

Settlement: *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.*

- 3.6 The appeal site lies within the village of Great Somerford adjoining the Limits of Development as shown on the map below. As such, if the Inspector does consider the site to fall within the settlement, and outside the scope of Policy S4 ‘Principle of Development Within Settlements’ then Policy S5 ‘Principle of Development Outside Settlements’ is relevant.



Local Plan Policies Map

3.7 The developments that are acceptable in principle outside settlements and apply to the current proposal are however outlined within Policy S5 (1) 'j', which are as follows:

- j. 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 Test²⁷), and where the development would:*
 - i. Be physically well-related to an existing settlement²⁸(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.*

3.8 The Council is unable to demonstrate a 5 Year Housing Land Supply Position, and therefore this current proposal will contribute towards meeting an evidenced unmet need for housing. The site is clearly physically well-relates to the existing settlement and can accommodate a development that would respect the established pattern, character and appearance of the built environment. The provision of two dwellings is also of an appropriate scale, noting that the Spatial Strategy of the Local Plan states that developments of up to 10 dwellings is appropriate at 'Large Villages' such as Great Somerford.

3.9 Policy S5 (2) however outlines that in applying the 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".

3.10 The new NPPF now limits the situations or policies which require developments to be refused in specific circumstances. There are 15 specific circumstances, rather than generic policies, which include the following:

- 1) **Town Centres:** failure to satisfy the retail sequential test (TC3[4])
- 2) **Transport:** development that has a severe impact on the transport network (TR6[4])
- 3) **Hot Food Takeaways:** proposal for hot food takeaways in certain locations (HC5[1])

- 4) **Density**: proposals that do not make efficient use of land (L3[4])
 - 5) **Green Belt**: Inappropriate development in the Green Belt (GB6[2])
 - 6) **Design**: development of a poor design (DP3[3])
 - 7) **Protected Landscapes**: proposal for major development within protected landscapes other than in exceptional circumstance (N4[2])
 - 8) **International Biodiversity Sites**: developments that result in significant harm to a habitat site (fails the appropriate assessment) (N6[1a])
 - 9) **Irreplaceable Habitats**: (loss or deterioration of irreplaceable habitats (N6[2])
 - 10) **Designated Heritage Assets**: developments that would cause harm to the significance of a designated heritage asset, unless the harm justified / outweighed by public benefits (HE6[5])
 - 11) **Peat Extraction**: proposals for the extraction of peat at new or extended sites (M5[1])
 - 12) **Coal, Oil, Gas**: proposals for coal working, onshore oil and gas extraction unless justified (M5[2])
 - 13) **Flood Risk** (river/sea): development is incompatible with the risk from river or sea flooding (F6[1a])
 - 14) **Flood Safety**: development at risk of flooding in certain circumstance (F7[2])
 - 15) **Coastal Change**: development within a Coastal Change Management Area unless justified (F9[1/3])
- 3.11 None of the national decision-making policies indicate that permission should be refused for the development the subject of this PiP appeal. The only relevant considerations involve the impact on designated heritage assets (Reasons for Refusal 1 & 2) and harm to the value and function of a Local Green Space (Reason for Refusal 3). The original SoC demonstrated there will be no harm to the significance of any heritage assets or the Local Green Space designation. Policy S5 (2) is satisfied, and the development remains acceptable in principle.
- 3.12 Parts (3) and (4) of Policy S5 are not relevant to the current proposal. Part (3) relates to 'isolated homes' and Part (4) relates to developments that do not fall within any of the Policy S5 (2) categories. Part (5) of Policy S5 is however relevant and is as follows:
5. *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.

- 3.13 This part of the policy seeks to exclude development proposals in the Green Belt or Local Green Space land unless the development is found not to be 'inappropriate development' following the application of Policies HC8 'Local Green Space' and GB7 'Development which is not inappropriate in the Green Belt'. These are considered below and it is concluded the proposed development is not 'inappropriate development' within the context of Green Belt/Local Green Space policy.
- 3.14 The proposed development the subject of this PiP appeal therefore fully complies with Policy S5 (1) to (5) and is therefore acceptable in principle.

