



Appeal Decision

Site visit made on 26 August 2026

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2026

Appeal Ref: 6007352

Land to the east of New Road, Melksham SN12 7QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Stuart Little against the decision of Wiltshire Council.
 - The application Ref is PL/2025/09917.
 - The development proposed is the construction of up to 2 self-build dwellings and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline permission is sought, with details of appearance, landscaping, layout and scale reserved for future consideration. As such, I have treated the plans depicting the reserved aspects as illustrative only.
3. An updated Sustainable Drainage Report¹, SL03 Percolation Testing Report² –and Ecological Parameters Plan³ were submitted as part of the appeal. The Council and interested parties have had the opportunity to comment on this information through the appeal process, and so would not be prejudiced by my acceptance of it. For the avoidance of doubt, I have therefore had regard to this information in the determination of the appeal.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for the proposed development having regard to the development strategy and accessibility to services and amenities;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on protected species; and
 - whether the proposal would include suitable arrangements for surface water drainage.

¹ Sustainable Drainage Assessment v2 prepared by GeoSmart dated 26 March 2026.

² BRE365 Percolation Test Report, Document Number C3748-R1-REV-A Prepared by Nimbus Engineering Consultants, dated March 2026

³ Ecological Parameters Plan prepared by Arbtech dated 30 March 2026

Reasons

Location

5. The appeal site is located beyond the settlement boundary of Melksham and is therefore in the open countryside in planning policy terms. Although the appellant maintains this matter is merely academic in nature, arising solely from the site's position relative to a cartographic line, the appeal site comprises a parcel of land situated on a rural lane. While there are some scattered dwellings and other rural development in the area surrounding the appeal site, it is relatively dispersed. Moreover, the significant area of open land between the edge of Melksham and New Road creates an appreciable degree of separation between it and the appeal site. As such, the appeal site does not form part of a settlement and is not physically related to it in terms of character and appearance and is therefore in the open countryside.
6. Core Policy 1 of the Wiltshire Core Strategy adopted January 2015 (WCS) sets out the settlement strategy and identifies a hierarchy of settlements to which new development will be directed. Core Policy 2 of the WCS seeks to deliver development in a sustainable pattern and states that development will not be permitted outside the limits of development, as defined on the policies map, other than in circumstances as permitted by other policies within the WCS. Core Policy 15 outlines that development in the Melksham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.
7. Policy 6 of the Joint Melksham Neighbourhood Plan 2020 – 2038, made August 2025 (NP) sets out that housing outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need. The proposal for housing outside the settlement boundary is therefore contrary to Core Policies 1, 2 and 15 of the WCS and Policy 6 of the NP.
8. Core Policy 60 of the WCS aims to reduce the need to travel particularly by private car, and supports and encourages the sustainable, safe and efficient movement of people, through, among other things, promoting sustainable transport alternatives to the use of the private car. Alongside this, WCS Core Policy 61 requires that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.
9. The site is some distance from services within the main built-up part of the settlement, access to which is, in part via New Road, a narrow rural unlit lane devoid of dedicated footpaths. It is therefore not physically related to the settlement in terms of accessibility to services. The appellant accepts that future occupants of the proposed dwellings would drive to services and facilities.
10. My attention is drawn by the appellant to planning application for residential development comprising 295 homes close to the appeal site⁴ which has not yet been determined by the Council. While this development may reduce the extent of the unlit part of the route future residents at the appeal site would need to navigate to reach local amenities and facilities, in the absence of an extant planning permission, including specific details of pedestrian links which may be incorporated within the development, I must consider the appeal based on the current

⁴ LPA Ref: PL/2024/10345

circumstances of the case. Moreover, footnote 28 of the Framework indicates that, where a development proposal is located outside a settlement, and separated from the existing built-up area by virtue of being beyond the outside edge of an allocated site that has yet to be fully developed, consideration should be given to whether the proposal is in a suitable location should the allocated development not proceed.

