

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN
By the Appeals Casework Portal

Your ref: APP/Y3940/W/26/6014384
LPA ref: PL/2025/09180
Date: 30 September 2026

Dear Sir or Madam,

Land at Southfield, Parsons Lane, Crockerton, Warminster BA12 8AR – permission in principle for up to 2 self-build dwellings

Appellant's final comments

1. INTRODUCTION

- 1.1. We act for the appellant, Mr Andrew Dakin. This letter sets out his final comments on the Council's Statement of Case dated 16 September 2026.
- 1.2. On reasons for refusal 1 and 3, the Council relies on the Officer Report and says nothing new, so we do not repeat our case on those here. The Statement does raise two new matters, the Council's comments on the unilateral undertaking and nutrient information, and the new National Planning Policy Framework published on 17 August 2026. We deal with each below.
- 1.3. We enclose the following:
 - (a) a unilateral undertaking dated 30 September 2026, which replaces the one dated 10 August 2026;
 - (b) Holbury's technical note N310726NF, updated on 30 September 2026, with a plan showing where the treatment plants will go; and
 - (c) the completed nutrient calculator for the replacement treatment plant at Southfield.

2. THE MISSING NUTRIENT DOCUMENTS

- 2.1. The Council notes that the plan and updated calculator referred to in the appeal papers (paragraph 4.59 of the Appeal Statement and Appendix VI) were not among the documents it received. Both are now enclosed.
- 2.2. The proposal itself has not changed; the site, the use and the number of homes are all as before. These are the documents our appeal papers referred to, and they give the Council's ecologist the information she asked for. We would ask the Inspector to accept them. We are of course happy for the Council and Natural England to comment on them.

3. REASON FOR REFUSAL 2: RIVER AVON SAC

The undertaking and permission in principle

- 3.1. The Council does not say that the undertaking should be disregarded; it leaves the point to the Inspector (paragraph 8.2). Planning Practice Guidance (ID 58-005-20190315) prevents

permission in principle being granted for 'habitats development', meaning development the competent authority has not approved under regulation 63 of the Habitats Regulations. On appeal the Inspector is the competent authority. If the appropriate assessment concludes there will be no adverse effect on the SAC, that restriction no longer applies.

- 3.2. It is true that conditions cannot be attached to a permission in principle, but a planning obligation can be given at any stage. The Inspector made exactly this point in the Nailsworth decision for permission in principle (APP/C1625/W/23/3329704, paragraph 21, at Appendix II of our Appeal Statement), and the decisions at Appendices IV and V take the same approach. The new Framework is consistent with this. Policy N6 allows development affecting a habitats site where an appropriate assessment has found no adverse effect on its integrity.

The ecologist's comments

- 3.3. The Council's ecologist has accepted that '*the calculations could demonstrate nutrient neutrality*'. She asked for three things, and each has now been dealt with.
- 3.4. First, the land use sections of the calculator have been completed. This makes no difference to the result.
- 3.5. Secondly, she queried the water use figure. The 150 litres per person per day is only used for the existing house at Southfield, which is assessed on the same basis before and after its septic tank is replaced. The two new houses are assessed at 120 litres. Even if they were assessed at 150 litres, the scheme would still reduce the amount of phosphorus entering the catchment, by around 0.06 kg a year rather than 0.17 kg.
- 3.6. Thirdly, she asked for a plan showing the treatment plants. That plan is enclosed. It is also the plan attached to the undertaking, so the calculations and the legal obligations are based on the same drawing.
- 3.7. The overall position is as follows:

	Phosphorus (kg per year)
Now: Southfield on its existing septic tank	1.53
Proposed: Southfield and the two new houses on new treatment plants	1.36
Change	0.17 less than now

The Council's comments on the undertaking

- 3.8. We have redrafted the undertaking to take on board each of the Council's comments. The table below shows where each one is dealt with.

Council's comment	Undertaking dated 30 September 2026
8.5 Title and plan	The undertaking now covers the rest of Southfield (edged blue) as well as the two plots (edged red). This includes the house, the existing septic tank and both new treatment plants. The plan is at Schedule 1, and Mr Dakin confirms he owns all of this land (clauses 1, 3.2 and 5.2).
8.6 Permission granted on appeal	The definition of "Planning Permission" now includes a permission granted on this appeal and the later technical details consent (clauses 1 and 4.1).
8.7 Before anyone moves in	Neither new house can be occupied until both treatment plants are installed and working, and the old septic tank has been emptied and taken out of use. Evidence has to be sent to the Council first. The plants must be certified to BS EN 12566-3 and discharge no more than 1.6 mg/l of phosphorus (Schedule 2, paragraphs 1.1, 1.2 and 1.4).
8.8 Maintenance	We have used the Council's suggested wording for "Lifetime of the Development". The plants must be covered by a maintenance contract, serviced and emptied at least once a year, and repaired or replaced when needed. Records go to the Council annually (Schedule 2, paragraphs 2.1 to 2.7).
8.9 Water use, calculator and plan	The calculator and plan are enclosed and referred to in the undertaking. We deal with water use at paragraph 3.5 above.
8.10 Duplication and purchaser covenant	Both have been removed. Paragraph 4 of Schedule 2 sets out who is responsible for each plant if any of the properties is sold.
8.11 If a plant fails	The Council must be told within 5 working days, temporary measures put in place, and the plant repaired within 20 working days. The houses cannot be occupied while a plant is out of action, other than during those repairs (Schedule 2, paragraphs 2.2 and 3).