National Green Belt & Local Green Space Decision Making Policies

- 3.15 Policy HC8 'Development affecting Local Green Space' states that "Development proposals for land which has been designated as Local Green Space should be determined in a manner consistent with the relevant national decision-making policies for land in the Green Belt, excluding provisions relating to grey belt and previously developed land".
- 3.16 Policy GB6 'Control of development in the Green Belt' states that development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7.
- 3.17 Policy GB7 outlines the categories of development ('a'–'h') which are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances. The relevant category to this appeal proposal is as follows:

c. Limited infilling in villages lying within the Green Belt;

- 3.18 The proposed development would result in infill development within the built up area along West Street and would comply with Policy GB6 and GB7, and then in turn Policy HC8. These policies remain consistent with the former NPPF Paragraph 154 and the original SoC drew attention to the Council's agreement that the appeal proposal would result in limited infilling within a village.

- 3.19 In addition to the above, it is material to note that national plan-making Policy HC2 'Local Green Space' advises that designating land as Local Green Space should be limited to certain situations and should be consistent with the local planning of sustainable development and the provision of sufficient land for homes, jobs and other needs. The provision of two dwellings on the appeal site would not impact the wider and main area of open space to the north and would contribute towards sustainable development locally.

National Heritage Decision Making Policies

- 3.20 The original SoC included a Heritage Impact Assessment to address Reasons for Refusal 1 & 2, however Policy HE5 'Assessing Effects on Heritage Assets' of the new NPPF advises that assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:

- a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or*
- b. Have no effect on the significance of a heritage asset; or*
- c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or*
- d. Cause the total loss of the significance of a heritage asset.*

- 3.21 Policy HE6 'Proposals Affecting Designated Heritage Assets' of the NPPF goes on to advises (at HE6.1) that substantial weight should be given to the conservation of all designated heritage assets, but (at HE6.3) the weight to be given to any harm should be dealt with in accordance with HE6.4 which is as follows; "Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal" (HE6.4).

- 3.22 The Appellant maintains there is no effect on the significance of heritage assets but any harm identified by the Council would still fall within the lower end of the ‘harm’ category, similar to the previous ‘less than substantial’ category, and in no way be classed as substantial harm.
- 3.23 The Delegated Report attached at Appendix B of the original SoC stated that the Council applied “modest” weight to the public benefit of housing provision. However, Policy HO7 ‘Meeting the Needs for Homes’ of the NPPF requires that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community. It is considered that the substantial weight given to the benefits should outweigh any perceived limited harm to the significance of the designated heritage assets.
- 3.24 In summary, the Appellant is of the opinion there is no conflict with the heritage policies and tests outlined with the 2026 NPPF or Core Policy 58 of the WCS. The appeal site is capable of delivering a scheme of a high quality design but within the context of the established historic environment, there would be no effect on the significance of the designated heritage asset. Furthermore, the appeal proposal will result in significant public benefits which should be considered within the context of heritage policy and the wider presumption in favour of sustainable development.

4.0 CONCLUSION

- 4.1 The Government’s publication of the new NPPF on the 17 August 2026 has had a significant impact on the assessment of the PiP appeal proposal for the erection of 2 dwellings on land north of West Street, Great Somerford, Chippenham, SN15 5EH.
- 4.2 The 2026 NPPF introduces a new presumption in favour of sustainable development (Policy S3) and introduces “default yes” policies for certain types of developments within and outside settlements (Policies S4 & S5). The development the subject of this PiP application can be classified as falling within a settlement and/or limited infilling within a village.

- 4.3 The new national decision-making policies have primacy over the out-of-date Local Plan in this case due to the critical importance that should be afforded to the new NPPF and the “very limited weight” that should be afforded to the Spatial Strategy of the Local Plan because it is materially inconsistent with national decision-making policies, and out of date. The new NPPF policies on achieving sustainable development indicate that the proposed development is now acceptable in principle, and there are no other matters or policies that indicate that PiP should be refused.
- 4.4 The application as originally submitted was considered to be acceptable within the context of the 2024 NPPF presumption in favour of sustainable development. The new NPPF strengthens the presumption in favour of development with more weight in favour of development. The national decision making policies indicate that applications for residential development on the appeal site “should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects”.
- 4.5 The proposed development is not inapposite development within the context of Local Green Space policy and there would be no effect on the significance of the designated heritage asset. There are no harms to assess against the substantial positive weight given to the benefits of providing sustainable new homes. Furthermore, the Appellant considers that the limited harms previously identified by the Council would not substantially outweigh the benefits of the appeal proposal. As such, the appeal proposal aligns with the 2026 NPPF which is a critical material planning consideration that indicates that PiP should be granted.
- 4.6 In the light of this statement, the Inspector is respectfully requested to allow the appeal.