11. Taking these factors into account, I therefore conclude that the proposed development would not be in a suitable location having regard to the development strategy and accessibility to services and amenities. Accordingly, it would conflict with the aims of Core Policies 1, 2, 15, 60 and 61 of the WCS and Policy 6 of the NP.

Character and appearance

12. The area surrounding the appeal site largely comprises scattered residential development with intervening agricultural land and other small-scale development typical of a rural area including equestrian development and a mobile caravan site. Despite the presence of residential development and associated domestic accoutrements and boundary treatments, the relatively sparse built form and undeveloped agricultural and grazing land, combined with features, including hedges to the field boundaries and along New Road, reinforce the rural qualities of the area.
13. The appeal site comprises agricultural land, bound in part by hedgerows; its largely undeveloped nature and open character make a positive contribution to the prevailing character and appearance of the area. Although details of layout, appearance and scale are not before me the proposed development would nevertheless encroach into an area of agricultural land which is currently open, whereby the introduction of up to 2 dwellings would erode the scattered layout of the existing development and detract from the rural character and appearance of the site and the wider area.
14. Even if the visual effects are likely to be less perceptible in longer distance views, where the development may be seen against the backdrop of the dwelling opposite the site and existing landscaping, the proposed dwellings would be readily apparent in more localised views, including from New Road. As such, it would form a conspicuous addition to the otherwise sporadic pattern of development.
15. While I appreciate the site context may change in the future, for the reasons set out above, I have determined the appeal based on the current site circumstances.
16. Consequently, for the foregoing reasons, I find that the proposal would have a significant harmful effect on the character and appearance of the area. Accordingly, it would conflict with the combined aims of Core Policies 51 and 57 of the WCS in so far as they require development to protect, conserve and where possible enhance landscape character and not to have a harmful impact upon landscape character and seek development of a high standard of design which is expected to create a strong sense of place through drawing on the local context and complement the locality.

Protected species

17. The Council's fourth refusal reason relates to the effects of the development upon protected species, including bats and Great Crested Newts (GCN), given their likely

presence in the area. A Preliminary Ecological Appraisal was submitted as part of the application, and subsequently an Ecological Parameters Plan (EPP) as part of the appeal process. The latter sets out that the hedgerows on site provide limited foraging and commuting opportunities for bats, and that subject to the implementation of a sensitive lighting strategy, which could be secured by a planning condition, the proposal would mitigate any adverse effects on the integrity of roosting and foraging resources.

18. In relation to reptiles, the EPP sets out that tall forbs, hedgerows and tussocky grassland along the boundaries of the site provide suitable foraging, commuting, and refuge opportunities. Although the shorter sward grassland in the centre of the site offers only limited and suboptimal foraging and commuting opportunities, the presence of low numbers of common reptiles, particularly around the site's boundaries, cannot be discounted.
19. Guidance from Natural England⁵ is clear that evidence should be provided to either demonstrate that a proposal poses no risk to GCN, or an assessment of the risk to GCN and set out any measures proposed to safeguard against significant risks and compensate for any impacts, including through licencing. In that regard a completed and countersigned Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate was submitted by the appellant as part of the appeal. In addition, the EPP sets out precautionary methods of working in relation to reptiles and amphibians.
20. In light of the foregoing considerations, I am satisfied that adverse effects upon protected species would be avoided. Thus, the proposal would not conflict with Core Policy 50 of the WCS, in so far as it requires appropriate measures to be incorporated into developments to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Drainage

21. The Council's main concern is that, in the absence of soakage testing as part of the planning application, it had not been demonstrated that infiltration-based drainage would be an appropriate means by which to manage surface water drainage, particularly given the absence of the identification of a viable alternative means of discharge.
22. The appellant's Sustainable Drainage Report v2 submitted as part of the appeal confirms that drainage of surface water from the development via infiltration would not be feasible. Considering this, it sets out that water from the development would be stored within rainwater harvesting butts and lined permeable paving to attenuate surface water runoff during the 1 in 100 plus 45% climate change event. It would then be released appropriately to a nearby surface water body adjacent to the site boundary, to which the appellant has riparian rights.
23. In the absence of any substantive evidence that a satisfactory surface water drainage scheme, such as that outlined, could not be achieved, and subject to a planning condition to require the submission and approval of details of surface water measures as part of any reserved matters application, I am satisfied that the development could incorporate appropriate drainage arrangements. Consequently, the proposal would not increase flood risk either for future occupiers of the