- 3.9. The Inspector now has the information the ecologist needed to complete an appropriate assessment, and we would invite the Inspectorate to consult Natural England on it. Because the scheme reduces the phosphorus reaching the River Avon, we consider the Inspector can safely conclude that it will not harm the integrity of the SAC, either on its own or in combination with other development.

4. THE NEW NATIONAL PLANNING POLICY FRAMEWORK

- 4.1. The new Framework applies to this appeal (Annex A, paragraph 1). The Council says it makes no real difference to the balance (paragraph 7.3), but does not explain why. In our view it makes a significant difference.

- 4.2. Paragraph 11(d), and the footnote 7 test that the Officer Report used to set aside the presumption in favour of sustainable development, have gone. For sites within settlements they have been replaced by policy S4, which says:

“Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects...”

- 4.3. This applies regardless of the housing land supply position, and the bar is high. The harm must *substantially* outweigh the benefits.
- 4.4. The appeal site is within a settlement. The Framework’s glossary includes places defined as a settlement in the development plan, and Crockerton is a Small Village under Core Policies 1 and 31. The Officer Report itself describes the site as *“within the Small Village of Crockerton”*, and the Council applies policy S4 in its own Statement (paragraphs 5.4 to 5.6).
- 4.5. The Council points to the policies on protected landscapes (N4) and habitats sites (N6). Policy S4(2) identifies a *‘substantial adverse impact’* in relation to these policies as the situation in which the harm is likely to outweigh the benefits. That is not the case here. Policy N4(1) expects development in a Protected Landscape to be *‘limited in scale and extent’* and sensitively located and designed. Two houses are limited in scale and extent, and their siting and design will be decided at the technical details stage. The Council’s Landscape Officer described the scheme as *‘a minor development in a sensitive landscape’*, with impacts that *‘could be managed through sensitive design’*. On N6, we have explained above why the appropriate assessment can be concluded favourably.
- 4.6. The Council’s quotation of policy S4(2)(a)(ii) also refers to other policies, but the Council relies only on N4 and N6 and identifies no harm under the others.
- 4.7. The new Framework also changes the weight to be given to the Core Strategy. Local plan policies that are materially inconsistent with its decision-making policies should now be given *‘very limited weight’*, unless the plan was examined against the new Framework (Annex A, paragraph 2). The Core Strategy was adopted in 2015. Core Policy 2 restricts development at Small Villages to infill. To the extent that it is stricter than policy S4, it is materially inconsistent with it and now carries very limited weight.
- 4.8. The same applies to Core Policy 60, the basis of reason 3. Policy TR3 only expects development to be in places that limit car use where it *‘could generate a significant amount of movement’*, and two houses will not. Policy TR6 allows refusal on transport grounds only where the impact on the road network would be severe or the impact on highway safety unacceptable. The Council’s Highways Officer raised no objection. Reason 3 therefore has no support in the new Framework. Core Policy 57, which is about design, is a matter for the technical details stage.
- 4.9. Policy HO7 says that *‘substantial weight’* should be given to new homes that help meet housing need. The Council has only a 2.42-year housing land supply, and its Statement does not suggest this has changed. The Officer Report did not give the two houses that weight. Under the new Framework they deserve substantial weight.
- 4.10. For completeness, if the Inspector took the view that the site is outside the settlement, the result would be the same. Policy S5 supports *‘limited infilling within groups of houses’*. Where there is no five-year housing supply, it also supports housing that is well related to an existing settlement. The same *‘substantially outweighed’* test applies.

5. CONCLUSION

- 5.1. The scheme would provide two much-needed homes and reduce the phosphorus reaching the River Avon SAC. The landscape effects can be managed through design, as the Council's own Landscape Officer accepts, and the traffic from two households will be minimal. Any harm is well short of substantially outweighing these benefits.
- 5.2. The enclosed documents and undertaking overcome reason for refusal 2, and under the new Framework reasons 1 and 3 carry little weight. We therefore ask the Inspector to allow the appeal and grant permission in principle for a minimum of one and a maximum of two dwellings.

Yours faithfully,

Hannah Spence MRTPI
Associate, Context Planning Ltd

cc: Wiltshire Council planning appeals team (planningappeals@wiltshire.gov.uk), for the attention of Adrian Smith
Enclosures: (a) Unilateral undertaking dated 30 September 2026; (b) Holbury technical note N310726NF, updated 30 September 2026; (c) Nutrient calculator for the replacement treatment plant at Southfield