⁵ Natural England Interim Guidance on District Level Licensing (January 2020)

dwelling or elsewhere. It would therefore accord with Core Policy 67 of the WCS which requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Planning Balance

24. As the site is located outside the settlement policy boundary of Melksham and in the open countryside, the proposed development would be at odds with the spatial strategy for the location of new housing. Future occupiers of the development would also be largely reliant on the private car to access services and amenities. In addition, the proposal would give rise to substantial harm to the character and appearance of the area. Accordingly, it would conflict with the development plan as a whole.
25. While the development strategy outlined in Core Policies CP1, CP2 and CP15 of the WCS is broadly consistent with the Framework in terms of directing housing developments to sustainable locations, they appear to restrict development outside settlements otherwise than in specific situations and are thus materially inconsistent with the national decision-making policies of the Framework, particularly Policy S5, which is broader in scope. For this reason, I afford the conflict with the development strategy only moderate weight.
26. Policy S5 of the Framework indicates that, outside settlements, only certain forms of development 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. The development listed includes at S5(1)(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 Test). The Council indicate that it does not have a five-year supply of deliverable housing sites, with a current supply of 2.8 years, and has an unmet need for self and custom build units, having regard to its self-build register.
27. The delivery of up to 2 self-build dwellings in this case would thus address an unmet need and this criterion is met. However, S5(1)(j)(i) also requires that the development would be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate). For the reasons set out above, I have found that the site is not physically well-related to the settlement both in terms of accessibility to services and character and appearance. Accordingly, the proposal would fail to comprise one of the forms of development listed in S5 of the Framework, including S5(1)(j).
28. Policy S5(4) is clear that in such circumstances development proposals 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.
29. In addition to the poor physical relationship to the settlement, the proposal would not be well-designed for the reasons set out above, and in that regard would conflict with the aims of Policy DP3(1) and (2)d of the Framework. While future occupiers of the dwellings would be likely to be heavily reliant on the private car,

the car-based journeys to access day-to-day services in Melksham may be relatively short and limited in frequency by virtue of the scale of the development. Although it is suggested by the appellant that any harm in that regard would be therefore limited, national decision-making policies nonetheless seek to direct development to locations where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. Furthermore, the Framework is clear that proposals should be refused if they conflict with these aspects of Policy DP3.

30. The proposal would make a positive contribution to housing supply, specifically self-build units, which the appellant indicates could be delivered in a timely manner. The provision of 2 new dwellings would not greatly improve total housing supply overall, but in the current circumstances in the district, the additional provision would nonetheless be valuable. In accordance with the Framework, I attribute substantial weight to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, including homes needed for people wishing to commission or build their own homes. The proposal would also give rise to economic benefits both during and post construction, as well as social benefits to the wider community through the support of local facilities. However, these benefits do not substantially outweigh the adverse effects I have identified.
31. In this case, taken together, the benefits of the proposal, would not substantially outweigh the adverse effects, when assessed against the national decision-making policies in this Framework, to amount to exceptional circumstances to justify the proposal. The presumption in favour of sustainable development set out in Policy S3 of the Framework would not apply.

Conclusion

32. Based on the evidence before me, I have found that the proposed development would not harm protected species or have an adverse effect in terms of drainage. However, for the reasons set out above, it would not be in a suitable location and would therefore conflict with the development plan taken as a whole. No substantive evidence is put to me that there are any material considerations, including the provisions of the Framework, that indicate that a decision should be taken otherwise than in accordance with it.
33. The appeal is therefore dismissed.

E Worley

INSPECTOR